



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 4

To reauthorize programs of the Federal Aviation
Administration, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Aviation Administration Reauthorization Act of
6 2018”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States Code.
- Sec. 3. Definition of appropriate committees of Congress.
- Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs



- Sec. 1001. Airport planning and development and noise compatibility planning and programs.
- Sec. 1002. Air navigation facilities and equipment.
- Sec. 1003. FAA operations.
- Sec. 1004. FAA research and development.
- Sec. 1005. Funding for aviation programs.
- Sec. 1006. Extension of expiring authorities.

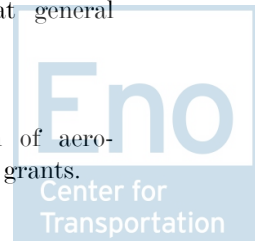
Subtitle B—Airport Improvement Program Modifications

- Sec. 1201. Small airport regulation relief.
- Sec. 1202. Priority review of construction projects in cold weather States.
- Sec. 1203. State block grants updates.
- Sec. 1204. Contract Tower Program updates.
- Sec. 1205. Approval of certain applications for the contract tower program.
- Sec. 1206. Remote towers.
- Sec. 1207. Midway island airport.
- Sec. 1208. Repeal of inherently low-emission airport vehicle pilot program.
- Sec. 1209. Modification of zero-emission airport vehicles and infrastructure pilot program.
- Sec. 1210. Repeal of airport ground support equipment emissions retrofit pilot program.
- Sec. 1211. Funding eligibility for airport energy efficiency assessments.
- Sec. 1212. Recycling plans; safety projects at unclassified airports.
- Sec. 1213. Transfers of instrument landing systems.
- Sec. 1214. Non-movement area surveillance pilot program.
- Sec. 1215. Amendments to definitions.
- Sec. 1216. Clarification of noise exposure map updates.
- Sec. 1217. Provision of facilities.
- Sec. 1218. Moratorium on changes to the Contract Weather Observer Program.
- Sec. 1219. Federal share adjustment.
- Sec. 1220. Miscellaneous technical amendments.
- Sec. 1221. Mothers' rooms at airports.
- Sec. 1222. Definition of small business concern.
- Sec. 1223. State standards for airport pavements.
- Sec. 1224. Eligibility of CCTV projects for airport improvement program.
- Sec. 1225. Clarification of reimbursable allowed costs of FAA memoranda of agreement.
- Sec. 1226. Limited regulation of non-federally sponsored property.
- Sec. 1227. Pilot program for use of social and economic contracting requirements under Federal Aviation Administration grants.

Subtitle C—FLIGHT Act of 2018

- Sec. 1301. Short title.
- Sec. 1302. General aviation airport entitlement reform.
- Sec. 1303. Extending aviation development streamlining.
- Sec. 1304. Establishment of public private-partnership program at general aviation airports.
- Sec. 1305. Disaster relief airports.
- Sec. 1306. Airport development relating to disaster relief.
- Sec. 1307. Inclusion of covered aircraft construction in definition of aeronautical activity for purposes of airport improvement grants.

Subtitle D—Passenger Facility Charges



- Sec. 1401. PFC streamlining.
- Sec. 1402. Intermodal access projects.
- Sec. 1403. Future aviation infrastructure and financing study.
- Sec. 1404. Airport vehicle emissions.
- Sec. 1405. Use of passenger facility charge revenue to enhance security at airports.

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.

PART I—PRIVACY AND TRANSPARENCY

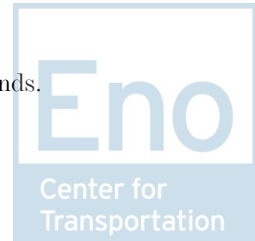
- Sec. 2101. Unmanned aircraft systems privacy policy.
- Sec. 2102. Sense of Congress.
- Sec. 2103. Federal Trade Commission authority.
- Sec. 2104. Commercial and governmental operators.
- Sec. 2105. Analysis of current remedies under federal, state, and local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.
- Sec. 2122. Utilization of unmanned aircraft system test sites.
- Sec. 2123. Small unmanned aircraft safety standards.
- Sec. 2124. Small unmanned aircraft in the Arctic.
- Sec. 2125. Special authority for certain unmanned aircraft systems.
- Sec. 2126. Additional rulemaking authority.
- Sec. 2127. Governmental unmanned aircraft systems.
- Sec. 2128. Special rules for model aircraft.
- Sec. 2129. Unmanned aircraft systems aeronautical knowledge and safety.
- Sec. 2130. Treatment of unmanned aircraft operating underground.
- Sec. 2131. Enforcement.
- Sec. 2132. Airport safety and airspace hazard mitigation and enforcement.
- Sec. 2133. Aviation emergency safety public services disruption.
- Sec. 2134. Public UAS operations by tribal governments.
- Sec. 2135. Carriage of property by small unmanned aircraft systems for compensation or hire.
- Sec. 2136. Collegiate training initiative program for unmanned aircraft systems.
- Sec. 2137. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the administration.
- Sec. 2138. Report on UAS and chemical aerial application.
- Sec. 2139. Part 107 implementation improvements.
- Sec. 2140. Expansion of part 107 waiver authority.
- Sec. 2141. Redesignation.
- Sec. 2142. Sense of Congress on emergency exemption process.
- Sec. 2143. Unmanned aircraft systems in restricted buildings or grounds.

PART III—OTHER MATTERS

- Sec. 2151. Federal and local authorities.
- Sec. 2152. Spectrum.



- Sec. 2153. Use of unmanned aircraft systems at institutions of higher education.
- Sec. 2154. Transition language.
- Sec. 2155. Community and technical college centers of excellence in small unmanned aircraft system technology training.
- Sec. 2156. Authorization of appropriations for Know Before You Fly campaign.
- Sec. 2157. Strategy for responding to public safety threats and enforcement utility of unmanned aircraft systems.

PART IV—OPERATOR SAFETY

- Sec. 2161. Short title.
- Sec. 2162. Findings; sense of Congress.
- Sec. 2163. Unsafe operation of unmanned aircraft.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.
- Sec. 2212. Safety Oversight and Certification Advisory Committee.

PART II—AIRCRAFT CERTIFICATION REFORM

- Sec. 2221. Aircraft certification performance objectives and metrics.
- Sec. 2222. Organization designation authorizations.
- Sec. 2223. ODA review.
- Sec. 2224. Type certification resolution process.
- Sec. 2225. Safety enhancing technologies for small general aviation airplanes.

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.
- Sec. 2232. FAA task force on flight standards reform.
- Sec. 2233. Centralized safety guidance database.
- Sec. 2234. Regulatory Consistency Communication Board.

PART IV—SAFETY WORKFORCE

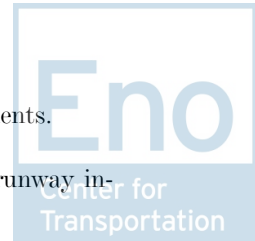
- Sec. 2241. Safety workforce training strategy.

PART V—INTERNATIONAL AVIATION

- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.
- Sec. 2252. Bilateral exchanges of safety oversight responsibilities.
- Sec. 2253. FAA leadership abroad.
- Sec. 2254. Registration, certification, and related fees.

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Access to air carrier flight decks.
- Sec. 2302. Aircraft tracking and flight data.
- Sec. 2303. Flight attendant duty period limitations and rest requirements.
- Sec. 2304. Report on obsolete test equipment.
- Sec. 2305. Plan for systems to provide direct warnings of potential runway incursions.
- Sec. 2306. Helicopter air ambulance operations data and reports.
- Sec. 2307. Part 135 accident and incident data.



- Sec. 2308. Definition of human factors.
- Sec. 2309. Sense of Congress; pilot in command authority.
- Sec. 2310. Enhancing ASIAS.
- Sec. 2311. Improving runway safety.
- Sec. 2312. Safe air transportation of lithium cells and batteries.
- Sec. 2313. Aircraft cabin evacuation procedures.
- Sec. 2314. Annual safety incident report.
- Sec. 2315. Aircraft air quality.
- Sec. 2316. Emergency medical equipment on passenger aircraft.

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.
- Sec. 2402. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.
- Sec. 2403. Aviation fuel.
- Sec. 2404. Applicability of medical certification standards to operators of air balloons.
- Sec. 2405. Technical corrections.
- Sec. 2406. Rotorcraft crash resistant fuel systems.

Subtitle E—General Provisions

- Sec. 2501. FAA technical training.
- Sec. 2502. Safety critical staffing.
- Sec. 2503. Approach control radar.
- Sec. 2504. Airspace management advisory committee.
- Sec. 2505. Report on conspicuity needs for surface vehicles operating on the airside of air carrier served airports.
- Sec. 2506. Study on the effect of extreme weather on air travel.
- Sec. 2507. Self-piloted aircraft introduction plan.
- Sec. 2508. Portability of repairman certificates.
- Sec. 2509. Revision of certain regulations relating to repair station certificates.
- Sec. 2510. Critical airfield markings.
- Sec. 2511. Report on aircraft rescue and firefighting training facilities.

Subtitle F—General Aviation Pilot Protections

- Sec. 2601. Short title.
- Sec. 2602. Expansion of Pilot's Bill of Rights.
- Sec. 2603. Limitations on reexamination of certificate holders.
- Sec. 2604. Expediting updates to NOTAM Program.
- Sec. 2605. Accessibility of certain flight data.
- Sec. 2606. Authority for legal counsel to issue certain notices.

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.
- Sec. 3102. Involuntary changes to itineraries.
- Sec. 3103. Travelers with disabilities.
- Sec. 3104. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 3105. Extension of competitive access reports.
- Sec. 3106. Refunds for other fees that are not honored by a covered air carrier.



- Sec. 3107. Disclosure of fees to consumers.
- Sec. 3108. Seat assignments.
- Sec. 3109. Advance boarding during pregnancy.
- Sec. 3110. Consumer complaint process improvement.
- Sec. 3111. Aviation Consumer Advocate.
- Sec. 3112. Online access to aviation consumer protection information.
- Sec. 3113. Study on in cabin wheelchair restraint systems.
- Sec. 3114. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 3115. Improving wheelchair assistance for individuals with disabilities.
- Sec. 3116. Regulations ensuring assistance for individuals with disabilities in air transportation.
- Sec. 3117. Civil penalties relating to harm to passengers with disabilities.
- Sec. 3118. Airline Passengers with Disabilities Bill of Rights.
- Sec. 3119. Enforcement of aviation consumer protection rules.
- Sec. 3120. Dimensions for passenger seats.
- Sec. 3121. Cell phone voice communications.
- Sec. 3122. TICKETS Act.
- Sec. 3123. Transparency for disabled passengers.
- Sec. 3124. Report on availability of lavatories on commercial aircraft.
- Sec. 3125. Training policies regarding racial, ethnic, and religious non-discrimination.
- Sec. 3126. Consumer protection requirements relating to large ticket agents.
- Sec. 3127. Sense of Congress Regarding Equal Access for Individuals with Disabilities.
- Sec. 3128. Regulations prohibiting the imposition of fees that are not reasonable and proportional to the costs incurred.

Subtitle B—Essential Air Service

- Sec. 3201. Essential air service.
- Sec. 3202. Small community air service development program.
- Sec. 3203. Small community program amendments.
- Sec. 3204. Waivers.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

- Sec. 4001. Definitions.

Subtitle A—NextGen Air Transportation System

- Sec. 4101. Return on investment report.
- Sec. 4102. Ensuring FAA readiness to provide seamless oceanic operations.
- Sec. 4103. Annual NextGen performance goals.
- Sec. 4104. Air traffic control operational contingency plans.
- Sec. 4105. 2020 ADS-B Out mandate plan.
- Sec. 4106. NextGen interoperability.
- Sec. 4107. NextGen transition management.
- Sec. 4108. Implementation of NextGen operational improvements.
- Sec. 4109. Securing aircraft avionics systems.
- Sec. 4110. Defining NextGen.
- Sec. 4111. Human factors.
- Sec. 4112. Major acquisition reports.
- Sec. 4113. Equipage mandates.
- Sec. 4114. Workforce.
- Sec. 4115. Programmatic risk management.



- Sec. 4116. Program management.
- Sec. 4117. System-wide improvements.
- Sec. 4118. NextGen research.
- Sec. 4119. Annual report on NextGen implementation.

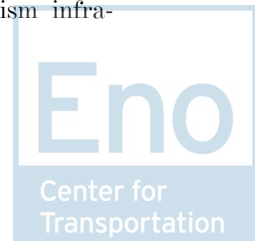
Subtitle B—Administration Organization and Employees

- Sec. 4201. Cost-saving initiatives.
- Sec. 4202. Federal Aviation Administration performance measures and targets.
- Sec. 4203. Treatment of essential employees during furloughs.
- Sec. 4204. Controller candidate interviews.
- Sec. 4205. Report on plans for air traffic control facilities in the New York City and Newark region.
- Sec. 4206. Work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.
- Sec. 4207. Air traffic services at aviation events.
- Sec. 4208. Annual report on inclusion of disabled veteran leave in personnel management system.
- Sec. 4209. Application of veterans' preference to Federal Aviation Administration personnel management system.
- Sec. 4210. Aircraft Registry Office.

TITLE V—MISCELLANEOUS

- Sec. 5001. Overflights of national parks.
- Sec. 5002. Aeronautical studies for commercial space launch site runways.
- Sec. 5003. Comprehensive aviation preparedness plan.
- Sec. 5004. Advanced Materials Center of Excellence.
- Sec. 5005. Interference with airline employees.
- Sec. 5006. Secondary cockpit barriers.
- Sec. 5007. Research and deployment of certain airfield pavement technologies.
- Sec. 5008. Increase in duration of general aviation aircraft registration.
- Sec. 5009. Modification of limitation of liability relating to aircraft.
- Sec. 5010. Government Accountability Office study of illegal drugs seized at international airports in the United States.
- Sec. 5011. Government Accountability Office review of unmanned aircraft systems.
- Sec. 5012. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
- Sec. 5013. Treatment of multi-year lessees of large and turbine-powered multi-engine aircraft.
- Sec. 5014. Student outreach report.
- Sec. 5015. Authorization of certain flights by stage 2 aircraft.
- Sec. 5016. Rulemaking on overland supersonic flight.
- Sec. 5017. Terminal aerodrome forecast.
- Sec. 5018. Technical and conforming amendments.
- Sec. 5019. Aviation Weather Observations.
- Sec. 5020. Role of national advisory committee on travel and tourism infrastructure.
- Sec. 5021. Sense of Congress regarding women in aviation.
- Sec. 5022. Spectrum availability.
- Sec. 5023. Report on illegal charter flights.
- Sec. 5024. Federal authority over interstate transportation.
- Sec. 5025. State taxation.

TITLE VI—TRANSPORTATION SECURITY



- Sec. 6001. Short title.
- Sec. 6002. Definitions.

Subtitle A—Organization and Authorizations

- Sec. 6101. Authorization of appropriations.
- Sec. 6102. Administrator of the Transportation Security Administration; 5-year term.
- Sec. 6103. Transportation Security Administration organization.
- Sec. 6104. TSA leap pay reform.
- Sec. 6105. Transmittals to Congress.

Subtitle B—Security Technology

- Sec. 6201. Third party testing and evaluation of screening technology.
- Sec. 6202. Reciprocal recognition of security standards.
- Sec. 6203. Transportation Security Laboratory.
- Sec. 6204. Innovation Task Force.
- Sec. 6205. 5-Year technology investment plan update.
- Sec. 6206. Biometrics expansion.
- Sec. 6207. Pilot program for automated exit lane technology.
- Sec. 6208. Authorization of appropriations; exit lane security.
- Sec. 6209. Real-time security checkpoint wait times.
- Sec. 6210. GAO report on universal deployment of advanced imaging technologies.
- Sec. 6211. Testing and verification performance objectives.
- Sec. 6212. Computed tomography pilot program.
- Sec. 6213. Nuclear material and explosive detection technology.

Subtitle C—Public Area Security

- Sec. 6301. Third party canines.
- Sec. 6302. Tracking and monitoring of canine training and testing.
- Sec. 6303. VIPR team statistics.
- Sec. 6304. Public area best practices.
- Sec. 6305. Law Enforcement Officer Reimbursement Program.

Subtitle D—Passenger and Cargo Security

- Sec. 6401. PreCheck Program.
- Sec. 6402. Trusted traveler programs; collaboration.
- Sec. 6403. Passenger security fee.
- Sec. 6404. Third party canine teams for air cargo security.
- Sec. 6405. Known Shipper Program review.
- Sec. 6406. Screening partnership program updates.
- Sec. 6407. Screening performance assessments.
- Sec. 6408. TSA Academy review.
- Sec. 6409. Improvements for screening of disabled passengers.
- Sec. 6410. Air cargo advance screening program.
- Sec. 6411. General aviation airports.

Subtitle E—Foreign Airport Security

- Sec. 6501. Last point of departure airports; security directives.
- Sec. 6502. Tracking security screening equipment from last point of departure airports.
- Sec. 6503. International security standards.



Subtitle F—Cockpit and Cabin Security

- Sec. 6601. Federal air marshal service updates.
- Sec. 6602. Crew member self-defense training.
- Sec. 6603. Flight deck safety and security.
- Sec. 6604. Carriage of weapons, explosives, and incendiaries by individuals.
- Sec. 6605. Federal flight deck officer program improvements.

Subtitle G—Surface Transportation Security

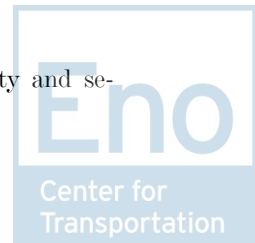
- Sec. 6701. Surface transportation security assessment and implementation of risk-based strategy.
- Sec. 6702. Risk-based budgeting and resource allocation.
- Sec. 6703. Surface transportation security management and interagency coordination review.
- Sec. 6704. Transparency.
- Sec. 6705. TSA counterterrorism asset deployment.
- Sec. 6706. Surface Transportation Security Advisory Committee.
- Sec. 6707. Review of the explosives detection canine team program.
- Sec. 6708. Expansion of national explosives detection canine team program.
- Sec. 6709. Study on security standards and best practices for passenger transportation systems.
- Sec. 6710. Amtrak security upgrades.
- Sec. 6711. Passenger rail vetting.
- Sec. 6712. Study on surface transportation inspectors.
- Sec. 6713. Security awareness program.
- Sec. 6714. Voluntary use of credentialing.
- Sec. 6715. Background records checks for issuance of hazmat licenses.
- Sec. 6716. Cargo container scanning technology review.
- Sec. 6717. Technical and conforming amendments.

Subtitle H—Conforming and Miscellaneous Amendments

- Sec. 6801. Title 49 amendments.
- Sec. 6802. Table of contents of chapter 449.
- Sec. 6803. Other laws; Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 6804. Savings provisions.

TITLE VII—MARITIME SECURITY

- Sec. 7001. Short title.
- Sec. 7002. Definitions.
- Sec. 7003. Coordination with TSA on maritime facilities.
- Sec. 7004. Strategic plan to enhance the security of the international supply chain.
- Sec. 7005. Cybersecurity information sharing and coordination in ports.
- Sec. 7006. Facility inspection intervals.
- Sec. 7007. Updates of maritime operations coordination plan .
- Sec. 7008. Evaluation of Coast Guard deployable specialized forces.
- Sec. 7009. Repeal of interagency operational centers for port security and secure systems of transportation.
- Sec. 7010. Duplication of efforts in the maritime domain.
- Sec. 7011. Maritime security capabilities assessments.
- Sec. 7012. Container Security Initiative.
- Sec. 7013. Maritime border security cooperation.
- Sec. 7014. Technical and conforming amendments.



TITLE VIII—NATIONAL TRANSPORTATION SAFETY BOARD
REAUTHORIZATION ACT

- Sec. 8001. Short title.
- Sec. 8002. Definitions.
- Sec. 8003. Authorization of appropriations.
- Sec. 8004. Still images.
- Sec. 8005. Information sharing.
- Sec. 8006. Electronic records.
- Sec. 8007. Report on Most Wanted List methodology.
- Sec. 8008. Methodology.
- Sec. 8009. Multi-modal accident database management system.
- Sec. 8010. Addressing the needs of families of individuals involved in accidents.
- Sec. 8011. Government Accountability Office report on investigation launch decision-making processes.
- Sec. 8012. Periodic review of safety recommendations.
- Sec. 8013. General organization.
- Sec. 8014. Technical and conforming amendments.

1 SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

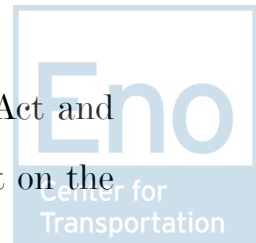
2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 49, United States Code.

7 SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF
8 CONGRESS.

9 In this Act, except titles VI through VIII, the term
10 “appropriate committees of Congress” means the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate and the Committee on Transportation and Infra-
13 structure of the House of Representatives.

14 SEC. 4. EFFECTIVE DATE.

15 Except as otherwise expressly provided, this Act and
16 the amendments made by this Act shall take effect on the
17 date of enactment of this Act.



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

4 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
5 **NOISE COMPATIBILITY PLANNING AND PRO-**
6 **GRAMS.**

7 (a) AUTHORIZATION.—Section 48103(a) is amended
8 by striking “section 47505(a)(2)” and all that follows
9 through the period at the end and inserting “section
10 47505(a)(2), carrying out noise compatibility programs
11 under section 47504(c), an airport cooperative research
12 program under section 44511, Airports Technology-Safety
13 research, and Airports Technology-Efficiency research
14 \$3,350,000,000 for fiscal year 2018 and \$3,750,000,000
15 for each of fiscal years 2019 through 2021.”.

16 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
17 is amended in the matter preceding paragraph (1) by
18 striking “September 30, 2018” and inserting “September
19 30, 2021”.

20 **SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

21 Section 48101(a) is amended by striking paragraphs
22 (1) through (5) and inserting the following:

23 “(1) \$2,889,379,240 for fiscal year 2019.

24 “(2) \$2,906,007,932 for fiscal year 2020.

25 “(3) \$2,921,493,286 for fiscal year 2021.”.



1 **SEC. 1003. FAA OPERATIONS.**

2 (a) IN GENERAL.—Section 106(k)(1) is amended by
3 striking subparagraphs (A) through (F) and inserting the
4 following:

5 “(A) \$10,233,107,832 for fiscal year 2019;

6 “(B) \$10,341,034,956 for fiscal year 2020;

7 and

8 “(C) \$10,453,299,174 for fiscal year
9 2021.”.

10 (b) AUTHORIZED EXPENDITURES.—Section
11 106(k)(2) is amended by striking “for fiscal years 2012
12 through 2015” each place it appears and inserting “for
13 fiscal years 2019 through 2021”.

14 (c) AUTHORITY TO TRANSFER FUNDS.—Section
15 106(k)(3) is amended by striking “2012 through 2018”
16 and inserting “2018 through 2021”.

17 **SEC. 1004. FAA RESEARCH AND DEVELOPMENT.**

18 Section 48102 is amended—

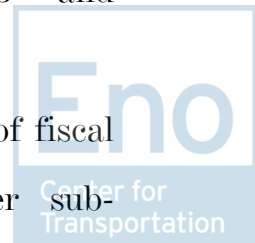
19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph

21 (1)—

22 (i) by striking “44511–44513” and
23 inserting “44512–44513”; and

24 (ii) by striking “and, for each of fiscal
25 years 2012 through 2015, under sub-
26 section (g)”;



1 (B) by striking paragraphs (1) through
2 (10) and inserting the following:

3 “(1) \$176,500,000 for fiscal year 2019.

4 “(2) \$176,500,000 for fiscal year 2020.

5 “(3) \$176,500,000 for fiscal year 2021.”; and

6 (2) in subsection (b), by striking paragraph (3).

7 **SEC. 1005. FUNDING FOR AVIATION PROGRAMS.**

8 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
9 ANTEE.—Section 48114(a)(1)(A) is amended to read as
10 follows:

11 “(A) IN GENERAL.—The total budget re-
12 sources made available from the Airport and
13 Airway Trust Fund each fiscal year under sec-
14 tions 48101, 48102, 48103, and 106(k)—

15 “(i) shall, in each of fiscal years 2018
16 through 2021, be equal to—

17 “(I) the sum of—

18 “(aa) 90 percent of the esti-
19 mated level of receipts plus inter-
20 est credited to the Airport and
21 Airway Trust Fund for that fis-
22 cal year; and

23 “(bb) the actual level of re-
24 cepts plus interest credited to
25 the Airport and Airway Trust



1 Fund for the second preceding
2 fiscal year minus the total
3 amount made available for obli-
4 gation from the Airport and Air-
5 way Trust Fund for the second
6 preceding fiscal year; and

7 “(II) less the amount calculated
8 under subclause (I)(bb) for the fourth
9 preceding year; and

10 “(ii) may be used only for the aviation
11 investment programs listed in subsection
12 (b)(1).”.

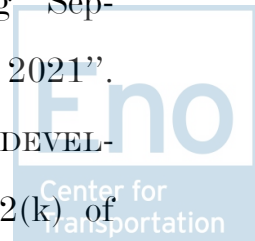
13 (b) ENFORCEMENT OF GUARANTEES.—Section
14 48114(c)(2) is amended by striking “2018” and inserting
15 “2021”.

16 **SEC. 1006. EXTENSION OF EXPIRING AUTHORITIES.**

17 (a) MARSHALL ISLANDS, MICRONESIA, AND
18 PALAU.—Section 47115(j) is amended by striking “2018”
19 and inserting “2021”.

20 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
21 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
22 MENTS.—Section 47141(f) is amended by striking “Sep-
23 tember 30, 2018” and inserting “September 30, 2021”.

24 (c) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
25 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of



1 the FAA Modernization and Reform Act of 2012 (49
2 U.S.C. 47141 note) is amended by striking “September
3 30, 2018” and inserting “September 30, 2021”.

4 **Subtitle B—Airport Improvement**
5 **Program Modifications**

6 **SEC. 1201. SMALL AIRPORT REGULATION RELIEF.**

7 Section 47114(c)(1) is amended by striking subpara-
8 graph (F) and inserting the following:

9 “(F) SPECIAL RULE FOR FISCAL YEARS
10 2018 THROUGH 2021.—Notwithstanding sub-
11 paragraph (A) and subject to subparagraph
12 (G), the Secretary shall apportion to a sponsor
13 of an airport under that subparagraph for each
14 of fiscal years 2018 through 2021 an amount
15 based on the number of passenger boardings at
16 the airport during calendar year 2012 if the
17 airport—

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

20 “(ii) had fewer than 10,000 passenger
21 boardings during the calendar year used to
22 calculate the apportionment for fiscal year
23 2018, 2019, 2020, or 2021, as applicable,
24 under subparagraph (A); and



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

4 “(G) LIMITATIONS AND WAIVERS.—The
5 authority to make apportionments in the man-
6 ner prescribed in subparagraph (F) may be uti-
7 lized no more than 3 years in a row. The Sec-
8 retary may waive this limitation if the Secretary
9 determines that an airport’s enplanements are
10 substantially close to 10,000 enplanements and
11 the airport sponsor or affected communities are
12 taking reasonable steps to restore enplanements
13 above 10,000.

14 “(H) MINIMUM APPORTIONMENT FOR
15 COMMERCIAL SERVICE AIRPORTS WITH MORE
16 THAN 8,000 PASSENGER BOARDINGS IN A CAL-
17 ENDAR YEAR.—Not less than \$600,000 may be
18 apportioned under subparagraph (A) for each
19 fiscal year to each sponsor of a commercial
20 service airport that had fewer than 10,000 pas-
21 senger boardings, but at least 8,000 passenger
22 boardings, during the prior calendar year.”.



1 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
2 **PROJECTS IN COLD WEATHER STATES.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration, to the extent practicable, shall
5 schedule the Administrator’s review of construction
6 projects so that projects to be carried out in the States
7 in which the weather during a typical calendar year pre-
8 vents major construction projects from being carried out
9 before May 1 are reviewed as early as possible.

10 (b) REPORT.—The Administrator shall update the
11 appropriate committees of Congress annually on the effec-
12 tiveness of the review and prioritization.

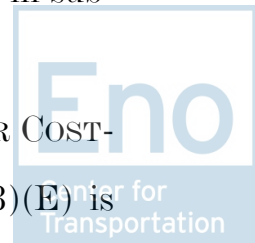
13 **SEC. 1203. STATE BLOCK GRANTS UPDATES.**

14 Section 47128(a) is amended by striking “9 qualified
15 States for fiscal years 2000 and 2001 and 10 qualified
16 States for each fiscal year thereafter” and inserting “15
17 qualified States for fiscal year 2019 and each fiscal year
18 thereafter”.

19 **SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.**

20 (a) SPECIAL RULE.—Section 47124(b)(1)(B) is
21 amended by striking “after such determination is made”
22 and inserting “after the end of the period described in sub-
23 section (d)(6)(C)”.

24 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-
25 SHARE PROGRAM; FUNDING.—Section 47124(b)(3)(E) is
26 amended to read as follows:



1 “(E) FUNDING.—Of the amounts appro-
2 priated under section 106(k)(1), such sums as
3 may be necessary may be used to carry out this
4 paragraph.”.

5 (c) CAP ON FEDERAL SHARE OF COST OF CON-
6 STRUCTION.—Section 47124(b)(4)(C) is amended by
7 striking “\$2,000,000” and inserting “\$4,000,000”.

8 (d) COST BENEFIT RATIO REVISION.—Section
9 47124 is amended by adding at the end the following:

10 “(d) COST BENEFIT RATIOS.—

11 “(1) CONTRACT AIR TRAFFIC CONTROL TOWER
12 PROGRAM AT COST-SHARE AIRPORTS.—Beginning on
13 the date of enactment of the Federal Aviation Ad-
14 ministration Reauthorization Act of 2018, if an air
15 traffic control tower is operating under the Cost-
16 share Program, the Secretary shall annually cal-
17 culate a new benefit-to-cost ratio for the tower.

18 “(2) CONTRACT TOWER PROGRAM AT NON-
19 COST-SHARE AIRPORTS.—Beginning on the date of
20 enactment of the Federal Aviation Administration
21 Reauthorization Act of 2018, if a tower is operating
22 under the Contract Tower Program and continued
23 under subsection (b)(1), the Secretary shall not cal-
24 culate a new benefit-to-cost ratio for the tower un-
25 less the annual aircraft traffic at the airport where



1 the tower is located decreases by more than 25 per-
2 cent from the previous year or by more than 60 per-
3 cent over a 3-year period.

4 “(3) CONSIDERATIONS.—In establishing a ben-
5 efit-to-cost ratio under paragraph (1) or paragraph
6 (2), the Secretary may consider only the following
7 costs:

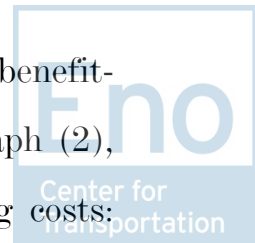
8 “(A) The Federal Aviation Administra-
9 tion’s actual cost of wages and benefits of per-
10 sonnel working at the tower.

11 “(B) The Federal Aviation Administra-
12 tion’s actual telecommunications costs of the
13 tower.

14 “(C) Relocation and replacement costs of
15 equipment of the Federal Aviation Administra-
16 tion associated with the tower, if paid for by
17 the Federal Aviation Administration.

18 “(D) Logistics, such as direct costs associ-
19 ated with establishing or updating the tower’s
20 interface with other systems and equipment of
21 the Federal Aviation Administration, if paid for
22 by the Federal Aviation Administration.

23 “(4) EXCLUSIONS.—In establishing a benefit-
24 to-cost ratio under paragraph (1) or paragraph (2),
25 the Secretary may not consider the following costs:



1 “(A) Airway facilities costs, including labor
2 and other costs associated with maintaining and
3 repairing the systems and equipment of the
4 Federal Aviation Administration.

5 “(B) Costs for depreciating the building
6 and equipment owned by the Federal Aviation
7 Administration.

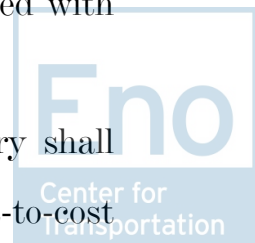
8 “(C) Indirect overhead costs of the Federal
9 Aviation Administration.

10 “(D) Costs for utilities, janitorial, and
11 other services paid for or provided by the air-
12 port or the State or political subdivision of a
13 State having jurisdiction over the airport where
14 the tower is located.

15 “(E) The cost of new or replacement
16 equipment, or construction of a new or replace-
17 ment tower, if the costs incurred were incurred
18 by the airport or the State or political subdivi-
19 sion of a State having jurisdiction over the air-
20 port where the tower is or will be located.

21 “(F) Other expenses of the Federal Avia-
22 tion Administration not directly associated with
23 the actual operation of the tower.

24 “(5) MARGIN OF ERROR.—The Secretary shall
25 add a 5 percent margin of error to a benefit-to-cost



1 ratio determination to acknowledge and account for
2 any direct or indirect factors that are not included
3 in the criteria the Secretary used in calculating the
4 benefit-to-cost ratio.

5 “(6) PROCEDURES.—The Secretary shall estab-
6 lish procedures—

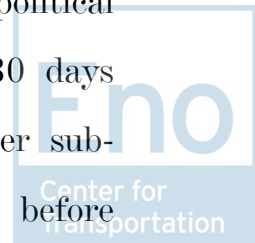
7 “(A) to allow an airport or the State or po-
8 litical subdivision of a State having jurisdiction
9 over the airport where the tower is located not
10 less than 90 days following the receipt of an
11 initial benefit-to-cost ratio determination from
12 the Secretary—

13 “(i) to request the Secretary recon-
14 sider that determination; and

15 “(ii) to submit updated or additional
16 data to the Secretary in support of the re-
17 consideration;

18 “(B) to allow the Secretary not more than
19 90 days to review the data submitted under
20 subparagraph (A)(ii) and respond to the re-
21 quest under subparagraph (A)(i);

22 “(C) to allow the airport, State, or political
23 subdivision of a State, as applicable, 30 days
24 following the date of the response under sub-
25 paragraph (B) to review the response before



1 any action is taken based on a benefit-to-cost
2 determination; and

3 “(D) to provide, after the end of the period
4 described in subparagraph (C), an 18-month
5 grace period before cost-share payments are due
6 from the airport, State, or political subdivision
7 of a State if as a result of the benefit-to-cost
8 ratio determination the airport, State, or polit-
9 ical subdivision, as applicable, is required to
10 transition to the Cost-share Program.

11 “(e) DEFINITIONS.—In this section:

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

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

20 (e) REMOTE TOWER PROGRAM.—Section 47124(b) is
21 amended—

22 (1) in paragraph (3)(B)(ii), by inserting “or re-
23 mote airport traffic control tower certified by the
24 Federal Aviation Administration” after “operating
25 air traffic control tower”; and



1 (2) in clauses (i)(III) and (ii)(III) of paragraph
2 (4)(A), by inserting “, including remote airport traf-
3 fic control tower equipment certified by the Federal
4 Aviation Administration” after “1996” each place it
5 appears.

6 (f) CONFORMING AMENDMENTS.—Section 47124(b)
7 is amended—

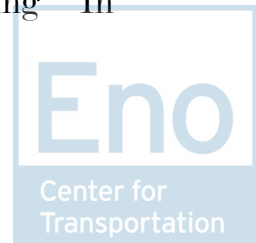
8 (1) in paragraph (1)(C), by striking “the pro-
9 gram established under paragraph (3)” and insert-
10 ing “the Cost-share Program”;

11 (2) in paragraph (3)—

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

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

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



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

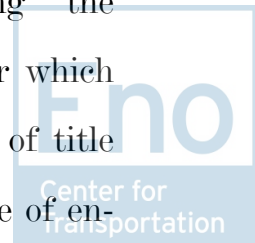
4 (E) in subparagraph (D), by striking
5 “under the program” and inserting “under the
6 Cost-share Program”; and

7 (F) in subparagraph (F), by striking “the
8 program continued under paragraph (1)” and
9 inserting “the Contract Tower Program”; and

10 (3) in paragraph (4)(B)(i)(I), by striking “con-
11 tract tower program established under subsection (a)
12 and continued under paragraph (1) or the pilot pro-
13 gram established under paragraph (3)” and insert-
14 ing “Contract Tower Program or the Cost-share
15 Program”.

16 (g) EXEMPTION.—Section 47124(b)(3)(D) is amend-
17 ed by adding at the end the following: “Airports with both
18 Part 121 air service and more than 25,000 passenger
19 enplanements in calendar year 2014 shall be exempt from
20 any cost share requirement under the Cost-share Pro-
21 gram.”.

22 (h) SAVINGS PROVISION.—Notwithstanding the
23 amendments made by this section, the towers for which
24 assistance is being provided under section 41724 of title
25 49, United States Code, on the day before the date of en-

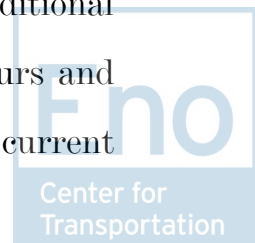


1 actment of this Act may continue to be provided such as-
2 sistance under the terms of that section as in effect on
3 that day.

4 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR THE**
5 **CONTRACT TOWER PROGRAM.**

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

19 (b) REQUESTS FOR ADDITIONAL AUTHORITY.—The
20 Administrator shall respond not later than 30 days after
21 the date the Administrator receives a formal request from
22 an airport and air traffic control contractor for additional
23 authority to expand contract tower operational hours and
24 staff to accommodate flight traffic outside of current
25 tower operational hours.



1 (c) DEFINITION OF CONTRACT TOWER PROGRAM.—

2 In this section, the term “Contract Tower Program” has
3 the meaning given the term in section 47124(e) of title
4 49, United States Code, as added by section 1204 of this
5 Act.

6 **SEC. 1206. REMOTE TOWERS.**

7 (a) PILOT PROGRAM.—

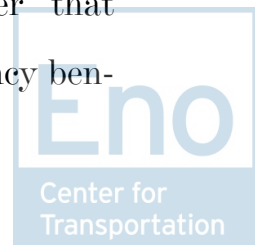
8 (1) ESTABLISHMENT.—The Administrator of
9 the Federal Aviation Administration shall estab-
10 lish—

11 (A) in consultation with airport operators
12 and general aviation users, a pilot program at
13 public-use airports to construct and operate re-
14 mote towers;

15 (B) a selection process for participation in
16 the pilot program; and

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

19 (2) SAFETY CONSIDERATIONS.—In establishing
20 the pilot program, the Administrator shall consult
21 with operators of remote towers in foreign countries
22 to design the pilot program in a manner that
23 leverages as many safety and airspace efficiency ben-
24 efits as possible.



1 (3) REQUIREMENTS.—In selecting the airports
2 for participation in the pilot program, the Adminis-
3 trator shall—

4 (A) to the extent practicable, ensure that
5 at least 2 different vendors of remote tower sys-
6 tems participate;

7 (B) include at least 1 airport currently in
8 the Contract Tower Program and at least 1 air-
9 port that does not have an air traffic control
10 tower; and

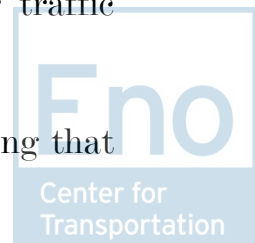
11 (C) clearly identify the analysis relating to
12 the feasibility, safety, cost, and benefits of re-
13 mote towers that will be addressed at each air-
14 port.

15 (4) SELECTION CRITERIA.—In selecting an air-
16 port for participation in the pilot program, the Ad-
17 ministrators shall consider—

18 (A) how inclusion of that airport will add
19 value to assist the Administrator in evaluating
20 the feasibility, safety, costs, and benefits of re-
21 mote towers;

22 (B) the amount and variety of air traffic
23 at an airport; and

24 (C) the costs and benefits of including that
25 airport.



1 (5) DATA.—The Administrator shall clearly
2 identify and collect air traffic control information
3 and data from participating airports that will assist
4 the Administrator in evaluating the feasibility, safe-
5 ty, costs, and benefits of remote towers.

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

10 (A) detailing any benefits, costs, or safety
11 improvements associated with the use of the re-
12 mote towers; and

13 (B) evaluating the feasibility of using re-
14 mote towers, particularly in the Contract Tower
15 Program, for airports without an air traffic
16 control tower, or to improve safety at airports
17 with towers.

18 (7) DEADLINE.—Not later than 1 year after
19 the date of enactment of this Act, the Administrator
20 shall select airports for participation in the pilot pro-
21 gram.

22 (8) DEFINITIONS.—In this subsection:

23 (A) CONTRACT TOWER PROGRAM.—The
24 term “Contract Tower Program” has the mean-
25 ing given the term in section 47124(e) of title

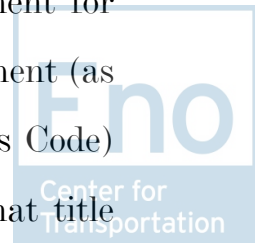


1 49, United States Code, as added by section
2 1204 of this Act.

3 (B) REMOTE TOWER.—The term “remote
4 tower” means a remotely operated air naviga-
5 tion facility, including all necessary system com-
6 ponents, that provides the functions and capa-
7 bilities of an air traffic control tower whereby
8 air traffic services are provided to operators at
9 an airport from a location that may not be on
10 or near the airport.

11 (b) REMOTE TOWER PROGRAM.—Not later than 30
12 days after the date on which the first remote tower is com-
13 missioned to operate under this section, the Administrator
14 shall establish a process to authorize the construction and
15 commissioning operation of additional remote towers, that
16 are certificated under subsection (a)(1)(C), at other air-
17 ports.

18 (c) AIP FUNDING ELIGIBILITY.—For purposes of the
19 pilot program under subsection (a), and after certificated
20 remote towers are available under subsection (b), con-
21 structing a remote tower or acquiring and installing air
22 traffic control, communications, or related equipment for
23 a remote tower shall be considered airport development (as
24 defined in section 47102 of title 49, United States Code)
25 for purposes of subchapter I of chapter 471 of that title



1 if components are installed and used at the airport, except,
2 as needed, for off-airport sensors installed on leased tow-
3 ers.

4 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

5 Section 186(d) of the Vision 100—Century of Avia-
6 tion Reauthorization Act (Public Law 108–176; 117 Stat.
7 2518) is amended by striking “for fiscal years 2012
8 through 2018” and inserting “for fiscal years 2018
9 through 2021”.

10 **SEC. 1208. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
11 **PORT VEHICLE PILOT PROGRAM.**

12 (a) REPEAL.—Section 47136 is repealed.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
14 The table of contents for chapter 471 is amended by strik-
15 ing the item relating to section 47136 and inserting the
16 following:

“47136. [Reserved].”.

17 **SEC. 1209. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
18 **HICLES AND INFRASTRUCTURE PILOT PRO-**
19 **GRAM.**

20 Section 47136a is amended—

21 (1) in subsection (a), by striking “, including”
22 and inserting “used exclusively for transporting pas-
23 sengers on-airport or for employee shuttle buses
24 within the airport, including”; and



1 (2) in subsection (f), by inserting “, as in effect
2 on the day before the date of enactment of the Fed-
3 eral Aviation Administration Reauthorization Act of
4 2018,” after “section 47136”.

5 **SEC. 1210. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
6 **MENT EMISSIONS RETROFIT PILOT PRO-**
7 **GRAM.**

8 (a) REPEAL.—Section 47140 is repealed.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
10 The table of contents for chapter 471 is amended by strik-
11 ing the item relating to section 47140 and inserting the
12 following:

“47140. [Reserved].”.

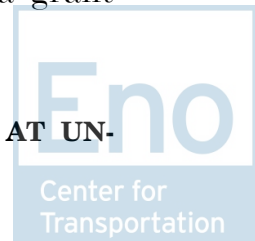
13 **SEC. 1211. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
14 **EFFICIENCY ASSESSMENTS.**

15 (a) COST REIMBURSEMENTS.—Section 47140a(a) is
16 amended by striking “airport.” and inserting “airport,
17 and to reimburse the airport sponsor for the costs incurred
18 in conducting the assessment.”.

19 (b) SAFETY PRIORITY.—Section 47140a(b)(2) is
20 amended by inserting “, including a certification that no
21 safety projects would be deferred by prioritizing a grant
22 under this section,” after “an application”.

23 **SEC. 1212. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
24 **CLASSIFIED AIRPORTS.**

25 Section 47106(a) is amended—



1 (1) in paragraph (5), by striking “; and” and
2 inserting a semicolon;

3 (2) in paragraph (6)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “for an airport that has an air-
6 port master plan, the master plan addresses”
7 and inserting “a master plan project, it will ad-
8 dress”; and

9 (B) in subparagraph (E), by striking the
10 period at the end and inserting “; and”; and

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

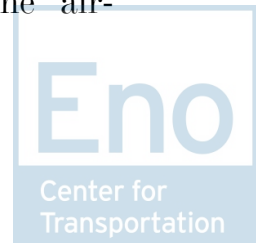
12 “(7) if the project is at an unclassified airport,
13 the project will be funded with an amount appor-
14 tioned under section 47114(d)(3)(B) and is—

15 “(A) for maintenance of the pavement of
16 the primary runway;

17 “(B) for obstruction removal for the pri-
18 mary runway;

19 “(C) for the rehabilitation of the primary
20 runway; or

21 “(D) a project that the Secretary considers
22 necessary for the safe operation of the air-
23 port.”.



1 **SEC. 1213. TRANSFERS OF INSTRUMENT LANDING SYS-**
2 **TEMS.**

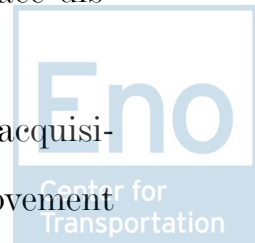
3 Section 44502(e) is amended by striking the first sen-
4 tence and inserting “An airport may transfer, without con-
5 sideration, to the Administrator of the Federal Aviation
6 Administration an instrument landing system consisting
7 of a glide slope and localizer that conforms to performance
8 specifications of the Administrator if an airport improve-
9 ment project grant was used to assist in purchasing the
10 system, and if the Federal Aviation Administration has
11 determined that a satellite navigation system cannot pro-
12 vide a suitable approach.”.

13 **SEC. 1214. NON-MOVEMENT AREA SURVEILLANCE PILOT**
14 **PROGRAM.**

15 (a) IN GENERAL.—Subchapter I of chapter 471 is
16 amended by inserting after section 47142 the following:
17 “§ 47143. **Non-movement area surveillance surface**
18 **display systems pilot program**

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

24 “(1) the Administrator determines that acquisi-
25 tion and installation of qualifying non-movement
26 area surveillance surface display systems and sen-



1 sors improve safety or capacity in the National Air-
2 space System; and

3 “(2) the non-movement area surveillance sur-
4 face display systems and sensors are supplemental to
5 existing movement area systems and sensors at the
6 selected airports established under other programs
7 administered by the Administrator.

8 “(b) PROJECT GRANTS.—

9 “(1) IN GENERAL.—For purposes of carrying
10 out the pilot program, the Administrator may make
11 a project grant out of funds apportioned under para-
12 graph (1) or paragraph (2) of section 47114(c) to
13 not more than 5 eligible sponsors to acquire and in-
14 stall qualifying non-movement area surveillance sur-
15 face display systems and sensors. The Administrator
16 may distribute not more than \$2,000,000 per spon-
17 sor from the discretionary fund. The airports se-
18 lected to participate in the pilot program shall have
19 existing Federal Aviation Administration movement
20 area systems and airlines that are participants in
21 Federal Aviation Administration’s Airport Collabo-
22 rative Decision Making process.

23 “(2) PROCEDURES.—In accordance with the au-
24 thority under section 106, the Administrator may es-
25 tablish procurement procedures applicable to grants



1 issued under this subsection. The procedures may
2 permit the sponsor to carry out the project with ven-
3 dors that have been accepted in the procurement
4 procedure or using Federal Aviation Administration
5 contracts. The procedures may provide for the direct
6 reimbursement (including administrative costs) of
7 the Administrator by the sponsor using grant funds
8 under this subsection, for the ordering of system-re-
9 lated equipment and its installation, or for the direct
10 ordering of system-related equipment and its instal-
11 lation by the sponsor, using such grant funds, from
12 the suppliers with which the Administrator has con-
13 tracted.

14 “(3) DATA EXCHANGE PROCESSES.—The Ad-
15 ministrator may establish data exchange processes to
16 allow airport participation in the Federal Aviation
17 Administration’s Airport Collaborative Decision
18 Making process and fusion of the non-movement
19 surveillance data with the Administration’s move-
20 ment area systems.

21 “(c) DEFINITIONS.—In this section:

22 “(1) NON-MOVEMENT AREA.—The term ‘non-
23 movement area’ is the portion of the airfield surface
24 that is not under the control of air traffic control.



1 “(2) NON-MOVEMENT AREA SURVEILLANCE
2 SURFACE DISPLAY SYSTEM AND SENSORS.—The
3 term ‘non-movement area surveillance surface dis-
4 play system and sensors’ is a non-Federal surveil-
5 lance system that uses on-airport sensors that track
6 vehicles or aircraft that are equipped with tran-
7 sponders in the non-movement area.

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

14 “(A) provides the required transmit and
15 receive data formats consistent with the Na-
16 tional Airspace System architecture at the ap-
17 propriate service delivery point;

18 “(B) is on-airport; and

19 “(C) is airport operated.”.

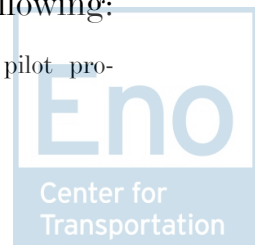
20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 The table of contents of chapter 471 is amended by insert-
22 ing after the item relating to section 47142 the following:

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

23 **SEC. 1215. AMENDMENTS TO DEFINITIONS.**

24 Section 47102 is amended—



1 (1) by redesignating paragraphs (10) through
2 (28) as paragraphs (12) through (30), respectively;

3 (2) by redesignating paragraphs (7) through
4 (9) as paragraphs (8) through (10), respectively;

5 (3) in paragraph (3)—

6 (A) in subparagraph (B)—

7 (i) by redesignating clauses (iii)
8 through (x) as clauses (iv) through (xi), re-
9 spectively; and

10 (ii) by striking clause (ii) and insert-
11 ing the following:

12 “(ii) security equipment owned and
13 operated by the airport, including explosive
14 detection devices, universal access control
15 systems, perimeter fencing, and emergency
16 call boxes, which the Secretary may require
17 by regulation for, or approve as contrib-
18 uting significantly to, the security of indi-
19 viduals and property at the airport;

20 “(iii) safety apparatus owned and op-
21 erated by the airport, which the Secretary
22 may require by regulation for, or approve
23 as contributing significantly to, the safety
24 of individuals and property at the airport,
25 and integrated in-pavement lighting sys-



1 tems for runways and taxiways and other
2 runway and taxiway incursion prevention
3 devices;”;

4 (B) in subparagraph (K), by striking
5 “7505a) and if such project will result in an
6 airport receiving appropriate” and inserting
7 “7505a)) and if the airport would be able to re-
8 ceive”; and

9 (C) in subparagraph (L)—

10 (i) by striking “or conversion of vehi-
11 cles and” and inserting “of vehicles used
12 exclusively for transporting passengers on-
13 airport, employee shuttle buses within the
14 airport, or”;

15 (ii) by striking “airport, to” and in-
16 serting “airport and equipped with”; and

17 (iii) by striking “7505a) and if such
18 project will result in an airport receiving
19 appropriate” and inserting “7505a)) and if
20 the airport would be able to receive”;

21 (4) in paragraph (5), by striking “regulations”
22 and inserting “requirements”;

23 (5) by inserting after paragraph (6) the fol-
24 lowing:



1 “(7) ‘categorized airport’ means a nonprimary
2 airport that has an identified role in the most re-
3 cently published National Plan of Integrated Airport
4 Systems (NPIAS) report.”;

5 (6) in paragraph (9), as redesignated, by strik-
6 ing “public” and inserting “public-use”;

7 (7) by inserting after paragraph (10), as redesi-
8 gnated, the following:

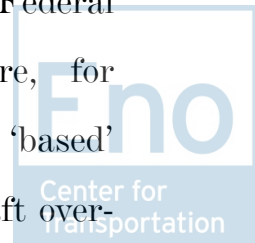
9 “(11) ‘joint use airport’ means an airport
10 owned by the Department of Defense, at which both
11 military and civilian aircraft make shared use of the
12 airfield.”;

13 (8) in paragraph (24), as redesignated, by
14 amending subparagraph (B)(i) to read as follows:

15 “(i) determined by the Secretary to
16 have at least—

17 “(I) 100 based aircraft that are
18 currently registered with the Federal
19 Aviation Administration under chap-
20 ter 445 of this title; and

21 “(II) 1 based jet aircraft that is
22 currently registered with the Federal
23 Aviation Administration where, for
24 the purposes of this clause, ‘based’
25 means the aircraft or jet aircraft over-



1 nights at the airport for the greater
2 part of the year; or”; and

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

4 “(31) ‘unclassified airport’ means a nonprimary
5 airport that is included in the most recently pub-
6 lished National Plan of Integrated Airport Systems
7 (NPIAS) report that is not categorized by the Ad-
8 ministrator of the Federal Aviation Administration
9 in the most current report entitled General Aviation
10 Airports: A National Asset.”.

11 **SEC. 1216. CLARIFICATION OF NOISE EXPOSURE MAP UP-**

12 **DATES.**

13 Section 47503(b) is amended—

14 (1) by striking “a change in the operation of
15 the airport would establish” and inserting “there is
16 a change in the operation of the airport that would
17 establish”; and

18 (2) by inserting after “reduction” the following:

19 “if the change has occurred during the longer of—

20 “(1) the noise exposure map period forecast by
21 the airport operator under subsection (a); or

22 “(2) the implementation timeframe of the oper-
23 ator’s noise compatibility program”.



1 **SEC. 1217. PROVISION OF FACILITIES.**

2 Section 44502 is amended by adding at the end the
3 following:

4 “(f) AIRPORT SPACE.—

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

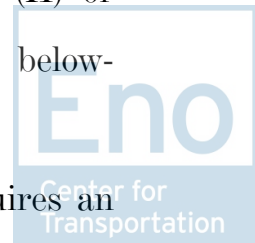
9 “(A) Building construction, maintenance,
10 utilities, or expenses for services relating to air
11 traffic control, air navigation, or weather re-
12 porting.

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

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

19 “(A) any agreement the Secretary may
20 have or make with an airport owner or sponsor
21 for the airport owner or sponsor to provide any
22 of the items described in subparagraph (A) or
23 subparagraph (B) of paragraph (1) at below-
24 market rates; or

25 “(B) any grant assurance that requires an
26 airport owner or sponsor to provide land to the



1 Administration without cost for an air traffic
2 control facility.”.

3 **SEC. 1218. MORATORIUM ON CHANGES TO THE CONTRACT**
4 **WEATHER OBSERVER PROGRAM.**

5 The Administrator may not discontinue the Contract
6 Weather Observer Program at any airport until October
7 1, 2021.

8 **SEC. 1219. FEDERAL SHARE ADJUSTMENT.**

9 Section 47109(a)(5) is amended to read as follows:

10 “(5) 95 percent for a project at an airport for
11 which the United States Government’s share would
12 otherwise be capped at 90 percent under paragraph
13 (2) or paragraph (3) if the Administrator determines
14 that the project is a successive phase of a multi-
15 phased construction project for which the sponsor
16 received a grant in fiscal year 2011 or earlier.”.

17 **SEC. 1220. MISCELLANEOUS TECHNICAL AMENDMENTS.**

18 (a) AIRPORT SECURITY PROGRAM.—Section 47137 is
19 amended—

20 (1) in subsection (a), by striking “Transportation” and inserting “Homeland Security”;

22 (2) in subsection (e), by striking “Homeland
23 Security” and inserting “Transportation”; and



1 (3) in subsection (g), by inserting “of Trans-
2 portation” after “Secretary” the first place it ap-
3 pears.

4 (b) SECTION 516 PROPERTY CONVEYANCE RE-
5 LEASES.—Section 817(a) of the FAA Modernization and
6 Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

7 (1) by striking “or section 23” and inserting “,
8 section 23”; and

9 (2) by inserting before the period at the end the
10 following: “, or section 47125 of title 49, United
11 States Code”.

12 **SEC. 1221. MOTHERS’ ROOMS AT AIRPORTS.**

13 (a) LACTATION AREA DEFINED.—Section 47102, as
14 amended by section 1215 of this Act, is further amend-
15 ed—

16 (1) by redesignating paragraphs (12) through
17 (31) as paragraphs (13) through (32), respectively;
18 and

19 (2) by inserting after paragraph (11) the fol-
20 lowing:

21 “(12) ‘lactation area’ means a room or similar
22 accommodation that—

23 “(A) provides a location for an individual
24 to express breast milk that is shielded from
25 view and free from intrusion;



1 “(B) has a door that can be locked by the
2 individual;

3 “(C) includes a place to sit, a table or
4 other flat surface, and an electrical outlet;

5 “(D) is readily accessible to and usable by
6 individuals with disabilities, including individ-
7 uals who use wheelchairs; and

8 “(E) is not located in a restroom.”.

9 (b) PROJECT GRANTS WRITTEN ASSURANCES FOR
10 LARGE AND MEDIUM HUB AIRPORTS.—

11 (1) IN GENERAL.—Section 47107(a) is amend-
12 ed—

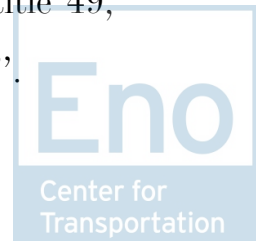
13 (A) in paragraph (20), by striking “and”
14 at the end;

15 (B) in paragraph (21), by striking the pe-
16 riod at the end and inserting “; and”; and

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

18 “(22) with respect to a medium hub airport or
19 large hub airport, the airport owner or operator will
20 maintain a lactation area in each passenger terminal
21 building of the commercial service airport in the
22 sterile area (as defined in section 1540.5 of title 49,
23 Code of Federal Regulations) of the building.”.

24 (2) APPLICABILITY.—



1 (A) IN GENERAL.—The amendment made
2 by paragraph (1) shall apply to a project grant
3 application submitted for a fiscal year begin-
4 ning on or after the date that is 2 years after
5 the date of enactment of this Act.

6 (B) SPECIAL RULE.—The requirement in
7 the amendments made by paragraph (1) that a
8 lactation area be located in the sterile area of
9 a passenger terminal building shall not apply
10 with respect to a project grant application for
11 a period of time, determined by the Secretary
12 of Transportation, if the Secretary determines
13 that construction or maintenance activities
14 make it impracticable or unsafe for the lacta-
15 tion area to be located in the sterile area of the
16 building.

17 (c) TERMINAL DEVELOPMENT COSTS.—Section
18 47119(a) is amended by 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 in
23 1 or more passenger terminal buildings at a com-
24 mercial service airport.”.



1 (d) PRE-EXISTING FACILITIES.—On application by
2 an airport sponsor, the Secretary of Transportation may
3 determine that a lactation area in existence on the date
4 of enactment of this Act complies with the requirement
5 of section 47107(a)(22) of title 49, United States Code,
6 as added by subsection (b), notwithstanding the absence
7 of one of the facilities or characteristics referred to in the
8 definition of the term “lactation area” in section 47102
9 of that title, as added by subsection (a).

10 **SEC. 1222. DEFINITION OF SMALL BUSINESS CONCERN.**

11 Section 47113(a)(1) is amended to read as follows:

12 “(1) ‘small business concern’—

13 “(A) has the meaning given the term in
14 section 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 consid-
18 ered a small business concern if the concern
19 meets the size standard for the North American
20 Industry Classification System Code 237310, as
21 adjusted by the Small Business Administra-
22 tion;”.

23 **SEC. 1223. STATE STANDARDS FOR AIRPORT PAVEMENTS.**

24 Section 47105(c) is 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. 1224. ELIGIBILITY OF CCTV PROJECTS FOR AIRPORT**
23 **IMPROVEMENT PROGRAM.**

24 Section 47119(a)(1)(B) is amended—



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

3 (2) by striking “directly related to moving pas-
4 sengers” and inserting the following: “directly re-
5 lated to—

6 “(i) moving passengers”; and

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

8 “(ii) installing security cameras in the
9 public area of the interior and exterior of
10 the terminal; and”.

11 **SEC. 1225. CLARIFICATION OF REIMBURSABLE ALLOWED**
12 **COSTS OF FAA MEMORANDA OF AGREEMENT.**

13 Section 47504(c)(2) is amended—

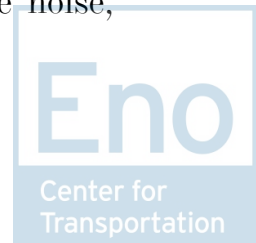
14 (1) in subparagraph (D), by striking “and” at
15 the end;

16 (2) in subparagraph (E), by striking the period
17 at the end and inserting “; and”; and

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

19 “(F) to an airport operator of a congested
20 airport (as defined in section 47175) and a unit
21 of local government referred to in paragraph
22 (1)(B) to carry out a project to mitigate noise,
23 if the project—

24 “(i) consists of—



1 “(I) replacement windows, doors,
2 and the installation of through-the-
3 wall air-conditioning units; or

4 “(II) acquisition or installation of
5 windows, doors, or other noise mitiga-
6 tion elements to be used in a school
7 reconstruction, if reconstruction is the
8 preferred local solution;

9 “(ii) is located at a school near the
10 airport; and

11 “(iii) is included in a memorandum of
12 agreement entered into before September
13 30, 2002, even if the airport has not met
14 the requirements of part 150 of title 14,
15 Code of Federal Regulations, and only if
16 the financial limitations of the memo-
17 randum are applied.”.

18 **SEC. 1226. LIMITED REGULATION OF NON-FEDERALLY**
19 **SPONSORED PROPERTY.**

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

23 (1) the acquisition, use, lease, encumbrance,
24 transfer, or disposal of land by an airport owner or
25 operator;



1 (2) any facility upon such land; or

2 (3) any portion of such land or facility.

3 (b) EXCEPTIONS.—Subsection (a) does not apply to
4 any regulation—

5 (1) ensuring—

6 (A) the safe and efficient operation of air-
7 craft;

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

14 (C) that the airport pays not more than
15 fair market value in the context of a commer-
16 cial transaction for the acquisition of land or
17 facilities on such land; or

18 (2) imposed with respect to land or a facility
19 acquired using Federal funding.

20 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to affect the applicability of section
22 47107(b) or 47113 of title 49, United States Code, to rev-
23 enues generated by the use, lease, encumbrance, transfer,
24 or disposal of land under subsection (a), facilities upon
25 such land, or any portion of such land or facilities.



1 **SEC. 1227. PILOT PROGRAM FOR USE OF SOCIAL AND ECO-**
2 **NOMIC CONTRACTING REQUIREMENTS**
3 **UNDER FEDERAL AVIATION ADMINISTRA-**
4 **TION GRANTS.**

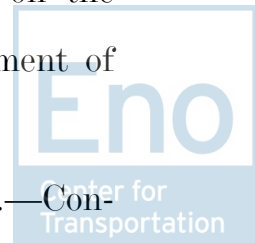
5 (a) IN GENERAL.—The Secretary of Transportation
6 shall establish a pilot program under which a sponsor that
7 receives a grant from the Federal Aviation Administration
8 to carry out a project may use social or economic con-
9 tracting requirements, such as local or other geographic
10 labor hiring preferences, economic-based labor hiring pref-
11 erences, or hiring preferences for veterans, in entering into
12 contracts to carry out that project.

13 (b) MODEL.—The pilot program established under
14 subsection (a) shall be modeled after the pilot program
15 announced by the Department of Transportation in the
16 Federal Register on March 6, 2015 (80 Fed. Reg. 12257)
17 under which recipients of grants from the Federal High-
18 way Administration or the Federal Transit Administration
19 may use social or economic contracting requirements.

20 (c) TERMINATION.—

21 (1) IN GENERAL.—The pilot program estab-
22 lished under subsection (a) shall terminate on the
23 date that is 3 years after the date of enactment of
24 this Act.

25 (2) APPLICABILITY TO CONTRACTS.—Con-
26 tracting requirements authorized under the pilot



1 program established under subsection (a) shall con-
2 tinue to apply to a contract awarded under the pilot
3 program before the termination date specified in
4 paragraph (1) until the termination date of the con-
5 tract.

6 (d) REPORT REQUIRED.—Not later than 180 days
7 after the termination of the pilot program under sub-
8 section (c)(1), the Secretary shall submit to Congress a
9 report assessing—

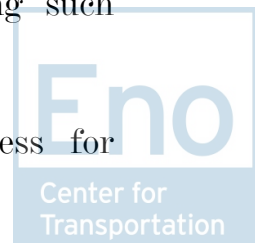
10 (1) the effects of the use of contracting require-
11 ments described in subsection (a) under the pilot
12 program on the competitive bidding process for con-
13 tracts to carry out projects for which the Federal
14 Aviation Administration provided grants; and

15 (2) the advisability of authorizing the use of
16 such requirements on an ongoing basis.

17 (e) GUIDELINES.—A sponsor using contracting re-
18 quirements described in subsection (a) for a project under
19 the pilot program established under that subsection shall
20 submit to the Secretary information necessary for the re-
21 port required by subsection (d), including—

22 (1) information on the effects of using such
23 contracting requirements on—

24 (A) the competitive bidding process for
25 contracts to carry out the project; and



- 1 (B) the costs of the project;
- 2 (2) information on the social and economic ef-
- 3 fects of using such contracting requirements;
- 4 (3) information on the effects of using such
- 5 contracting requirements on veterans; and
- 6 (4) such other information relating to the pilot
- 7 program as the Secretary may request.

8 **Subtitle C—FLIGHT Act of 2018**

9 **SEC. 1301. SHORT TITLE.**

10 (a) SHORT TITLE.—This subtitle may be cited as the

11 “Forward Looking Investment in General Aviation, Hang-

12 ars, and Tarmacs Act of 2018” or the “FLIGHT Act of

13 2018”.

14 **SEC. 1302. GENERAL AVIATION AIRPORT ENTITLEMENT RE-**

15 **FORM.**

16 (a) APPORTIONMENT.—Section 47114(d)(3) is

17 amended—

- 18 (1) by redesignating subparagraphs (A) and
- 19 (B) as subparagraphs (B) and (C), respectively;
- 20 (2) by inserting before subparagraph (B), as re-
- 21 designated, the following:

22 “(A) Not less than \$25,000,000 to airports

23 designated as disaster relief airports under sec-

24 tion 47132 to enhance the ability of such air-

25 ports to aid in disaster relief, including through



1 funding for airport development described in
2 section 47102(3)(P).”; and

3 (3) in subparagraph (B), as redesignated, by
4 striking “To each airport” and inserting “Subject to
5 subparagraph (A), to each airport”.

6 (b) PERIOD OF AVAILABILITY.—Section 47117(b) is
7 amended by striking “3” and inserting “4”.

8 (c) UNITED STATES SHARE OF PROJECT COSTS.—
9 Section 47109 is amended by adding at the end the fol-
10 lowing:

11 “(g) COST SHARE.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Government’s share of allowable project costs
14 may be increased by the Administrator to 95 percent
15 for a project at an airport that is categorized as a
16 basic or unclassified airport in the most recently
17 published National Plan of Integrated Airport Sys-
18 tems (NPIAS) report.

19 “(2) MULTI-YEAR PROJECTS.—If an airport
20 sponsor has an approved multi-year project, ap-
21 proved by the Administrator, and the airport is re-
22 categorized above basic category, the cost share for
23 that project shall remain at the cost share specified
24 in paragraph (1) for the duration of the project.”.



1 (d) USE OF APPORTIONED AMOUNTS.—Section
2 47117(e)(1) is amended by adding at the end the fol-
3 lowing:

4 “(D) All amounts subject to apportionment
5 for a fiscal year that are not apportioned under
6 section 47114(d), for grants to sponsors of gen-
7 eral aviation airports, reliever airports, or non-
8 primary commercial service airports.”.

9 **SEC. 1303. EXTENDING AVIATION DEVELOPMENT STREAM-**
10 **LINING.**

11 (a) IN GENERAL.—Section 47171 is amended—

12 (1) in subsection (a), in the matter preceding
13 paragraph (1), by inserting “general aviation airport
14 construction or improvement projects,” after “con-
15 gested airports,”;

16 (2) in subsection (b)—

17 (A) by redesignating paragraph (2) as
18 paragraph (3); and

19 (B) by inserting after paragraph (1) the
20 following:

21 “(2) GENERAL AVIATION AIRPORT CONSTRUC-
22 TION OR IMPROVEMENT PROJECT.—A general avia-
23 tion airport construction or improvement project
24 shall be subject to the coordinated and expedited en-



1 vironmental review process requirements set forth in
2 this section.”;

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

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

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

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

11 (b) DEFINITIONS.—Section 47175 is amended—

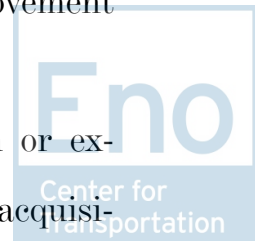
12 (1) by redesignating paragraphs (1), (2), (3),
13 (4), and (5) as paragraphs (2), (5), (1), (3), and
14 (4), respectively, and by rearranging such para-
15 graphs so that they appear in numerical order;

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

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

20 “(7) GENERAL AVIATION AIRPORT CONSTRU-
21 TION OR IMPROVEMENT PROJECT.—The term ‘gen-
22 eral aviation airport construction or improvement
23 project’ means—

24 “(A) a project for the construction or ex-
25 tension of a runway, including any land acqui-



1 tion, helipad, taxiway, safety area, apron, or
2 navigational aids associated with the runway or
3 runway extension, at a general aviation airport,
4 a reliever airport, or a commercial service air-
5 port that is not a primary airport (as such
6 terms are defined in section 47102); and

7 “(B) any other airport development project
8 that the Secretary designates as facilitating
9 aviation capacity building projects at a general
10 aviation airport.”.

11 **SEC. 1304. ESTABLISHMENT OF PUBLIC PRIVATE-PARTNER-**
12 **SHIP PROGRAM AT GENERAL AVIATION AIR-**
13 **PORTS.**

14 (a) IN GENERAL.—Chapter 481 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 48115. General aviation public-private partnership**
18 **program**

19 “(a) SMALL AIRPORT PUBLIC-PRIVATE PARTNER-
20 SHIP PROGRAM.—The Secretary of Transportation shall
21 establish a program that meets the requirements under
22 this section for improving facilities at—

23 “(1) general aviation airports; and



1 “(2) privately owned airports used or intended
2 to be used for public purposes that do not have
3 scheduled air service.

4 “(b) APPLICATION REQUIRED.—The operator or
5 sponsor of an airport, or the community in which an air-
6 port is located, seeking, on behalf of the airport, to partici-
7 pate in the program established under subsection (a) shall
8 submit an application to the Secretary in such form, at
9 such time, and containing such information as the Sec-
10 retary may require, including—

11 “(1) an assessment of the needs of the airport
12 for additional or improved hangars, airport busi-
13 nesses, or other facilities;

14 “(2) the ability of the airport to leverage pri-
15 vate sector investments on the airport or develop
16 public-private partnerships to build or improve facili-
17 ties at the airport; and

18 “(3) if the application is submitted by a com-
19 munity, evidence that the airport supports the appli-
20 cation.

21 “(c) LIMITATION.—

22 “(1) STATE LIMIT.—Not more than 4 airports
23 in the same State may be selected to participate in
24 the program established under subsection (a) in any
25 fiscal year.



1 “(2) DOLLAR AMOUNT LIMIT.—Not more than
2 \$500,000 shall be made available for any one-time
3 grant to an airport in any fiscal year under the pro-
4 gram established under subsection (a).

5 “(d) PRIORITIES.—In selecting airports for participa-
6 tion in the program established under subsection (a), the
7 Secretary shall give priority to airports at which—

8 “(1) the operator or sponsor of the airport, or
9 the community in which the airport is located—

10 “(A) will provide a portion of the cost of
11 the project for which assistance is sought under
12 the program from local sources;

13 “(B) will employ best business practices in
14 developing or implementing a public-private
15 partnership; or

16 “(C) has established, or will establish, a
17 public-private partnership to build or improve
18 facilities at the airport; or

19 “(2) the assistance will be used in a timely
20 fashion.

21 “(e) TYPES OF ASSISTANCE.—The Secretary may
22 use amounts made available under this section—

23 “(1) to provide assistance to market an airport
24 to private entities or individuals in order to leverage
25 private sector investments or develop public-private



1 partnerships for the purposes of building or improv-
2 ing hangars, businesses, or other facilities at the air-
3 port;

4 “(2) to fund studies that consider what meas-
5 ures an airport should take to attract private sector
6 investment at the airport; or

7 “(3) to participate in a partnership described in
8 paragraph (1) or an investment described in para-
9 graph (2).

10 “(f) AUTHORITY TO MAKE AGREEMENTS.—The Sec-
11 retary may enter into agreements with airports and enti-
12 ties entering into partnerships with airports under this
13 section to provide assistance under this section.

14 “(g) AVAILABILITY OF AMOUNTS FROM AIRPORT
15 AND AIRWAY TRUST FUND.—

16 “(1) IN GENERAL.—There is authorized to be
17 appropriated, out of the Airport and Airway Trust
18 Fund established under section 9502 of the Internal
19 Revenue Code of 1986, \$5,000,000 for each of the
20 fiscal years 2019 through 2021 to carry out this sec-
21 tion. Amounts appropriated pursuant to this para-
22 graph shall remain available until expended.

23 “(2) AVAILABILITY.—Amounts appropriated
24 pursuant to paragraph (1)—



1 “(A) shall remain available until expended;
2 and

3 “(B) shall be in addition to any amounts
4 made available pursuant to section 48103.”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 chapter 481 is amended by adding at the end the fol-
7 lowing:

 “48115. General aviation public-private partnership program.”.

8 **SEC. 1305. DISASTER RELIEF AIRPORTS.**

9 (a) DESIGNATION OF DISASTER RELIEF AIR-
10 PORTS.—

11 (1) IN GENERAL.—Subchapter I of chapter 471
12 is amended by inserting after section 47131 the fol-
13 lowing:

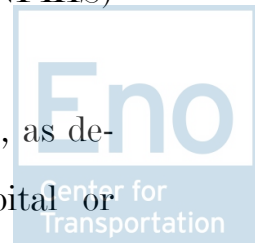
14 **“§ 47132. Disaster relief airports**

15 “(a) DESIGNATION.—

16 “(1) IN GENERAL.—The Secretary of Transpor-
17 tation shall designate as a disaster relief airport an
18 airport that—

19 “(A) is categorized as a regional reliever
20 airport in the most recently published National
21 Plan of Integrated Airport Systems (NPIAS)
22 report;

23 “(B) is within a reasonable distance, as de-
24 termined by the Secretary, of a hospital or
25 transplant or trauma center;



1 “(C) is in a region that the Secretary de-
2 termines under subsection (b) is prone to nat-
3 ural disasters;

4 “(D) has at least 1 paved runway with not
5 less than 3,400 feet of useable length capable of
6 supporting aircraft up to 12,500 pounds;

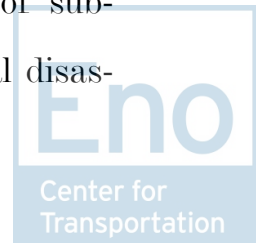
7 “(E) has aircraft maintenance or servicing
8 facilities at the airport able to provide aircraft
9 fueling and light maintenance services; and

10 “(F) has adequate taxiway and ramp space
11 to accommodate single engine or light multi-en-
12 gine aircraft simultaneously for loading and un-
13 loading of supplies.

14 “(2) DESIGNATION IN STATES WITHOUT QUALI-
15 FYING AIRPORTS.—If fewer than 3 airports de-
16 scribed in paragraph (1) are located in a State, the
17 Secretary, in consultation with aviation officials of
18 that State, shall designate not more than 3 general
19 aviation airports in that State as a disaster relief
20 airport under this section.

21 “(b) PRONE TO NATURAL DISASTERS.—

22 “(1) IN GENERAL.—For the purposes of sub-
23 section (a)(1)(C), a region is prone to natural disas-
24 ters if—



1 “(A) in the case of earthquakes, there is
2 not less than a 50 percent probability that an
3 earthquake of magnitude 6 or above will occur
4 in the region within 30 years, according to the
5 United States Geological Survey; or

6 “(B) in the case of other types of natural
7 disasters, the President has declared more than
8 5 major disasters in the region under section
9 401 of the Robert T. Stafford Disaster Relief
10 and Emergency Assistance Act (42 U.S.C.
11 5170), according to the most recent map of the
12 Federal Emergency Management Agency.

13 “(2) NATURAL DISASTER DEFINED.—For the
14 purposes of this section, the term ‘natural disaster’
15 includes a hurricane, tornado, severe storm, high
16 water, wind-driven water, tidal wave, tsunami, earth-
17 quake, volcanic eruption, landslide, mudslide, snow-
18 storm, drought, or wildfire.

19 “(c) REQUIREMENTS.—

20 “(1) OPERATION AND MAINTENANCE.—

21 “(A) IN GENERAL.—A disaster relief air-
22 port and the facilities and fixed-based operators
23 on or connected with the airport shall be oper-
24 ated and maintained in a manner the Secretary
25 consider suitable for disaster relief.



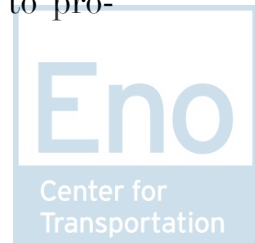
1 “(B) EXCLUSION.—A disaster relief air-
2 port shall not be considered to be in violation
3 of subparagraph (A) if a runway is unusable
4 because the runway is under scheduled mainte-
5 nance or is in need of necessary repairs.

6 “(2) COMPLIANCE WITH ASSURANCES ON AIR-
7 PORT OPERATIONS.—A disaster relief airport shall
8 comply with the provisions of section 47107 without
9 regard whether the airport has received a project
10 grant under this subchapter.

11 “(3) NATURAL DISASTER MANAGEMENT
12 PLAN.—A disaster relief airport shall develop an
13 emergency natural disaster management plan in co-
14 ordination with local emergency response teams and
15 first responders.

16 “(d) CIVIL PENALTY.—A public agency that know-
17 ingly violates this section shall be liable to the United
18 States Government for a civil penalty of not more than
19 \$10,000 for each day of the violation.

20 “(e) CONSIDERATION FOR PROJECT GRANTS.—The
21 Secretary shall give consideration to the role an airport
22 plays in disaster relief when determining whether to pro-
23 vide a grant for the airport under this subchapter.



1 “(f) APPLICABILITY OF OTHER LAWS.—This section
2 shall apply notwithstanding any other law, including regu-
3 lations and agreements.”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 chapter 471 is amended by inserting after the item relat-
6 ing to section 47131 the following:

“47132. Disaster relief airports.”.

7 **SEC. 1306. AIRPORT DEVELOPMENT RELATING TO DIS-**
8 **ASTER RELIEF.**

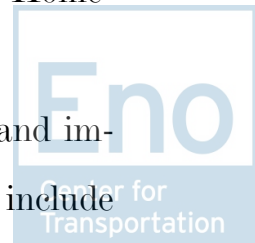
9 Section 47102(3), as amended by sections 1215 and
10 1221, is further amended by adding at the end the fol-
11 lowing:

12 “(P) planning, acquiring, or constructing
13 at an airport designated as a disaster relief air-
14 port under section 47132, including—

15 “(i) planning for disaster prepared-
16 ness associated with maintaining airport
17 operations during a natural disaster;

18 “(ii) airport communication equip-
19 ment and fixed emergency generators that
20 are not able to be acquired by programs
21 funded under the Department of Home-
22 land Security; and

23 “(iii) constructing, expanding, and im-
24 proving airfield infrastructure to include
25 aprons and terminal buildings the Sec-



1 retary determines will facilitate disaster re-
2 sponse at the airport.”.

3 **SEC. 1307. INCLUSION OF COVERED AIRCRAFT CONSTRUC-**
4 **TION IN DEFINITION OF AERONAUTICAL AC-**
5 **TIVITY FOR PURPOSES OF AIRPORT IM-**
6 **PROVEMENT GRANTS.**

7 Section 47107 is amended by adding at the end the
8 following:

9 “(u) CONSTRUCTION, REPAIR, AND RESTORATION OF
10 RECREATIONAL AIRCRAFT.—

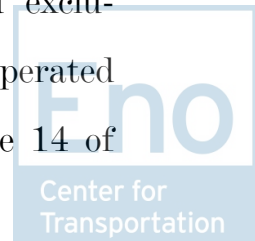
11 “(1) IN GENERAL.—The construction of a cov-
12 ered aircraft shall be treated as an aeronautical ac-
13 tivity for purposes of—

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

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

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

22 “(A) used or intended to be used exclu-
23 sively for recreational purposes to be operated
24 under appropriate regulations under title 14 of
25 the Code of Federal Regulations; and



1 “(B) constructed or under construction, re-
2 pair, or restoration by a private individual at a
3 general aviation airport.”.

4 **Subtitle D—Passenger Facility**
5 **Charges**

6 **SEC. 1401. PFC STREAMLINING.**

7 (a) PASSENGER FACILITY CHARGES; GENERAL AU-
8 THORITY.—Section 40117(b)(4) is amended—

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

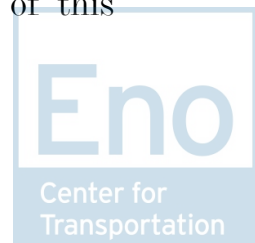
12 (2) by striking subparagraphs (A) and (B).

13 (b) PILOT PROGRAM FOR PASSENGER FACILITY
14 CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Sec-
15 tion 40117(l) is amended—

16 (1) in the heading by striking “NONHUB” and
17 inserting “CERTAIN”;

18 (2) in paragraph (1), by striking “nonhub” and
19 inserting “nonhub, small hub, medium hub, and
20 large hub”; and

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



1 **SEC. 1402. INTERMODAL ACCESS PROJECTS.**

2 Section 40117 is amended by adding at the end the
3 following:

4 “(o) PFC ELIGIBILITY FOR INTERMODAL GROUND
5 ACCESS PROJECTS.—

6 “(1) IN GENERAL.—The Secretary may author-
7 ize a passenger facility charge imposed under sub-
8 section (b)(1) to be used to finance the eligible cap-
9 ital costs of an intermodal ground access project.

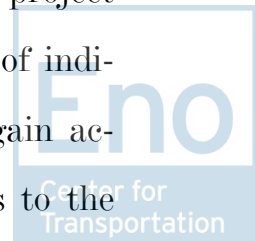
10 “(2) DEFINITION OF INTERMODAL GROUND AC-
11 CESS PROJECT.—In this subsection, the term ‘inter-
12 modal ground access project’ means a project for
13 constructing a local facility owned or operated by an
14 eligible agency that—

15 “(A) is located on airport property; and

16 “(B) is directly and substantially related to
17 the movement of passengers or property trav-
18 eling in air transportation.

19 “(3) ELIGIBLE CAPITAL COSTS.—The eligible
20 capital costs of an intermodal ground access project
21 shall be the lesser of—

22 “(A) the total capital cost of the project
23 multiplied by the ratio that the number of indi-
24 viduals projected to use the project to gain ac-
25 cess to or depart from the airport bears to the



1 total number of individuals projected to use the
2 local facility; or

3 “(B) the total cost of the capital improve-
4 ments that are located on airport property.

5 “(4) DETERMINATIONS.—The Secretary shall
6 determine the projected use and cost of a project for
7 purposes of paragraph (3) at the time the project is
8 approved under this subsection, except that, in the
9 case of a project to be financed in part using funds
10 administered by the Federal Transit Administration,
11 the Secretary shall use the travel forecasting model
12 for the project at the time the project is approved
13 by the Federal Transit Administration to enter pre-
14 liminary engineering to determine the projected use
15 and cost of the project for purposes of paragraph
16 (3).

17 “(5) NONATTAINMENT AREAS.—For airport
18 property, any area of which is located in a non-
19 attainment area (as defined under section 171 of the
20 Clean Air Act (42 U.S.C. 7501)) for 1 or more cri-
21 teria pollutant, the airport emissions reductions
22 from less airport surface transportation and parking
23 as a direct result of the development of an inter-
24 modal project on the airport property would be eligi-
25 ble for air quality emissions credits.”.



1 **SEC. 1403. FUTURE AVIATION INFRASTRUCTURE AND FI-**
2 **NANCING STUDY.**

3 (a) FUTURE AVIATION INFRASTRUCTURE AND FI-
4 NANCING STUDY.—Not later than 60 days after the date
5 of enactment of this Act, the Secretary of Transportation
6 shall enter into an agreement with a qualified organization
7 to conduct a study and make recommendations on the ac-
8 tions needed to upgrade and restore the national aviation
9 infrastructure system to its role as a premier system that
10 meets the growing and shifting demands of the 21st cen-
11 tury, including airport infrastructure needs and existing
12 financial resources for commercial service airports.

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

- 16 (1) nonhub airports;
- 17 (2) small hub airports;
- 18 (3) medium hub airports;
- 19 (4) large hub airports;
- 20 (5) airports with international service;
- 21 (6) non-primary airports;
- 22 (7) local elected officials;
- 23 (8) relevant labor organizations;
- 24 (9) passengers;
- 25 (10) air carriers; and
- 26 (11) the tourism industry.



1 (c) CONSIDERATIONS.—In carrying out the study, the
2 qualified organization shall consider—

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

5 (2) the available financial tools and resources
6 for airports of different sizes;

7 (3) the available financing tools and resources
8 for airports in rural areas;

9 (4) the current debt held by airports, and its
10 impact on future construction and capacity needs;

11 (5) the impact of capacity constraints on pas-
12 sengers and ticket prices;

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

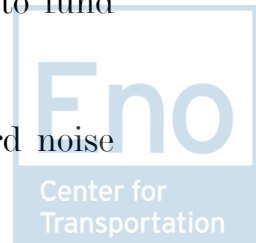
16 (7) the impact to passengers and airports of in-
17 dexing the passenger facility charge for inflation;

18 (8) how long airports are constrained with cur-
19 rent passenger facility charge collections;

20 (9) the impact of passenger facility charges on
21 promoting competition;

22 (10) the additional resources or options to fund
23 terminal construction projects;

24 (11) the resources eligible for use toward noise
25 reduction and emission reduction projects;



1 (12) the gap between the cost of projects eligi-
2 ble for the airport improvement program and the an-
3 nual Federal funding provided;

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

6 (14) airline competition;

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

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

12 (d) REPORT.—Not later than 15 months after the
13 date of enactment of this Act, the qualified organization
14 shall submit to the Secretary and the appropriate commit-
15 tees of Congress a report on its findings and recommenda-
16 tions.

17 (e) FUNDING.—The Secretary is authorized to use
18 such sums as are necessary to carry out the requirements
19 of this section.

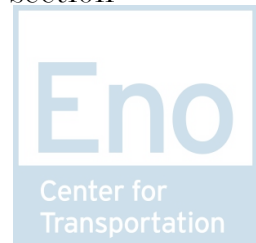
20 (f) DEFINITION OF QUALIFIED ORGANIZATION.—In
21 this section, the term “qualified organization” means an
22 independent nonprofit organization that recommends solu-
23 tions to public policy challenges through objective research
24 and analysis.



1 **SEC. 1404. AIRPORT VEHICLE EMISSIONS.**

2 Section 40117(a)(3)(G) is amended to read as fol-
3 lows:

4 “(G) A project to reduce emissions under
5 subchapter I of chapter 471 or to use cleaner
6 burning conventional fuels, or for acquiring for
7 use at a commercial service airport vehicles or
8 ground support equipment that include low-
9 emission technology or to use cleaner burning
10 fuels, or if the airport is located in an air qual-
11 ity nonattainment area (as defined in section
12 171(2) of the Clean Air Act (42 U.S.C.
13 7501(2))) or a maintenance area referred to in
14 section 175A of such Act (42 U.S.C. 7505a), a
15 project to retrofit any such vehicles or equip-
16 ment that are powered by a diesel or gasoline
17 engine with emission control technologies cer-
18 tified or verified by the Environmental Protec-
19 tion Agency to reduce emissions, if such project
20 would be able to receive emission credits for the
21 project from the governing State or Federal en-
22 vironmental agency as described in section
23 47139.”.



1 **SEC. 1405. USE OF PASSENGER FACILITY CHARGE REV-**
2 **ENUE TO ENHANCE SECURITY AT AIRPORTS.**

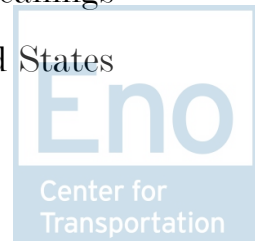
3 Section 40117(a)(3) is amended by adding at the end
4 the following:

5 “(H) A project for the construction, repair,
6 or improvement of facilities at an airport, or for
7 the acquisition or installation of equipment at
8 an airport, to enhance the security of any area
9 of the airport directly and substantially related
10 to the movement of passengers and baggage in
11 air transportation. Such a project shall not in-
12 clude the acquisition, installation, operation or
13 maintenance of screening equipment and tech-
14 nology or the functions or activities of the
15 Transportation Security Administration under
16 subsections (d) and (e) of section 114.”.

17 **TITLE II—SAFETY**
18 **Subtitle A—Unmanned Aircraft**
19 **Systems Reform**

20 **SEC. 2001. DEFINITIONS.**

21 (a) IN GENERAL.—Unless expressly provided other-
22 wise, the terms used in this subtitle have the meanings
23 given the terms in section 44801 of title 49, United States
24 Code, as added by section 2121 of this Act.



1 (b) DEFINITION OF CIVIL AIRCRAFT.—The term
2 “civil aircraft” has the meaning given the term in section
3 40102 of title 49, United States Code.

4 **PART I—PRIVACY AND TRANSPARENCY**

5 **SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**
6 **ICY.**

7 It is the policy of the United States that the operation
8 of any unmanned aircraft or unmanned aircraft system
9 shall be carried out in a manner that respects and protects
10 personal privacy consistent with the United States Con-
11 stitution and Federal, State, and local law.

12 **SEC. 2102. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) each person that uses an unmanned aircraft
15 system for compensation or hire, or in the further-
16 ance of a business enterprise, except for news gath-
17 ering, should have a written privacy policy consistent
18 with section 2101 that is appropriate to the nature
19 and scope of the activities regarding the collection,
20 use, retention, dissemination, and deletion of any
21 data collected during the operation of an unmanned
22 aircraft system;

23 (2) each privacy policy described in paragraph
24 (1) should be periodically reviewed and updated as
25 necessary; and



1 (3) each privacy policy described in paragraph
2 (1) should be publicly available.

3 **SEC. 2103. FEDERAL TRADE COMMISSION AUTHORITY.**

4 A violation of a privacy policy by a person that uses
5 an unmanned aircraft system for compensation or hire,
6 or in the furtherance of a business enterprise, in the na-
7 tional airspace system shall be an unfair and deceptive
8 practice in violation of section 5(a) of the Federal Trade
9 Commission Act (15 U.S.C. 45(a)).

10 **SEC. 2104. COMMERCIAL AND GOVERNMENTAL OPERA-**
11 **TORS.**

12 (a) IN GENERAL.—Except for model aircraft oper-
13 ations under section 44808 of title 49, United States
14 Code, in authorizing the operation of any public un-
15 manned aircraft system or the operation of any unmanned
16 aircraft system by a person conducting civil aircraft oper-
17 ations, the Administrator of the Federal Aviation Admin-
18 istration, to the extent practicable and consistent with ap-
19 plicable law and without compromising national security,
20 homeland defense, or law enforcement, shall make the
21 identifying information in subsection (b) available to the
22 public via an easily searchable online database. The Ad-
23 ministrator shall place a clear and conspicuous link to the
24 database on the home page of the Federal Aviation Ad-
25 ministration's website.



1 (b) CONTENTS.—The database described in sub-
2 section (a) shall contain the following:

3 (1) The name of each individual, or agency, as
4 applicable, authorized to conduct civil or public un-
5 manned aircraft systems operations described in
6 subsection (a).

7 (2) The name of each owner of an unmanned
8 aircraft system described in paragraph (1).

9 (3) The expiration date of any authorization re-
10 lated to a person identified in paragraph (1) or
11 paragraph (2).

12 (4) The contact information for each person
13 identified in paragraphs (1) and (2), including a
14 telephone number and an electronic mail address, in
15 accordance with applicable privacy laws.

16 (5) The tail number or specific identification
17 number of all unmanned aircraft authorized for use
18 that links each unmanned aircraft to the owner of
19 that aircraft.

20 (6) For any unmanned aircraft system, except
21 those operated for news gathering activities pro-
22 tected by the First Amendment to the Constitution
23 of the United States, that will collect personally
24 identifiable information about individuals, including
25 the use of facial recognition—



1 (A) the circumstance under which the sys-
2 tem will be used;

3 (B) the specific kinds of personally identi-
4 fiable information that the system will collect
5 about individuals; and

6 (C) how the information referred to in sub-
7 paragraph (B), and the conclusions drawn from
8 such information, will be used, disclosed, and
9 otherwise handled, including—

10 (i) how the collection or retention of
11 such information that is unrelated to the
12 specific use will be minimized;

13 (ii) under what circumstances such in-
14 formation might be sold, leased, or other-
15 wise provided to third parties;

16 (iii) the period during which such in-
17 formation will be retained;

18 (iv) when and how such information,
19 including information no longer relevant to
20 the specified use, will be destroyed; and

21 (v) steps that will be used to protect
22 against the unauthorized disclosure of any
23 information or data, such as the use of
24 encryption methods and other security fea-
25 tures.



1 (7) With respect to public unmanned aircraft
2 systems—

3 (A) the locations where the unmanned air-
4 craft system will operate;

5 (B) the time during which the unmanned
6 aircraft system will operate;

7 (C) the general purpose of the flight; and

8 (D) the technical capabilities that the un-
9 manned aircraft system possesses.

10 (c) RECORDS.—Each person described in subsection
11 (b)(1), to the extent practicable without compromising na-
12 tional security, homeland defense, or law enforcement
13 shall maintain and make available to the Administrator
14 for not less than 1 year a record of the name and contact
15 information of each person on whose behalf the unmanned
16 aircraft system has been operated.

17 (d) DEADLINE.—The Administrator shall make the
18 database available not later than 1 year after the date of
19 enactment of this Act.

20 (e) TERMINATION.—The Administrator may cease
21 the operation of such database on the earlier of—

22 (1) the date of publication of a final rule or
23 guidance regarding remote identification standards
24 under section 2202 of the FAA Extension Safety



1 and Security Act of 2016 (Public Law 114-190; 130
2 Stat. 615); or

3 (2) September 30, 2021.

4 **SEC. 2105. ANALYSIS OF CURRENT REMEDIES UNDER FED-**
5 **ERAL, STATE, AND LOCAL JURISDICTIONS.**

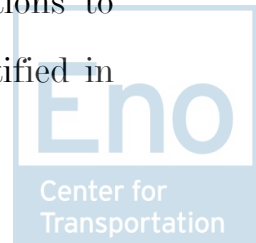
6 Not later than 1 year after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall conduct and submit to the appropriate committees
9 of Congress a review of the privacy issues and concerns
10 associated with the operation of unmanned aircraft sys-
11 tems in the national airspace system that—

12 (1) examines and identifies the existing Fed-
13 eral, State, or local laws, including constitutional
14 law, that address an individual's personal privacy;

15 (2) identifies specific issues and concerns that
16 may limit the availability of existing civil or criminal
17 legal remedies regarding inappropriate operation of
18 unmanned aircraft systems in the national airspace
19 system;

20 (3) identifies any deficiencies in current Fed-
21 eral, State, or local privacy protections; and

22 (4) recommends legislative or other actions to
23 address the limitations and deficiencies identified in
24 paragraphs (2) and (3).



1 **PART II—UNMANNED AIRCRAFT SYSTEMS**

2 **SEC. 2121. DEFINITIONS.**

3 (a) IN GENERAL.—Part A of subtitle VII is amended
4 by inserting after chapter 447 the following:

5 **“CHAPTER 448—UNMANNED AIRCRAFT**
6 **SYSTEMS**

“Sec.

“44801. Definitions.

7 **“§ 44801. Definitions**

8 “In this chapter—

9 “(1) ‘appropriate committees of Congress’
10 means the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives.

14 “(2) ‘Arctic’ means the United States zone of
15 the Chukchi Sea, Beaufort Sea, and Bering Sea
16 north of the Aleutian chain.

17 “(3) ‘certificate of waiver’ and ‘certificate of au-
18 thorization’ mean a Federal Aviation Administration
19 grant of approval for a specific flight operation.

20 “(4) ‘permanent areas’ means areas on land or
21 water that provide for launch, recovery, and oper-
22 ation of small unmanned aircraft.

23 “(5) ‘public unmanned aircraft system’ means
24 an unmanned aircraft system that meets the quali-



1 fications and conditions required for operation of a
2 public aircraft (as defined in section 40102(a)).

3 “(6) ‘sense and avoid capability’ means the ca-
4 pability of an unmanned aircraft to remain a safe
5 distance from and to avoid collisions with other air-
6 borne aircraft.

7 “(7) ‘small unmanned aircraft’ means an un-
8 manned aircraft weighing less than 55 pounds, in-
9 cluding the weight of anything attached to or carried
10 by the aircraft.

11 “(8) ‘test range’ means a defined geographic
12 area where research and development are conducted
13 as authorized by the Administrator of the Federal
14 Aviation Administration.

15 “(9) ‘test site’ means any of the 6 test ranges
16 established by the Administrator of the Federal
17 Aviation Administration under section 332(c) of the
18 FAA Modernization and Reform Act of 2012 (49
19 U.S.C. 40101 note), as in effect on the day before
20 the date of enactment of the Federal Aviation Ad-
21 ministration Reauthorization Act of 2018, and any
22 public entity authorized by the Federal Aviation Ad-
23 ministration as an unmanned aircraft system flight
24 test center before January 1, 2009.



1 “(10) ‘unmanned aircraft’ means an aircraft
2 that is operated without the possibility of direct
3 human intervention from within or on the aircraft.

4 “(11) ‘unmanned aircraft system’ means an un-
5 manned aircraft and associated elements (including
6 communication links and the components that con-
7 trol the unmanned aircraft) that are required for the
8 operator to operate safely and efficiently in the na-
9 tional airspace system.”.

10 (b) TABLE OF CHAPTERS.—The table of chapters for
11 subtitle VII is amended by inserting after the item relating
12 to chapter 447 the following:

 “448 . Unmanned aircraft systems 44801”.

13 **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**
14 **TEST SITES.**

15 (a) IN GENERAL.—Chapter 448, as designated by
16 section 2121 of this Act, is amended by inserting after
17 section 44801 the following:

18 **“§ 44802. Unmanned aircraft system test sites**

19 “(a)(1) IN GENERAL.—The Administrator of the
20 Federal Aviation Administration shall establish and up-
21 date, as appropriate, a program for the use of the test
22 sites to facilitate the safe integration of unmanned aircraft
23 systems into the national airspace system.

24 “(2) TERMINATION.—The program shall termi-
25 nate on September 30, 2024.



1 “(b) PROGRAM REQUIREMENTS.—In establishing the
2 program under subsection (a), the Administrator shall—

3 “(1) designate airspace for safely testing the in-
4 tegration of unmanned flight operations in the na-
5 tional airspace system;

6 “(2) develop operational standards and air traf-
7 fic requirements for unmanned flight operations at
8 test sites, including test ranges;

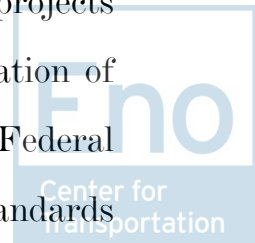
9 “(3) coordinate with and leverage the resources
10 of the National Aeronautics and Space Administra-
11 tion and the Department of Defense;

12 “(4) address both civil and public unmanned
13 aircraft systems;

14 “(5) ensure that the program is coordinated
15 with relevant aspects of the Next Generation Air
16 Transportation System;

17 “(6) provide for verification of the safety of un-
18 manned aircraft systems and related navigation pro-
19 cedures as it relates to continued development of
20 standards for integration into the national airspace
21 system;

22 “(7) engage each test site operator in projects
23 for research, development, testing, and evaluation of
24 unmanned aircraft systems to facilitate the Federal
25 Aviation Administration’s development of standards



1 for the safe integration of unmanned aircraft into
2 the national airspace system, which may include so-
3 lutions for—

4 “(A) developing and enforcing geographic
5 and altitude limitations;

6 “(B) classifications of airspace where man-
7 ufacturers must prevent flight of an unmanned
8 aircraft system;

9 “(C) classifications of airspace where man-
10 ufacturers of unmanned aircraft systems must
11 alert the operator to hazards or limitations on
12 flight;

13 “(D) sense and avoid capabilities;

14 “(E) beyond visual line of sight operations,
15 nighttime operations, operations over people,
16 and unmanned aircraft systems traffic manage-
17 ment, or other critical research priorities; and

18 “(F) improving privacy protections
19 through the use of advances in unmanned air-
20 craft systems technology;

21 “(8) coordinate periodically with all test site op-
22 erators to ensure test site operators know which
23 data should be collected, what procedures should be
24 followed, and what research would advance efforts to



1 safely integrate unmanned aircraft systems into the
2 national airspace system;

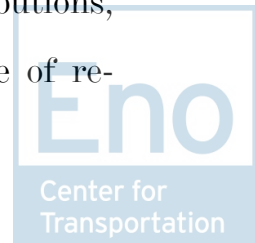
3 “(9) allow a test site to develop multiple test
4 ranges within the test site;

5 “(10) streamline the approval process for test
6 sites when processing unmanned aircraft certificates
7 of waiver or authorization for operations at the test
8 sites;

9 “(11) require each test site operator to protect
10 proprietary technology, sensitive data, or sensitive
11 research of any civil or private entity when using
12 that test site without the need to obtain an experi-
13 mental or special airworthiness certificate;

14 “(12) evaluate options for the operation of 1 or
15 more small unmanned aircraft systems beyond the
16 visual line of sight of the operator, or at night, for
17 testing under controlled conditions that ensure the
18 safety of persons and property, including on the
19 ground; and

20 “(13) allow test site operators to receive Fed-
21 eral funding, other than from the Federal Aviation
22 Administration, including in-kind contributions,
23 from test site participants in the furtherance of re-
24 search, development, and testing objectives.



1 “(c) TEST SITE LOCATIONS.—In determining the lo-
2 cation of a test site under subsection (a), the Adminis-
3 trator shall—

4 “(1) take into consideration geographic and cli-
5 matic diversity;

6 “(2) take into consideration the location of
7 ground infrastructure and research needs; and

8 “(3) consult with the Administrator of the Na-
9 tional Aeronautics and Space Administration and
10 the Secretary of Defense.

11 “(d) REPORT TO CONGRESS.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of the Federal Aviation Ad-
14 ministration Reauthorization Act of 2018, the Ad-
15 ministrator shall submit to the appropriate commit-
16 tees of Congress a report on the establishment and
17 implementation of the program under subsection (a).

18 “(2) BRIEFINGS.—Beginning 180 days after
19 the date of enactment of the Federal Aviation Ad-
20 ministration Reauthorization Act of 2018, and every
21 180 days thereafter until September 30, 2024, the
22 Administrator shall provide to the appropriate com-
23 mittees of Congress a briefing that includes—



1 “(A) a current summary of unmanned air-
2 craft systems operations at the test sites since
3 the last briefing to Congress;

4 “(B) a description of all of the data gen-
5 erated from the operations described in sub-
6 paragraph (A), and shared with the Federal
7 Aviation Administration through a cooperative
8 research and development agreement authorized
9 in subsection (g), that relate to unmanned air-
10 craft systems research priorities, including be-
11 yond visual line of sight operations, nighttime
12 operations, operations over people, sense and
13 avoid technology, and unmanned aircraft sys-
14 tems traffic management;

15 “(C) a description of how the data de-
16 scribed in subparagraph (B) will be or is
17 used—

18 “(i) to advance Federal Aviation Ad-
19 ministration priorities;

20 “(ii) to validate the safety of un-
21 manned aircraft systems and related tech-
22 nology; and

23 “(iii) to inform future rulemaking re-
24 lated to the integration of unmanned air-
25 craft systems into the national airspace;



1 “(D) an evaluation of the activities and
2 specific outcomes from activities at the test
3 sites that support the safe integration of un-
4 manned aircraft systems under this chapter;
5 and

6 “(E) recommendations for future Federal
7 Aviation Administration test site operations
8 that would generate data necessary to inform
9 future rulemaking related to unmanned aircraft
10 systems.

11 “(e) REVIEW OF OPERATIONS BY TEST SITE OPERA-
12 TORS.—The operator of each test site under subsection (a)
13 shall—

14 “(1) review the operations of unmanned aircraft
15 systems conducted at the test site, including—

16 “(A) ongoing or completed research; and

17 “(B) data regarding operations by private
18 and public operators; and

19 “(2) submit to the Administrator, in such form
20 and manner as specified by the Administrator, the
21 results of the review, including recommendations to
22 further enable private research and development op-
23 erations at the test sites that contribute to the Fed-
24 eral Aviation Administration’s safe integration of
25 unmanned aircraft systems into the national air-



1 space system, on a quarterly basis until the program
2 terminates.

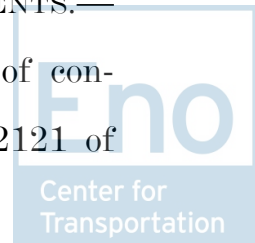
3 “(f) TESTING.—The Secretary may authorize an op-
4 erator of a test site described in subsection (a) to admin-
5 ister testing requirements established by the Adminis-
6 trator for unmanned aircraft systems operations.

7 “(g) COLLABORATIVE RESEARCH AND DEVELOP-
8 MENT AGREEMENTS.—The Administrator may use the
9 other transaction authority under section 106(l)(6) and
10 enter into collaborative research and development agree-
11 ments, to direct research related to unmanned aircraft
12 systems, including at any test site under subsection (a),
13 and in coordination with the Center of Excellence for Un-
14 manned Aircraft Systems.

15 “(h) USE OF CENTER OF EXCELLENCE FOR UN-
16 MANNED AIRCRAFT SYSTEMS.—The Administrator, in
17 carrying out research necessary to establish the consensus
18 safety standards requirements in section 44803 shall, to
19 the maximum extent practicable, leverage the research and
20 testing capacity and capabilities of the Center of Excel-
21 lence for Unmanned Aircraft Systems and the test sites.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF CONTENTS.—The table of con-
24 tents for chapter 448, as added by section 2121 of



1 this Act, is further amended by inserting after the
2 item relating to section 44801 the following:

“44802. Unmanned aircraft system test sites.”.

3 (2) PILOT PROJECTS.—Section 332 of the FAA
4 Modernization and Reform Act of 2012 (49 U.S.C.
5 40101 note) is amended by striking subsection (c).

6 **SEC. 2123. SMALL UNMANNED AIRCRAFT SAFETY STAND-**
7 **ARDS.**

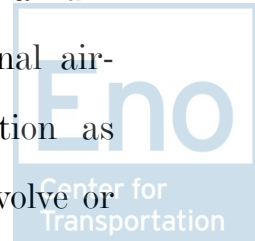
8 (a) IN GENERAL.—Chapter 448, as amended by sec-
9 tion 2122 of this Act, is further amended by inserting
10 after section 44802 the following:

11 **“§ 44803. Small unmanned aircraft safety standards**

12 “(a) CONSENSUS SAFETY STANDARDS.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Federal Aviation
15 Administration Reauthorization Act of 2018, the
16 Administrator of the Federal Aviation Administra-
17 tion shall charter an aviation rulemaking advisory
18 committee to develop recommendations for the fol-
19 lowing:

20 “(A) Risk-based, consensus safety stand-
21 ards related to the safe integration of small un-
22 manned aircraft systems into the national air-
23 space system (referred to in this section as
24 ‘consensus safety standards’) that can evolve or
25 be updated as appropriate.



1 “(B) A Federal Aviation Administration
2 process for permitting, authorizing, or approv-
3 ing small unmanned aircraft systems and their
4 operations based on the safety standards to be
5 accepted by the Administrator under this sec-
6 tion.

7 “(2) FACA.—The Federal Advisory Committee
8 Act (5 U.S.C. App.) shall not apply to an aviation
9 rulemaking advisory committee chartered under this
10 subsection.

11 “(b) CONSIDERATIONS.—In developing recommended
12 consensus safety standards under subsection (a) the mem-
13 bers of the aviation rulemaking advisory committee shall
14 consider the following:

15 “(1) Technologies or standards related to geo-
16 graphic limitations, altitude limitations, and sense
17 and avoid capabilities.

18 “(2) Using performance-based standards.

19 “(3) Predetermined action to maintain safety in
20 the event that a communications link between a
21 small unmanned aircraft and its operator is lost or
22 compromised.

23 “(4) Detectability and identifiability to pilots,
24 the Federal Aviation Administration, and air traffic
25 controllers, as appropriate.



1 “(5) Means to prevent tampering with or modi-
2 fication of any system, limitation, or other safety
3 mechanism or standard under this section or any
4 other provision of law, including a means to identify
5 any tampering or modification that has been made.

6 “(6) Consensus identification standards under
7 section 2202 of the FAA Extension Safety and Se-
8 curity Act of 2016 (Public Law 114–190; 130 Stat.
9 615), including for model aircraft operations author-
10 ized under section 44808.

11 “(7) Cost-benefit and risk analyses regarding
12 updates to or modifications of small unmanned air-
13 craft systems that were commercially distributed
14 prior to the development of the consensus safety
15 standards so that, to the greatest extent practicable,
16 such systems meet consensus safety standards that
17 may be accepted pursuant to subsection (d).

18 “(8) Cost-benefit and risk analyses of consensus
19 safety standards that may be accepted pursuant to
20 subsection (d) for newly designed small unmanned
21 aircraft systems.

22 “(9) Applicability of consensus safety standards
23 to small unmanned aircraft systems that are not
24 commercially distributed, including home-built small
25 unmanned aircraft systems.



1 “(10) Any technology or standard related to
2 small unmanned aircraft systems that promotes
3 aviation safety.

4 “(11) Any category of unmanned aircraft sys-
5 tems that should be exempt from the consensus safe-
6 ty standards based on risk factors.

7 “(c) CONSULTATION.—In developing recommenda-
8 tions for consensus safety standards under subsection (a),
9 the Aviation Rulemaking Committee shall consult with—

10 “(1) unmanned aircraft systems stakeholders,
11 including manufacturers of varying sizes of un-
12 manned aircraft;

13 “(2) community-based aviation organizations;

14 “(3) the Center of Excellence for Unmanned
15 Aircraft Systems;

16 “(4) each operator of a test site under section
17 44802;

18 “(5) the Administrator of the National Aero-
19 nautics and Space Administration;

20 “(6) the Secretary of Defense; and

21 “(7) the leaders of appropriate standards devel-
22 opment organizations, including the President of
23 RTCA, Inc. and the Director of the National Insti-
24 tute for Standards and Technology.



1 “(d) FAA PROCESS FOR ACCEPTANCE AND AUTHOR-
2 IZATION.—Not later than 180 days after the date of re-
3 ceipt of the recommendations under subsection (a)(2), the
4 Administrator of the Federal Aviation Administration
5 shall establish a process based on those recommendations
6 for—

7 “(1) the acceptance by the Federal Aviation
8 Administration of consensus safety standards rec-
9 ommended under subsection (a)(1);

10 “(2) permitting, authorizing, or the approving
11 small unmanned aircraft systems makes and models
12 based upon the consensus safety standards accepted
13 under paragraph (1);

14 “(3) the certification of a manufacturer of
15 small unmanned aircraft systems that has dem-
16 onstrated compliance with consensus safety stand-
17 ards accepted under subsection (d)(1), which shall
18 allow the Administrator to enable the self-certifi-
19 cation by a manufacturer of small unmanned air-
20 craft systems to the standards; and

21 “(4) the certification of a manufacturer of
22 small unmanned aircraft systems, or an employee of
23 such manufacturer, that has demonstrated compli-
24 ance with the consensus safety standards developed
25 under subsection (a) and accepted under subsection



1 (d)(1) and met any other qualifying criteria, as de-
2 termined by the Administrator, to alternatively sat-
3 isfy the requirements of paragraph (2).

4 “(e) NONAPPLICABILITY OF OTHER LAWS.—The
5 process for permitting, authorizing, or approving the oper-
6 ation of small unmanned aircraft systems under sub-
7 section (d) shall allow for operation of any applicable small
8 unmanned aircraft systems within the national airspace
9 system without requiring—

10 “(1) airworthiness certification requirements
11 under section 44704 of this title; and

12 “(2) type certification under parts 21 or 23 of
13 title 14, Code of Federal Regulations.

14 “(f) MODEL AIRCRAFT.—The standards accepted
15 under subsection (d) shall be applicable to model aircraft
16 operations authorized under section 44808.

17 “(g) REVOCATION.—The Administrator may revoke
18 the permission, authorization, or approval in subsection
19 (d) if the Administrator determines that the manufacturer
20 is no longer in compliance with the standards accepted by
21 the Administrator under subsection (d)(1).

22 “(h) REQUIREMENTS.—With regard to a permit, au-
23 thorization, or approval under the process in subsection
24 (d), the Administrator may require a manufacturer of



1 small unmanned aircraft systems to provide the Federal
2 Aviation Administration with the following:

3 “(1) The aircraft system’s operating instruc-
4 tions.

5 “(2) The aircraft system’s recommended main-
6 tenance and inspection procedures.

7 “(3) The manufacturer’s statement of compli-
8 ance described in subsection (i).

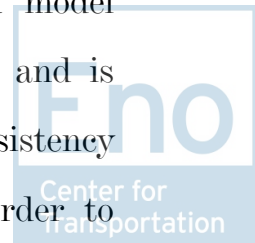
9 “(4) Upon request, a sample aircraft to be in-
10 spected by the Federal Aviation Administration to
11 ensure compliance with the consensus safety stand-
12 ards accepted by the Administrator under subsection
13 (d).

14 “(i) MANUFACTURER’S STATEMENT OF COMPLIANCE
15 FOR SMALL UAS.—A manufacturer’s statement of com-
16 pliance shall—

17 “(1) identify the aircraft make and model, and
18 any applicable consensus safety standards used;

19 “(2) state that the aircraft make and model
20 meets the provisions of the consensus safety stand-
21 ards identified in paragraph (1);

22 “(3) state that the aircraft make and model
23 conforms to the manufacturer’s design data and is
24 manufactured in a way that ensures consistency
25 across units in the production process in order to



1 meet the applicable consensus safety standards ac-
2 cepted by the Administrator;

3 “(4) state that the manufacturer will make
4 available to any interested person—

5 “(A) the aircraft’s operating instructions,
6 that meet the consensus safety standards iden-
7 tified in paragraph (1); and

8 “(B) the aircraft’s recommended mainte-
9 nance and inspection procedures, that meet the
10 consensus safety standards identified in para-
11 graph (1);

12 “(5) state that the manufacturer will monitor
13 safety-of-flight issues to ensure it meets the con-
14 sensus safety standards identified in paragraph (1);

15 “(6) state that at the request of the Adminis-
16 trator, the manufacturer will provide reasonable ac-
17 cess for the Administrator to its facilities for the
18 purposes of overseeing compliance with this section;
19 and

20 “(7) state that the manufacturer, in accordance
21 with testing requirements identified by the Federal
22 Aviation Administration, has—

23 “(A) ground and flight tested random sam-
24 ples of the aircraft;



1 “(B) found the sample aircraft perform-
2 ance acceptable; and

3 “(C) determined that the make and model
4 of aircraft is suitable for safe operation.

5 “(j) PROHIBITIONS.—

6 “(1) FALSE STATEMENTS OF COMPLIANCE.—It
7 shall be unlawful for any person to knowingly submit
8 a statement of compliance described in subsection (i)
9 that is materially false.

10 “(2) INTRODUCTION INTO INTERSTATE COM-
11 MERCE.—It shall be unlawful for any person to
12 knowingly introduce or deliver for introduction into
13 interstate commerce any small unmanned aircraft
14 system for which standards developed under sub-
15 section (d) are accepted and are applicable, and are
16 manufactured after the date that the Administrator
17 accepts any applicable safety standards under this
18 section unless—

19 “(A) the make and model has been per-
20 mitted, authorized, or approved for operation
21 under subsection (d); or

22 “(B) the aircraft has alternatively received
23 type, design, and production approval issued by
24 the Federal Aviation Administration.



1 “(k) EXCLUSIONS.—The Administrator shall exempt
2 from the requirements of this section small unmanned air-
3 craft systems that are not capable of navigating beyond
4 the visual line of sight of the operator through advanced
5 flight systems and technology, if the Administrator deter-
6 mines that such an exemption does not pose a risk to the
7 safety of the national airspace system.”.

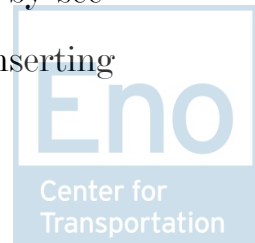
8 (b) UNMANNED AIRCRAFT SYSTEMS RESEARCH FA-
9 CILITY.—The Center of Excellence for Unmanned Aircraft
10 Systems shall establish an unmanned aircraft systems re-
11 search facility to study appropriate safety standards for
12 unmanned aircraft systems and to validate such stand-
13 ards, as directed by the Administrator of the Federal Avia-
14 tion Administration, consistent with section 44803 of title
15 49, United States Code, as added by this section.

16 (c) TABLE OF CONTENTS.—The table of contents for
17 chapter 448, as amended by section 2122 of this Act, is
18 further amended by inserting after the item relating to
19 section 44802 the following:

“44803. Small unmanned aircraft safety standards.”.

20 **SEC. 2124. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.**

21 (a) IN GENERAL.—Chapter 448, as amended by sec-
22 tion 2123 of this Act, is further amended by inserting
23 after section 44803 the following:



1 **“§ 44804. Small unmanned aircraft in the Arctic**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 shall develop a plan and initiate a process to work with
4 relevant Federal agencies and national and international
5 communities to designate permanent areas in the Arctic
6 where small unmanned aircraft may operate 24 hours per
7 day for research and commercial purposes.

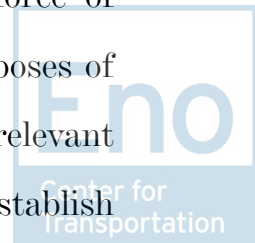
8 “(b) PLAN CONTENTS.—The plan under subsection
9 (a) shall include the development of processes to facilitate
10 the safe operation of small unmanned aircraft beyond the
11 visual line of sight.

12 “(c) REQUIREMENTS.—Each permanent area des-
13 ignated under subsection (a) shall enable over-water
14 flights from the surface to at least 2,000 feet in altitude,
15 with ingress and egress routes from selected coastal
16 launch sites.

17 “(d) AGREEMENTS.—To implement the plan under
18 subsection (a), the Secretary may enter into an agreement
19 with relevant national and international communities.

20 “(e) AIRCRAFT APPROVAL.—

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 not later than 1 year after the entry into force of
23 an agreement necessary to effectuate the purposes of
24 this section, the Secretary shall work with relevant
25 national and international communities to establish
26 and implement a process for approving the use of a



1 small unmanned aircraft in the designated perma-
2 nent areas in the Arctic without regard to whether
3 the small unmanned aircraft is used as a public air-
4 craft, a civil aircraft, or a model aircraft.

5 “(2) EXISTING PROCESS.—The Secretary may
6 implement an existing process to meet the require-
7 ments under paragraph (1).”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) TABLE OF CONTENTS.—The table of con-
10 tents for chapter 448, as amended by section 2123
11 of this Act, is further amended by inserting after the
12 item relating to section 44803 the following:

“44804. Small unmanned aircraft in the Arctic.”.

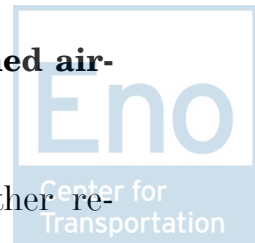
13 (2) EXPANDING USE OF UNMANNED AIRCRAFT
14 SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-
15 ernization and Reform Act of 2012 (49 U.S.C.
16 40101 note) is amended by striking subsection (d).

17 **SEC. 2125. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
18 **AIRCRAFT SYSTEMS.**

19 (a) IN GENERAL.—Chapter 448, as amended by sec-
20 tion 2124 of this Act, is further amended by inserting
21 after section 44804 the following:

22 **“§ 44805. 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



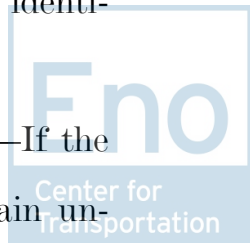
1 shall use a risk-based approach to determine if certain un-
2 manned aircraft systems may operate safely in the na-
3 tional airspace system notwithstanding completion of the
4 comprehensive plan and rulemaking required by section
5 332 of the FAA Modernization and Reform Act of 2012
6 (49 U.S.C. 40101 note) or the guidance required by sec-
7 tion 44807.

8 “(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
9 TEMS.—In making the determination under subsection
10 (a), the Secretary shall determine, at a minimum—

11 “(1) which types of unmanned aircraft systems,
12 if any, as a result of their size, weight, speed, oper-
13 ational capability, proximity to airports and popu-
14 lated areas, operation over people, and operation
15 within or beyond the visual line of sight, or oper-
16 ation during the day or night, do not create a haz-
17 ard to users of the national airspace system or the
18 public; and

19 “(2) whether a certificate under section 44703
20 or section 44704 of this title, or a certificate of
21 waiver or certificate of authorization, is required for
22 the operation of unmanned aircraft systems identi-
23 fied under paragraph (1) of this subsection.

24 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
25 Secretary determines under this section that certain un-



1 manned aircraft systems may operate safely in the na-
2 tional airspace system, the Secretary shall establish re-
3 quirements for the safe operation of such aircraft systems
4 in the national airspace system, including operation re-
5 lated to research, development, and testing of proprietary
6 systems.

7 “(d) PILOT CERTIFICATION EXEMPTION.—If the
8 Secretary proposes, under this section, to require an oper-
9 ator of an unmanned aircraft system to hold an airman
10 certificate, a medical certificate, or to have a minimum
11 number of hours operating a manned aircraft, the Sec-
12 retary shall set forth the reasoning for such proposal and
13 seek public notice and comment before imposing any such
14 requirements.

15 “(e) SUNSET.—The authority under this section for
16 the Secretary to determine if certain unmanned aircraft
17 systems may operate safely in the national airspace system
18 terminates effective September 30, 2021.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) TABLE OF CONTENTS.—The table of con-
21 tents for chapter 448, as amended by section 2124
22 of this Act, is further amended by inserting after the
23 item relating to section 44804 the following:

“44805. Special authority for certain unmanned aircraft systems.”.

24 (2) SPECIAL RULES FOR CERTAIN UNMANNED
25 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-



1 ernization and Reform Act of 2012 (49 U.S.C.
2 40101 note) and the item relating to that section in
3 the table of contents under section 1(b) of that Act
4 (126 Stat. 13) are repealed.

5 **SEC. 2126. ADDITIONAL RULEMAKING AUTHORITY.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) beyond visual line of sight operations, night-
9 time operations, and operations over people of un-
10 manned aircraft systems have tremendous poten-
11 tial—

12 (A) to enhance both commercial and aca-
13 demic use;

14 (B) to spur economic growth and develop-
15 ment through innovative applications of this
16 emerging technology; and

17 (C) to improve emergency response efforts
18 as it relates to assessing damage to critical in-
19 frastructure such as roads, bridges, and utili-
20 ties, including water and power, ultimately
21 speeding response time;

22 (2) advancements in miniaturization of safety
23 technologies, including for aircraft weighing under
24 4.4 pounds, have increased economic opportunities
25 for using unmanned aircraft systems while reducing



1 kinetic energy and risk compared to unmanned air-
2 craft that may weigh 4.4 pounds or more, but less
3 than 55 pounds;

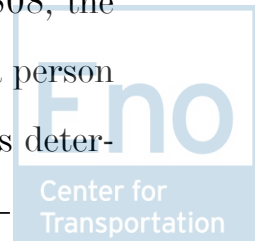
4 (3) advancements in unmanned technology will
5 have the capacity to ultimately improve manned air-
6 craft safety; and

7 (4) integrating unmanned aircraft systems safe-
8 ly into the national airspace, including beyond visual
9 line of sight operations, nighttime operations on a
10 routine basis, and operations over people should re-
11 main a top priority for the Federal Aviation Admin-
12 istration as it pursues additional rulemakings under
13 the amendments made by this section.

14 (b) IN GENERAL.—Chapter 448, as amended by sec-
15 tion 2125 of this Act, is further amended by inserting
16 after section 44805 the following:

17 **“§ 44806. Additional rulemaking authority**

18 “(a) IN GENERAL.—Notwithstanding the rulemaking
19 required by section 332 of the FAA Modernization and
20 Reform Act of 2012 (49 U.S.C. 40101 note) or the guid-
21 ance required by section 44807 of this title and subject
22 to subsection (b)(2) of this section and section 44808, the
23 Administrator may issue regulations under which a person
24 may operate certain unmanned aircraft systems (as deter-
25 mined by the Administrator) in the United States—



1 “(1) without an airman certificate;

2 “(2) without an airworthiness certificate for the
3 associated unmanned aircraft; or

4 “(3) that are not registered with the Federal
5 Aviation Administration.

6 “(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-
7 ATIONAL RULES.—

8 “(1) IN GENERAL.—Notwithstanding the rule-
9 making required by section 332 of the FAA Mod-
10 ernization and Reform Act of 2012 (49 U.S.C.
11 40101 note), the Administrator shall issue regula-
12 tions not later than 270 days after the date of en-
13 actment of the Federal Aviation Administration Re-
14 authorization Act of 2018 under which any person
15 may operate a micro unmanned aircraft system clas-
16 sification of unmanned aircraft systems, the aircraft
17 component of which weighs 4.4 pounds or less, in-
18 cluding payload, without the person operating the
19 system being required to pass any airman certifi-
20 cation requirement, including any requirements
21 under section 44703 of this title, part 61 of title 14,
22 Code of Federal Regulations, or any other rule or
23 regulation relating to airman certification.

24 “(2) OPERATIONAL RULES.—The rulemaking
25 required by paragraph (1) relating to micro un-



1 manned aircraft systems shall consider the following
2 rules, or any appropriate modifications thereof con-
3 cerning altitude, airspeed, geographic location, and
4 time of day as the Administrator considers appro-
5 prium, for operation of such systems:

6 “(A) Operation at an altitude of less than
7 400 feet above ground level.

8 “(B) Operation with an airspeed of not
9 greater than 40 knots.

10 “(C) Operation within the visual line of
11 sight of the operator.

12 “(D) Operation during the hours between
13 sunrise and sunset.

14 “(E) Operation not less than 5 statute
15 miles from the geographic center of an airport
16 with an operational air traffic control tower or
17 an airport denoted on a current aeronautical
18 chart published by the Federal Aviation Admin-
19 istration, except that a micro unmanned air-
20 craft system may be operated within 5 statute
21 miles of such an airport if the operator of the
22 system—

23 “(i) provides notice to the airport op-
24 erator; and



1 “(ii) in the case of an airport with an
2 operational air traffic control tower, re-
3 ceives approval from the air traffic control
4 tower.

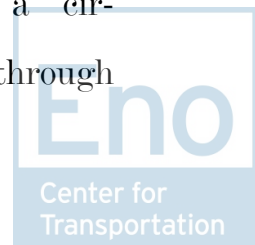
5 “(c) SCOPE OF REGULATIONS.—

6 “(1) IN GENERAL.—In determining whether a
7 person may operate an unmanned aircraft system
8 under 1 or more of the circumstances described
9 under paragraphs (1) through (3) of subsection (a),
10 the Administrator shall use a risk-based approach
11 and consider, at a minimum, the physical and func-
12 tional characteristics of the micro unmanned aircraft
13 system.

14 “(2) LIMITATION.—The Administrator may
15 only issue regulations under this section for micro
16 unmanned aircraft systems that the Administrator
17 determines may be operated safely in the national
18 airspace system.

19 “(d) RULES OF CONSTRUCTION.—Nothing in this
20 section may be construed—

21 “(1) to prohibit a person from operating a
22 micro unmanned aircraft system under a cir-
23 cumstance described under paragraphs (1) through
24 (3) of subsection (a) if—



1 “(A) the circumstance is allowed by regula-
2 tions issued under this section; and

3 “(B) the person operates the micro un-
4 manned aircraft system in a manner prescribed
5 by the regulations; and

6 “(2) to limit or affect in any way the Adminis-
7 trator’s authority to conduct a rulemaking, make a
8 determination, or carry out any activity related to
9 unmanned aircraft or unmanned aircraft systems
10 under any other provision of law.”.

11 (c) TABLE OF CONTENTS.—The table of contents for
12 chapter 448, as amended by section 2125 of this Act, is
13 further amended by inserting after the item relating to
14 section 44805 the following:

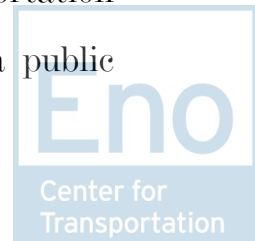
“44806. Additional rulemaking authority.”.

15 **SEC. 2127. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
16 **TEMS.**

17 (a) IN GENERAL.—Chapter 448, as amended by sec-
18 tion 2126 of this Act, is further amended by inserting
19 after section 44806 the following:

20 **“§ 44807. Public unmanned aircraft systems**

21 “(a) GUIDANCE.—The Secretary of Transportation
22 shall issue guidance regarding the operation of a public
23 unmanned aircraft system—



1 “(1) to streamline the process for the issuance
2 of a certificate of authorization or a certificate of
3 waiver;

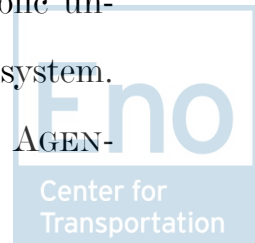
4 “(2) to provide for a collaborative process with
5 public agencies to allow for an incremental expansion
6 of access to the national airspace system as
7 technology matures and the necessary safety analyses
8 and data become available, and until standards
9 are completed and technology issues are resolved;

10 “(3) to facilitate the capability of public agencies
11 to develop and use test ranges, subject to operating
12 restrictions required by the Federal Aviation
13 Administration, to test and operate public unmanned
14 aircraft systems; and

15 “(4) to provide guidance on a public agency’s
16 responsibilities when operating an unmanned aircraft
17 without a civil airworthiness certificate issued
18 by the Administration.

19 “(b) STANDARDS FOR OPERATION AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall develop and implement an operations
20 and certification program for the operators of public unmanned aircraft systems in the national airspace system.

24 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
25 CIES.—



1 “(1) IN GENERAL.—The Secretary shall enter
2 into an agreement with each appropriate public
3 agency to simplify the process for issuing a certifi-
4 cate of waiver or a certificate of authorization with
5 respect to an application for authorization to operate
6 a public unmanned aircraft system in the national
7 airspace system.

8 “(2) CONTENTS.—An agreement under para-
9 graph (1) shall—

10 “(A) with respect to an application de-
11 scribed in paragraph (1)—

12 “(i) provide for an expedited review of
13 the application;

14 “(ii) require a decision by the Admin-
15 istrator on approval or disapproval not
16 later than 60 business days after the date
17 of submission of the application;

18 “(iii) allow for an expedited appeal if
19 the application is disapproved; and

20 “(iv) if applicable, include verification
21 of the data minimization policy required
22 under subsection (d);

23 “(B) allow for a one-time approval of simi-
24 lar operations carried out during a fixed period
25 of time; and



1 “(C) allow a government public safety
2 agency to operate an unmanned aircraft weigh-
3 ing 25 pounds or less if that unmanned aircraft
4 is operated—

5 “(i) within or beyond the visual line of
6 sight of the operator;

7 “(ii) less than 400 feet above the
8 ground;

9 “(iii) during daylight conditions;

10 “(iv) within Class G airspace; and

11 “(v) outside of 5 statute miles from
12 any airport, heliport, seaplane base, space-
13 port, or other location with aviation activi-
14 ties.

15 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
16 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
17 180 days after the date of enactment of the Federal Avia-
18 tion Administration Reauthorization Act of 2018 each
19 Federal agency authorized by the Secretary to operate an
20 unmanned aircraft system shall develop and update a data
21 minimization policy that requires, at a minimum, that—

22 “(1) prior to the deployment of any new un-
23 manned aircraft system technology, and at least
24 every 3 years, existing policies and procedures relat-
25 ing to the collection, use, retention, and dissemina-



1 tion of information obtained by an unmanned air-
2 craft system must be examined to ensure that pri-
3 vacy, civil rights, and civil liberties are protected;

4 “(2) if the unmanned aircraft system is the
5 platform for information collection, information
6 must be collected, used, retained, and disseminated
7 consistent with the Constitution, Federal law, and
8 other applicable regulations and policies, such as
9 section 552a of title 5 (commonly known as the Pri-
10 vacy Act of 1974);

11 “(3) the Federal agency, or person operating on
12 its behalf, only collect information using the un-
13 manned aircraft system, or use unmanned aircraft
14 system-collected information, to the extent that the
15 collection or use is consistent with and relevant to
16 an authorized purpose as determined by the head of
17 the Federal agency and consistent with the law;

18 “(4) any information collected, using an un-
19 manned aircraft or an unmanned aircraft system,
20 that may contain personal information will not be
21 retained by any Federal agency for more than 180
22 days after the date of collection unless—

23 “(A) the head of the Federal agency deter-
24 mines that retention of the information is di-
25 rectly relevant and necessary to accomplish the



1 specific purpose for which the Federal agency
2 used the unmanned aircraft system;

3 “(B) that Federal agency maintains the in-
4 formation in a system of records under section
5 552a of title 5; or

6 “(C) the information is required to be re-
7 tained for a longer period under other applica-
8 ble law, including regulations;

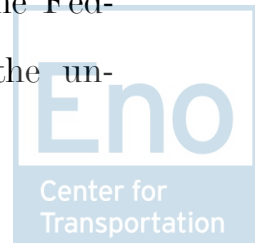
9 “(5) any information collected, using an un-
10 manned aircraft or unmanned aircraft system, that
11 is not maintained in a system of records under sec-
12 tion 552a of title 5, will not be disseminated outside
13 of that Federal agency unless—

14 “(A) dissemination is required by law; or

15 “(B) dissemination satisfies an authorized
16 purpose and complies with that Federal agen-
17 cy’s disclosure requirements;

18 “(6) to the extent it does not compromise law
19 enforcement or national security a Federal agency
20 shall—

21 “(A) provide notice to the public regarding
22 where in the national airspace system the Fed-
23 eral agency is authorized to operate the un-
24 manned aircraft system;



1 “(B) keep the public informed about the
2 Federal agency’s unmanned aircraft system
3 program, including any changes to that pro-
4 gram that would significantly affect privacy,
5 civil rights, or civil liberties;

6 “(C) make available to the public, on an
7 annual basis, a general summary of the Federal
8 agency’s unmanned aircraft system operations
9 during the previous fiscal year, including—

10 “(i) a brief description of types or cat-
11 egories of missions flown; and

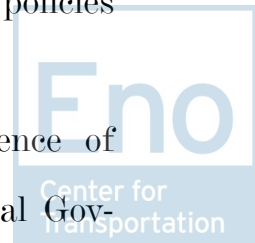
12 “(ii) the number of times the Federal
13 agency provided assistance to other agen-
14 cies or to State, local, tribal, or territorial
15 governments; and

16 “(D) make available on a public and
17 searchable Internet website the data minimiza-
18 tion policy of the Federal agency;

19 “(7) ensures oversight of the Federal agency’s
20 unmanned aircraft system use, including—

21 “(A) the use of audits or assessments that
22 comply with existing Federal agency policies
23 and regulations;

24 “(B) the verification of the existence of
25 rules of conduct and training for Federal Gov-



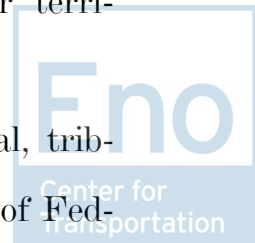
1 ernment personnel and contractors who work on
2 programs, and procedures for reporting sus-
3 pected cases of misuse or abuse of unmanned
4 aircraft system technologies;

5 “(C) the establishment of policies and pro-
6 cedures, or confirmation that policies and pro-
7 cedures are in place, that provide meaningful
8 oversight of individuals who have access to sen-
9 sitive information, including personal informa-
10 tion, collected using an unmanned aircraft sys-
11 tem;

12 “(D) ensuring that any data-sharing
13 agreements or policies, data use policies, and
14 record management policies applicable to an un-
15 manned aircraft system conform to applicable
16 laws, including regulations and policies;

17 “(E) the establishment of policies and pro-
18 cedures, or confirmation that policies and pro-
19 cedures exist, to authorize the use of an un-
20 manned aircraft system in response to a request
21 for unmanned aircraft system assistance in sup-
22 port of Federal, State, local, tribal, or terri-
23 torial government operations; and

24 “(F) a requirement that State, local, trib-
25 al, and territorial government recipients of Fed-



1 eral grant funding for the purchase or use of
2 unmanned aircraft systems for their own oper-
3 ations have in place policies and procedures to
4 safeguard individuals' privacy, civil rights, and
5 civil liberties prior to expending such funds; and
6 “(8) ensures the protection of civil rights and
7 civil liberties, including—

8 “(A) ensuring that policies are in place to
9 prohibit the collection, use, retention, or dis-
10 semination of data in any manner that would
11 violate a person's civil rights and civil liberties,
12 in violation of law;

13 “(B) ensuring that unmanned aircraft sys-
14 tem activities are performed in a manner con-
15 sistent with the Constitution and applicable
16 laws, including Executive orders and other
17 Presidential directives; and

18 “(C) ensuring that adequate procedures
19 are in place to receive, investigate, and address,
20 as appropriate, privacy, civil rights, and civil
21 liberties complaints.

22 “(e) FEDERAL AGENCY COORDINATION TO ENHANCE
23 THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF
24 PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Adminis-
25 trator shall assist and enable, without undue interference,



1 Federal civilian government agencies that operate un-
2 manned aircraft systems within civil-controlled airspace,
3 in operationally deploying and integrating sense and avoid
4 capabilities, as necessary to operate unmanned aircraft
5 systems safely and effectively within the National Air
6 Space.

7 “(f) LAW ENFORCEMENT AND NATIONAL SECU-
8 RITY.—Each Federal agency shall effectuate a require-
9 ment under subsection (d) only to the extent it does not
10 compromise law enforcement or national security.

11 “(g) DEFINITION OF FEDERAL AGENCY.—In sub-
12 sections (e) and (g), the term ‘Federal agency’ has the
13 meaning given the term ‘agency’ in section 552(f) of title
14 5.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF CONTENTS.—The table of con-
17 tents for chapter 448, as amended by section 2126
18 of this Act, is further amended by inserting after the
19 item relating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

20 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—

21 Section 334 of the FAA Modernization and Reform
22 Act of 2012 (49 U.S.C. 40101 note) and the item
23 relating to that section in the table of contents
24 under section 1(b) of that Act (126 Stat. 13) are re-
25 pealed.



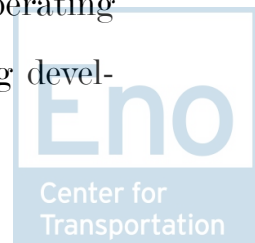
1 (3) FACILITATING INTERAGENCY COOPERATION
2 FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUP-
3 PORT OF FIREFIGHTING OPERATIONS AND UTILITY
4 RESTORATION.—Section 2204(a) of the FAA Exten-
5 sion Safety and Security Act of 2016 (Public Law
6 114-190; 130 Stat. 615) is amended by striking
7 “section 334(c) of the FAA Modernization and Re-
8 form Act of 2012 (49 U.S.C. 40101 note)” and in-
9 serting “section 44807 of title 49, United States
10 Code”.

11 **SEC. 2128. SPECIAL RULES FOR MODEL AIRCRAFT.**

12 (a) IN GENERAL.—Chapter 448, as amended by sec-
13 tion 2127 of this Act, is further amended by inserting
14 after section 44807 the following:

15 **“§ 44808. Special rules for model aircraft**

16 “(a) IN GENERAL.—Except as provided in subsection
17 (d), and notwithstanding any other provision of law relat-
18 ing to the incorporation of unmanned aircraft systems into
19 Federal Aviation Administration plans and policies, in-
20 cluding this chapter, the Administrator of the Federal
21 Aviation Administration may not promulgate any new rule
22 or regulation regarding an unmanned aircraft operating
23 as a model aircraft or an unmanned aircraft being devel-
24 oped as a model aircraft if—



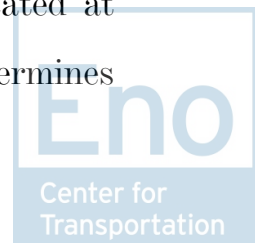
1 “(1) the aircraft is flown strictly for hobby or
2 recreational use;

3 “(2) the aircraft is operated in accordance with
4 a community-based set of safety guidelines and with-
5 in the programming of a nationwide community-
6 based organization;

7 “(3) not flown beyond the visual line of sight of
8 persons co-located with the operator or in direct
9 communication with the operator;

10 “(4) the aircraft is operated in a manner that
11 does not interfere with and gives way to any manned
12 aircraft;

13 “(5) when flown within 5 miles of an airport,
14 the operator of the aircraft provides the airport op-
15 erator, where applicable, and the airport air traffic
16 control tower (when an air traffic facility is located
17 at the airport) with prior notice of the operation
18 (model aircraft operators flying from a permanent
19 location within 5 miles of an airport should establish
20 a mutually agreed upon operating procedure with
21 the airport operator and the airport air traffic con-
22 trol tower (when an air traffic facility is located at
23 the airport)), unless the Administrator determines
24 approval should be required;



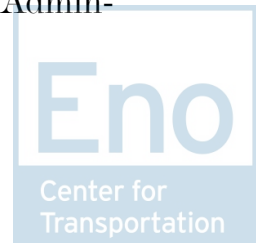
1 “(6) the aircraft is flown from the surface to
2 not more than 400 feet in altitude, except under
3 special conditions and programs established by a
4 community-based organization; and

5 “(7) the operator has passed an aeronautical
6 knowledge and safety test administered by the Fed-
7 eral Aviation Administration online for the operation
8 of unmanned aircraft systems subject to the require-
9 ments of section 44809 or developed and adminis-
10 tered by the community-based organization and
11 maintains proof of test passage to be made available
12 to the Administrator or law enforcement upon re-
13 quest.

14 “(b) UPDATES.—

15 “(1) IN GENERAL.—The Administrator, in col-
16 laboration with government and industry stake-
17 holders, including nationwide community-based orga-
18 nizations, shall initiate a process to update the oper-
19 ational parameters under subsection (a), as appro-
20 priate.

21 “(2) CONSIDERATIONS.—In updating an oper-
22 ational parameter under paragraph (1), the Admin-
23 istrator shall consider—



1 “(A) appropriate operational limitations to
2 mitigate aviation safety risk and risk to the un-
3 involved public;

4 “(B) operations outside the membership,
5 guidelines, and programming of a nationwide
6 community-based organization;

7 “(C) physical characteristics, technical
8 standards, and classes of aircraft operating
9 under this section;

10 “(D) trends in use, enforcement, or inci-
11 dents involving unmanned aircraft systems; and

12 “(E) ensuring, to the greatest extent prac-
13 ticable, that updates to the operational param-
14 eters correspond to, and leverage, advances in
15 technology.

16 “(3) SAVINGS CLAUSE.—Nothing in this sub-
17 section shall be construed as expanding the author-
18 ity of the Administrator to require operators of
19 model aircraft under the exemption of this sub-
20 section to be required to seek permissive authority of
21 the Administrator prior to operation in the national
22 airspace system.

23 “(c) STATUTORY CONSTRUCTION.—Nothing in this
24 section shall be construed to limit the authority of the Ad-



1 ministrator to pursue enforcement action against persons
2 operating model aircraft.

3 “(d) EXCEPTIONS.—The Administrator may promul-
4 gate rules relating to the registration and marking of
5 model aircraft.

6 “(e) MODEL AIRCRAFT DEFINED.—In this section,
7 the term ‘model aircraft’ means an unmanned aircraft
8 that—

9 “(1) is capable of sustained flight in the atmos-
10 phere; and

11 “(2) is limited to weighing less than 55 pounds,
12 including the weight of anything attached to or car-
13 ried by the aircraft, unless otherwise approved
14 through a design, construction, inspection, flight
15 test, and operational safety program administered by
16 a community-based organization.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) TABLE OF CONTENTS.—The table of con-
19 tents for chapter 448, as amended by section 2127
20 of this Act, is further amended by inserting after the
21 item relating to section 44807 the following:

“44808. Special rules for model aircraft.”.

22 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—

23 Section 336 of the FAA Modernization and Reform
24 Act of 2012 (49 U.S.C. 40101 note) and the item
25 relating to that section in the table of contents



1 under section 1(b) of that Act (126 Stat. 13) are re-
2 pealed.

3 **SEC. 2129. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
4 **KNOWLEDGE AND SAFETY.**

5 (a) IN GENERAL.—Chapter 448, as amended by sec-
6 tion 2128 of this Act, is further amended by inserting
7 after section 44808 the following:

8 **“§ 44809. Aeronautical knowledge and safety test**

9 “(a) IN GENERAL.—An individual may not operate
10 an unmanned aircraft system unless—

11 “(1) the individual has successfully completed
12 an aeronautical knowledge and safety test under
13 subsection (c);

14 “(2) the individual has authority to operate an
15 unmanned aircraft under other Federal law;

16 “(3) the individual is a holder of an airmen cer-
17 tificate issued under section 44703; or

18 “(4) the individual is operating a model aircraft
19 or an unmanned aircraft being developed as a model
20 aircraft under section 44808 and has successfully
21 completed an aeronautical knowledge and safety test
22 in accordance with the community-based organiza-
23 tions safety program described in that section.

24 “(b) EXCEPTION.—This section shall not apply to the
25 operation of an unmanned aircraft system that has been



1 authorized by the Federal Aviation Administration under
2 section 44802, 44805, 44806, or 44807. The Adminis-
3 trator may waive the requirements of this section for oper-
4 ators of aircraft weighing less than 0.55 pounds or for
5 operators under the age of 13 operating the unmanned
6 aircraft system under the supervision of an adult as deter-
7 mined by the Administrator.

8 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
9 TEST.—Not later than 180 days after the date of enact-
10 ment of the Federal Aviation Administration Reauthoriza-
11 tion Act of 2018, the Administrator of the Federal Avia-
12 tion Administration, in consultation with manufacturers
13 of unmanned aircraft systems, other industry stake-
14 holders, and community-based aviation organizations,
15 shall develop an aeronautical knowledge and safety test
16 that can be administered electronically.

17 “(d) REQUIREMENTS.—The Administrator shall en-
18 sure that the aeronautical knowledge and safety test is de-
19 signed to adequately demonstrate an operator’s—

20 “(1) understanding of aeronautical safety
21 knowledge, as applicable; and

22 “(2) knowledge of Federal Aviation Administra-
23 tion regulations and requirements pertaining to the
24 operation of an unmanned aircraft system in the na-
25 tional airspace system.



1 “(e) RECORD OF COMPLIANCE.—

2 “(1) IN GENERAL.—Each operator of an un-
3 manned aircraft system described under subsection
4 (a) shall maintain and make available for inspection,
5 upon request by the Administrator or a Federal,
6 State, or local law enforcement officer, a record of
7 compliance with this section through—

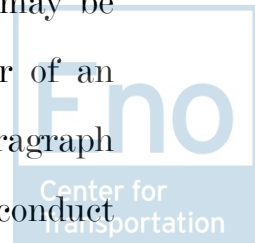
8 “(A) an identification number, issued by
9 the Federal Aviation Administration certifying
10 passage of the aeronautical knowledge and safe-
11 ty test;

12 “(B) if the individual has authority to op-
13 erate an unmanned aircraft system under other
14 Federal law, the requisite proof of authority
15 under that law; or

16 “(C) an airmen certificate issued under
17 section 44703.

18 “(2) COORDINATION.—The Administrator may
19 coordinate the identification number under para-
20 graph (1)(A) with an operator’s registration number
21 to the extent practicable.

22 “(3) LIMITATION.—No fine or penalty may be
23 imposed for the initial failure of an operator of an
24 unmanned aircraft system to comply with paragraph
25 (1) unless the Administrator finds that the conduct



1 of the operator actually posed a risk to the national
2 airspace system.”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 chapter 448, as amended by section 2128 of this Act, is
5 further amended by inserting after the item relating to
6 section 44808 the following:

“44809. Aeronautical knowledge and safety test.”.

7 **SEC. 2130. TREATMENT OF UNMANNED AIRCRAFT OPER-**
8 **ATING UNDERGROUND.**

9 An unmanned aircraft system that is operated under-
10 ground for mining purposes shall not be subject to regula-
11 tion or enforcement by the Federal Aviation Administra-
12 tion under chapter 448 of title 49, United States Code.

13 **SEC. 2131. ENFORCEMENT.**

14 (a) UAS SAFETY ENFORCEMENT.—The Adminis-
15 trator of the Federal Aviation Administration shall estab-
16 lish a program to utilize available remote detection and
17 identification technologies for safety oversight, including
18 enforcement actions against operators of unmanned air-
19 craft systems that are not in compliance with applicable
20 Federal aviation laws, including regulations.

21 (b) CIVIL PENALTIES.—

22 (1) IN GENERAL.—Section 46301 is amended—

23 (A) in subsection (a)(1)(A), by inserting

24 “chapter 448,” after “chapter 447 (except sec-
25 tions 44717 and 44719–44723),”;



1 (B) in subsection (a)(5)(A)(i), by inserting
2 “chapter 448,” after “chapter 447 (except sec-
3 tions 44717–44723),”;

4 (C) in subsection (d)(2), by inserting
5 “chapter 448,” after “chapter 447 (except sec-
6 tions 44717 and 44719–44723),”;

7 (D) in subsection (f)(1)(A)(i), by inserting
8 “chapter 448,” after “chapter 447 (except
9 44717 and 44719–44723),”.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 subsection shall be construed to limit the authority
12 of the Administrator to pursue an enforcement ac-
13 tion for a violation of this Act, a regulation pre-
14 scribed or order or authority issued under this Act,
15 or any other applicable provision of aviation safety
16 law or regulation.

17 (c) REPORTING.—As part of the program, the Ad-
18 ministrator shall establish and publicize a mechanism for
19 the public and Federal, State, and local law enforcement
20 to report a suspected abuse or a violation of chapter 448
21 of title 49, United States Code, for enforcement action.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
23 out this section, there is authorized to be appropriated
24 \$5,000,000 for each of the fiscal years 2018 through
25 2021.



1 **SEC. 2132. AIRPORT SAFETY AND AIRSPACE HAZARD MITI-**
2 **GATION AND ENFORCEMENT.**

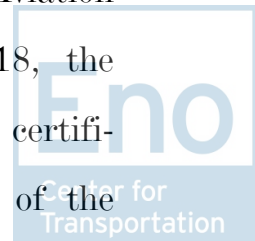
3 (a) IN GENERAL.—Chapter 448, as amended by sec-
4 tion 2129 of this Act, is further amended by inserting
5 after section 44809 the following:

6 **“§ 44810. Airport safety and airspace hazard mitiga-**
7 **tion and enforcement**

8 “(a) AUTHORITY.—The Administrator of the Federal
9 Aviation Administration shall work with the Secretary of
10 Defense, the Secretary of Homeland Security, and the
11 heads of other relevant Federal departments and agencies
12 for the purpose of ensuring that technologies or systems
13 that are developed, tested, or deployed by Federal depart-
14 ments and agencies to detect and mitigate potential
15 threats posed by errant or hostile unmanned aircraft sys-
16 tem operations do not adversely impact or interfere with
17 safe airport operations, navigation, air traffic services, or
18 the safe and efficient operation of the national airspace
19 system.

20 “(b) PLAN.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of the Federal Aviation
23 Administration Reauthorization Act of 2018, the
24 Administrator shall develop a plan for the certifi-
25 cation, permitting, authorizing, or allowing of the

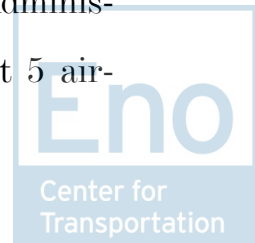


1 deployment of technologies or systems for the detec-
2 tion and mitigation of unmanned aircraft systems.

3 “(2) CONTENTS.—The plan shall provide for
4 the development of policies, procedures, or protocols
5 that will allow appropriate officials of Federal, State,
6 or local agencies requesting to utilize such tech-
7 nologies or systems to take steps to detect and miti-
8 gate potential airspace safety threats posed by un-
9 manned aircraft system operations.

10 “(3) AVIATION RULEMAKING COMMITTEE.—The
11 Administrator may charter an aviation rulemaking
12 committee to make recommendations for such a plan
13 and any standards that the Administrator deter-
14 mines may need to be developed with respect to such
15 technologies or systems. The Federal Advisory Com-
16 mittee Act (5 U.S.C. App.) shall not apply to an
17 aviation rulemaking committee chartered under this
18 paragraph.

19 “(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In
20 order to test and evaluate technologies or systems to de-
21 tect and mitigate potential airspace safety threats posed
22 by unmanned aircraft system operations, the Adminis-
23 trator shall deploy such technologies or systems at 5 air-
24 ports.

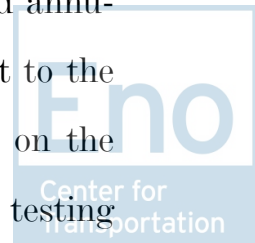


1 “(d) AUTHORITY.—Under the testing and evaluation
2 in subsection (c), the Administrator may use unmanned
3 aircraft detection and mitigation systems to detect and
4 mitigate the unauthorized operation of an unmanned air-
5 craft that poses a risk to airspace safety. Utilization of
6 such technologies or systems, and the communications
7 sent using such technologies and systems to unmanned
8 aircraft systems, shall be regarded as equivalent to separa-
9 tion instructions to pilots of manned aircraft.

10 “(e) AIP FUNDING ELIGIBILITY.—Upon the certifi-
11 cation, permitting, authorizing, or allowing of such tech-
12 nologies and systems that have been successfully tested
13 under this section, an airport sponsor may apply for a
14 grant under subchapter I of chapter 471 to purchase an
15 unmanned aircraft detection and mitigation system. For
16 purposes of this subsection, purchasing an unmanned air-
17 craft detection and mitigation system shall be considered
18 airport development (as defined in section 47102).

19 “(f) REPORT.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Federal Aviation Ad-
22 ministration Reauthorization Act of 2018, and annu-
23 ally thereafter, the Administrator shall submit to the
24 appropriate committees of Congress a report on the
25 implementation of this section, including the testing



1 and evaluation of detection and mitigation systems
2 under this section.

3 “(2) CONTENTS.—The report under paragraph
4 (1) shall include the following:

5 “(A) The number of unauthorized un-
6 manned aircraft operations detected, together
7 with a description of such operations.

8 “(B) The number of instances in which
9 unauthorized unmanned aircraft were miti-
10 gated, together with a description of such in-
11 stances.

12 “(C) The number of enforcement cases
13 brought by the Federal Aviation Administration
14 for unauthorized operation of unmanned air-
15 craft detected through the program, together
16 with a description of such cases.

17 “(D) The number of any technical failures
18 in the program, together with a description of
19 such failures.

20 “(E) Recommendations for safety and
21 operational standards for unmanned aircraft
22 detection and mitigation systems.

23 “(3) FORMAT.—To the extent practicable, the
24 report prepared under paragraph (1) shall be sub-



mitted in a classified format. If appropriate, the report may include an unclassified summary.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Airport and Airway Trust Fund to carry out this section \$6,000,000 for each of fiscal years 2018 through 2021, to remain available until expended.

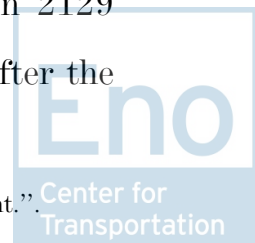
“(h) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986), sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to any activity authorized by the Administrator pursuant to this section.

“(i) SUNSET.—This section ceases to be effective September 30, 2021.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2129 of this Act, is further amended by inserting after the item relating to section 44809 the following:

“44810. Airport safety and airspace hazard mitigation and enforcement.”.



1 (2) PILOT PROJECT FOR AIRPORT SAFETY AND
2 AIRSPACE HAZARD MITIGATION.—Section 2206 of
3 the FAA Extension Safety and Security Act of 2016
4 (Public Law 114–190; 130 Stat. 615) and the item
5 relating to that section in the table of contents
6 under section 1(b) of that Act are repealed.

7 **SEC. 2133. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
8 **ICES DISRUPTION.**

9 Section 46320(a) is amended by inserting “, includ-
10 ing helicopter air ambulance operations,” after “emer-
11 gency response effort”.

12 **SEC. 2134. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
13 **MENTS.**

14 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
15 MENTS.—Section 40102(a)(41) is amended by adding at
16 the end the following:

17 “(F) An unmanned aircraft that is owned
18 and operated by or exclusively leased for at
19 least 90 consecutive days by an Indian tribal
20 government (as defined in section 102 of the
21 Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5122)), except
23 as provided in section 40125(b).”.



1 (b) CONFORMING AMENDMENT.—Section 40125(b)
2 is amended by striking “or (D)” and inserting “(D), or
3 (F)”.

4 **SEC. 2135. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
5 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
6 **HIRE.**

7 (a) IN GENERAL.—Chapter 448, as amended by sec-
8 tion 2132 of this Act, is further amended by adding after
9 section 44810 the following:

10 **“§44811. Carriage of property by small unmanned**
11 **aircraft systems for compensation or hire**

12 “(a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of the Federal Aviation Administration
14 Reauthorization Act of 2018, the Secretary of Transpor-
15 tation shall issue a final rule authorizing the carriage of
16 property by operators of small unmanned aircraft systems
17 for compensation or hire within the United States.

18 “(b) CONTENTS.—The final rule required under sub-
19 section (a) shall provide for the following:

20 “(1) SMALL UAS AIR CARRIER CERTIFICATE.—

21 The Administrator of the Federal Aviation Adminis-
22 tration, at the direction of the Secretary, shall estab-
23 lish a certificate (to be known as a ‘small UAS air
24 carrier certificate’) for persons that undertake di-
25 rectly, by lease, or other arrangement the operation



1 of small unmanned aircraft systems to carry prop-
2 erty in air transportation, including commercial fleet
3 operations with highly automated unmanned aircraft
4 systems. The requirements to operate under a small
5 UAS air carrier certificate shall—

6 “(A) consider the unique characteristics of
7 highly automated, small unmanned aircraft sys-
8 tems; and

9 “(B) include requirements for the safe op-
10 eration of small unmanned aircraft systems
11 that, at a minimum, address—

12 “(i) airworthiness of small unmanned
13 aircraft systems;

14 “(ii) qualifications for operators and
15 the type and nature of the operations; and

16 “(iii) operating specifications gov-
17 erning the type and nature of the un-
18 manned aircraft system air carrier oper-
19 ations.

20 “(2) SMALL UAS AIR CARRIER CERTIFICATION
21 PROCESS.—The Administrator, at the direction of
22 the Secretary, shall establish a process for the
23 issuance of small UAS air carrier certificates estab-
24 lished pursuant to paragraph (1) that is perform-



1 ance-based and ensures required safety levels are
2 met. Such certification process shall consider—

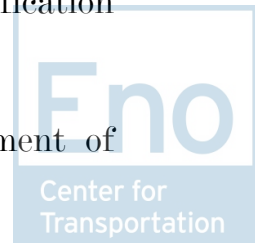
3 “(A) safety risks and the mitigation of
4 those risks associated with the operation of
5 highly automated, small unmanned aircraft
6 around other manned and unmanned aircraft,
7 and over persons and property on the ground;

8 “(B) the competencies and compliance pro-
9 grams of manufacturers, operators, and compa-
10 nies that manufacture, operate, or both small
11 unmanned aircraft systems and components;
12 and

13 “(C) compliance with the requirements es-
14 tablished pursuant to paragraph (1).

15 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
16 TION.—The Secretary shall amend part 298 of title
17 14, Code of Federal Regulations, to establish an ad-
18 ditional class of air carrier for persons issued small
19 UAS air carrier certificates pursuant to this sub-
20 section to establish economic authority for the car-
21 riage of property by small unmanned aircraft sys-
22 tems for compensation or hire. Such classification
23 shall only require—

24 “(A) registration with the Department of
25 Transportation; and



1 “(B) a valid small UAS air carrier certifi-
2 cate issued pursuant to this subsection.

3 “(4) AVAILABILITY OF CURRENT CERTIFI-
4 CATION PROCESSES.—Pending completion of the
5 rulemaking required in subsection (a) of this section,
6 a person may seek an air carrier operating certifi-
7 cate and certificate of public convenience and neces-
8 sity, or an exemption from such certificate, using ex-
9 isting processes.”.

10 (b) TABLE OF CONTENTS.—The table of contents for
11 chapter 448, as amended by section 2132 of this Act, is
12 further amended by adding after the item relating to sec-
13 tion 44810 the following:

“44811. Carriage of property by small unmanned aircraft systems for compensa-
tion or hire.”.

14 **SEC. 2136. COLLEGIATE TRAINING INITIATIVE PROGRAM**
15 **FOR UNMANNED AIRCRAFT SYSTEMS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration shall establish a Colle-
19 giate Training Initiative program relating to unmanned
20 aircraft systems by making new agreements or continuing
21 existing agreements with institutions of higher education
22 (as defined by the Administrator) under which the institu-
23 tions prepare students for careers involving unmanned air-
24 craft systems. The Administrator may establish standards



1 for the entry of such institutions into the program and
2 for their continued participation in the program.

3 (b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
4 this section, the term “unmanned aircraft system” has the
5 meaning given that term by section 44801 of title 49,
6 United States Code, as added by section 2121 of this Act.

7 **SEC. 2137. INCORPORATION OF FEDERAL AVIATION ADMIN-**
8 **ISTRATION OCCUPATIONS RELATING TO UN-**
9 **MANNED AIRCRAFT INTO VETERANS EM-**
10 **PLOYMENT PROGRAMS OF THE ADMINISTRA-**
11 **TION.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Administrator of the Federal Avia-
14 tion Administration, in consultation with the Secretary of
15 Veterans Affairs, the Secretary of Defense, and the Sec-
16 retary of Labor, shall determine whether occupations of
17 the Administration relating to unmanned aircraft systems
18 technology and regulations can be incorporated into the
19 Veterans’ Employment Program of the Administration,
20 particularly in the interaction between such program and
21 the New Sights Work Experience Program and the Vet-
22 Link Cooperative Education Program.



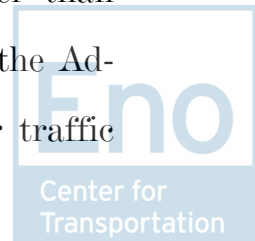
1 **SEC. 2138. REPORT ON UAS AND CHEMICAL AERIAL APPLI-**
2 **CATION.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall submit to the appropriate committees
6 of Congress a report evaluating which aviation safety re-
7 quirements under part 137 of title 14, Code of Federal
8 Regulations, should apply to unmanned aircraft system
9 operations engaged in aerial spraying of chemicals for ag-
10 ricultural purposes.

11 **SEC. 2139. PART 107 IMPLEMENTATION IMPROVEMENTS.**

12 (a) **TRANSPARENCY.**—Not later than 30 days after
13 the date of enactment of this Act, the Administrator of
14 the Federal Aviation Administration shall publish on the
15 Federal Aviation Administration website a representative
16 sample of the safety justifications offered by applicants
17 for waivers or air traffic control authorizations that have
18 been approved by the Administration for each regulation
19 waived or class of airspace authorized, except that any
20 published justification shall not reveal proprietary or com-
21 mercially sensitive information.

22 (b) **TECHNOLOGY IMPROVEMENTS.**—Not later than
23 60 days after the date of enactment of this Act, the Ad-
24 ministrator shall revise the online waiver and air traffic
25 control authorization processes—



1 (1) to provide real time confirmation that an
2 application filed online has been received by the Ad-
3 ministration; and

4 (2) to provide an applicant with an opportunity
5 to review the status of the applicant's application.

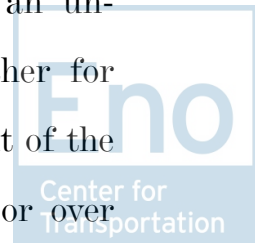
6 **SEC. 2140. EXPANSION OF PART 107 WAIVER AUTHORITY.**

7 (a) IN GENERAL.—Not later than 30 days after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall issue a final rule—

10 (1) revising subsections (a) and (c) of section
11 107.205 of title 14, Code of Federal Regulations, to
12 remove the prohibitions on the issuance of waivers
13 for the carriage of property of another by aircraft
14 for compensation or hire; and

15 (2) revising section 107.25 of that title to re-
16 move the prohibition on the operation of a small un-
17 manned aircraft system from a moving vehicle to
18 transport another person's property for compensa-
19 tion or hire.

20 (b) DETERMINATIONS.—In determining whether to
21 grant a waiver under part 107 of title 14, Code of Federal
22 Regulations, to authorize the transportation by an un-
23 manned aircraft system of the property of another for
24 compensation or hire beyond the visual line of sight of the
25 remote pilot, from a moving vehicle or aircraft, or over



1 people, the Administrator shall consider the technological
2 capabilities of the unmanned aircraft system, the quali-
3 fications of the remote pilot, and the environment in which
4 the operation is conducted.

5 **SEC. 2141. REDESIGNATION.**

6 (a) SAFETY STATEMENTS.—

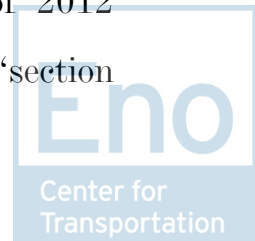
7 (1) IN GENERAL.—Section 2203 of the FAA
8 Extension Safety and Security Act of 2016 (Public
9 Law 114–190; 130 Stat. 615) is redesignated as
10 section 44812 of chapter 448 of title 49, United
11 States Code, and transferred so as to appear after
12 section 44811 of title 49, United States Code, as
13 added by section 2136 of this Act.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENTS.—Section 44812(b), as redesignated, is
16 amended—

17 (A) in paragraph (1), by striking “this
18 Act” and inserting “the FAA Extension Safety
19 and Security Act of 2016”; and

20 (B) in clauses (i), (ii), and (iii) of para-
21 graph (2)(D), by striking “section 336 of the
22 FAA Modernization and Reform Act of 2012
23 949 U.S.C. 40101 note)” and inserting “section
24 44808”.

25 (b) EMERGENCY EXEMPTION PROCESS.—



1 (1) IN GENERAL.—Section 2207 of the FAA
2 Extension Safety and Security Act of 2016 (Public
3 Law 114–190; 130 Stat. 615) is redesignated as
4 section 44813 of chapter 448 of title 49, United
5 States Code, and transferred so as to appear after
6 section 44812 of title 49, United States Code, as re-
7 designated by subsection (a)(1) of this section.

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENTS.—Section 44813(a), as redesignated, is
10 amended by striking “this Act” and inserting “the
11 FAA Extension Safety and Security Act of 2016”.

12 (c) APPLICATIONS FOR DESIGNATION.—

13 (1) IN GENERAL.—Section 2209 of the FAA
14 Extension Safety and Security Act of 2016 (Public
15 Law 114–190; 130 Stat. 615) is redesignated as
16 section 44814 of chapter 448 of title 49, United
17 States Code, and transferred so as to appear after
18 section 44813 of title 49, United States Code, as re-
19 designated by subsection (b)(1) of this section.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—Section 44814(a), as redesignated, is
22 amended by striking “this Act” and inserting “the
23 FAA Extension Safety and Security Act of 2016”.

24 (d) OPERATIONS ASSOCIATED WITH CRITICAL IN-
25 FRASTRUCTURE.—



1 (1) IN GENERAL.—Section 2210 of the FAA
2 Extension Safety and Security Act of 2016 (Public
3 Law 114–190; 130 Stat. 615) is redesignated as
4 section 44815 of chapter 448 of title 49, United
5 States Code, and transferred so as to appear after
6 section 44814 of title 49, United States Code, as re-
7 designated by subsection (c)(1) of this section.

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENTS.—Section 44815, as redesignated, is amend-
10 ed—

11 (A) in subsections (a), (d)(2), and (e), by
12 striking “section 333 of the FAA Modernization
13 and Reform Act of 2012 (49 U.S.C. 40101
14 note)” and inserting “section 44805”;

15 (B) in subsection (c)(2), by striking “,
16 United States Code”; and

17 (C) in subsection (d)(1), by striking “this
18 Act” and inserting “the FAA Extension Safety
19 and Security Act of 2016”.

20 **SEC. 2142. SENSE OF CONGRESS ON EMERGENCY EXEMP-**
21 **TION PROCESS.**

22 It is the sense of Congress that the Administrator
23 of the Federal Aviation Administration should comply as
24 soon as possible, and not later than 60 days after the date
25 of enactment of this Act, with the requirement under sec-



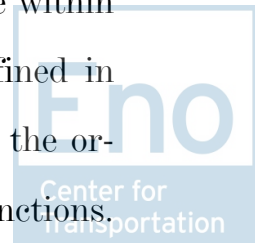
1 tion 44813 of title 49, United States Code (as redesign-
2 nated by section 2140(b)), to publish guidance for applica-
3 tions for, and procedures for the processing of, on an
4 emergency basis, exemptions or certificates of authoriza-
5 tion or waiver for the use of unmanned aircraft systems
6 by or on behalf of civil or public operators in response
7 to a catastrophe, disaster, or other emergency to facilitate
8 emergency response operations, such as firefighting,
9 search and rescue, post-catastrophic response operations,
10 such as utility and infrastructure restoration efforts, and
11 the safe and prompt processing, adjustment, and payment
12 of insurance claims.

13 **SEC. 2143. UNMANNED AIRCRAFT SYSTEMS IN RESTRICTED**
14 **BUILDINGS OR GROUNDS.**

15 (a) IN GENERAL.—Chapter 448, as amended by sec-
16 tion 2141 of this Act, is further amended by inserting
17 after section 44815 the following:

18 **“§ 44816. Unmanned Aircraft Systems in Restricted**
19 **Buildings or Grounds**

20 “(a) IN GENERAL.—It shall be unlawful to knowingly
21 operate an unmanned aircraft system with the intent for
22 such unmanned aircraft system to enter or operate within
23 or above a restricted building or grounds (as defined in
24 section 1752 of title 18) and to impede or disrupt the or-
25 derly conduct of Government business or official functions.



1 “(b) PENALTY.—Any person who violates subsection

2 (a) shall be—

3 “(1) fined under title 18, imprisoned for not

4 more than 10 years, or both, if—

5 “(A) a deadly or dangerous weapon or fire-

6 arm is affixed to the unmanned aircraft system;

7 or

8 “(B) the offense results in significant bod-

9 ily injury, as defined in section 2118 of title 18;

10 or

11 “(2) fined under title 18, imprisoned for not

12 more than 1 year, or both, in any other case.”.

13 (b) TABLE OF CONTENTS.—The table of contents for

14 chapter 448, as added by section 2121 of this Act, is fur-

15 ther amended by inserting after the item relating to sec-

16 tion 44815 the following:

“44816. Unmanned aircraft systems in restricted buildings or grounds.”.

17 **PART III—OTHER MATTERS**

18 **SEC. 2151. FEDERAL AND LOCAL AUTHORITIES.**

19 (a) IN GENERAL.—Not later than 180 days after the

20 date of enactment of this Act, the Comptroller General

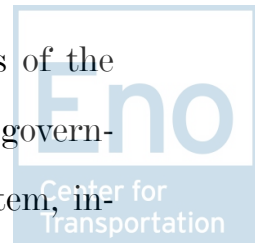
21 of the United States shall—

22 (1) conduct a study on the relative roles of the

23 Federal Government and State and local govern-

24 ments in regulating the national airspace system, in-

25 cluding unmanned aircraft systems operations; and



1 (2) submit to the appropriate committees of
2 Congress a report on the study, including the Comp-
3 troller General's findings, conclusions, and rec-
4 ommendations.

5 (b) CONTENTS.—The study under subsection (a)
6 shall review the following:

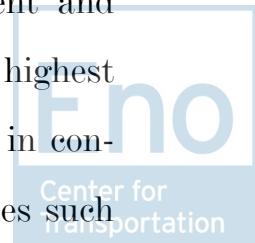
7 (1) The current state of the law with respect to
8 Federal authority over airspace in the United States
9 and the operations of aircraft in that airspace.

10 (2) The current state of the law with respect to
11 state and local authority over airspace in the United
12 States and the operations of aircraft in that air-
13 space;

14 (3) Potential gaps between authorities under
15 paragraphs (1) and (2), particularly with respect to
16 unmanned aircraft systems operations at low alti-
17 tudes;

18 (4) The effectiveness of the Federal Govern-
19 ment's efforts to resolve differences between dif-
20 ferent stakeholders on the issue.

21 (5) Potential ways to structure the roles and re-
22 sponsibilities between the Federal Government and
23 State and local governments to ensure the highest
24 level of safety for all aviation operations and in con-
25 sideration of State and local interests on issues such



1 as nuisance, voyeurism, privacy, trespass, harass-
2 ment, reckless endangerment, wrongful death, per-
3 sonal injury, property damage, or other illegal acts
4 arising from the use of unmanned aircraft systems.

5 **SEC. 2152. SPECTRUM.**

6 (a) IN GENERAL.—Small unmanned aircraft systems
7 may use spectrum for wireless control link, tracking,
8 diagnostics, payload communication, and collaborative-col-
9 lision avoidance, such as vehicle-to-vehicle communication,
10 and other uses, consistent with the Communications Act
11 of 1934 (47 U.S.C. 151 et seq.), Federal Communications
12 Commission rules, and the safety-of-life determination
13 made by the Federal Aviation Administration, and
14 through voluntary commercial arrangements with service
15 providers, whether they are operating within a UTM sys-
16 tem under section 2208 of the FAA Extension Safety and
17 Security Act of 2016 (Public Law 114–190; 130 Stat.
18 615) or outside such a system.

19 (b) REPORT.—Not later than 270 days after the date
20 of enactment of this Act, and after consultation with rel-
21 evant stakeholders, the Administrator of the Federal Avia-
22 tion Administration, the National Telecommunications
23 and Information Administration, and the Federal Commu-
24 nications Commission, shall submit to the Committee on
25 Commerce, Science, and Transportation of the Senate, the



1 Committee on Transportation and Infrastructure of the
2 House of Representatives, and the Committee on Energy
3 and Commerce of the House of Representatives a report—

4 (1) on whether small unmanned aircraft sys-
5 tems operations should be permitted to operate on
6 spectrum designated for aviation use, on an unli-
7 censed, shared, or exclusive basis, for operations
8 within the UTM system or outside of such a system;

9 (2) that addresses any technological, statutory,
10 regulatory, and operational barriers to the use of
11 such spectrum; and

12 (3) that, if it is determined that spectrum des-
13 ignated for aviation use is not suitable for operations
14 by small unmanned aircraft systems, includes rec-
15 ommendations of other spectrum frequencies that
16 may be appropriate for such operations.

17 **SEC. 2153. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
18 **STITUTIONS OF HIGHER EDUCATION.**

19 (a) IN GENERAL.—Not later than 270 days after the
20 date of enactment of this Act, the Administrator of the
21 Federal Aviation Administration shall establish procedures
22 and standards, as applicable, to further facilitate the safe
23 operation of unmanned aircraft systems by institutions of
24 higher education, including faculty, students, and staff.



1 (b) STANDARDS.—The procedures and standards re-
2 quired under subsection (a) shall grant institutions of
3 higher education (including faculty, students, and staff)
4 additional ability, beyond that permitted by law on the day
5 before such date of enactment, to operate unmanned air-
6 craft systems by outlining risk-based operational param-
7 eters to ensure the safety of the national airspace system
8 and the uninvolved public that facilitates the use of un-
9 manned aircraft systems for educational or research pur-
10 poses.

11 (c) UNMANNED AIRCRAFT SYSTEM APPROVAL.—The
12 procedures required under subsection (a) shall allow un-
13 manned aircraft systems operated under this section to be
14 modified for research purposes without iterative approval
15 from the Administrator.

16 (d) ADDITIONAL PROCEDURES.—The Administrator
17 shall establish a procedure to provide for streamlined, risk-
18 based operational approval for unmanned aircraft systems
19 operated by institutions of higher education, including fac-
20 ulty, students, and staff, outside of the parameters or pur-
21 poses set forth in subsection (b).

22 (e) DEADLINES.—

23 (1) IN GENERAL.—If, by the date that is 270
24 days after the date of enactment of this Act, the Ad-
25 ministrator has not set forth standards and proce-



1 dures required under subsections (a), (b), and (c),
2 an institution of higher education may—

3 (A) continue to operate small unmanned
4 aircraft at model aircraft fields approved by the
5 Academy of Model Aeronautics and with the
6 permission of the local club of the Academy of
7 Model Aeronautics; and

8 (B) continue to operate small unmanned
9 aircraft as permitted under part 107 of title 14,
10 Code of Federal Regulations, or any subsequent
11 regulation that is equally or more permissive;
12 and

13 (C) operate small unmanned aircraft for
14 educational or research purposes in a manner
15 beyond that permitted by law on the day before
16 such date of enactment at one or more outdoor
17 flight fields designated by the institution, pro-
18 vided that the institution first submits to the
19 Federal Aviation Administration applications
20 for approval of—

21 (i) the institution's designated outdoor
22 flight fields; and

23 (ii) the institution's standards for op-
24 eration at that field.



1 (2) CONSEQUENCE OF FAILURE TO APPROVE.—

2 If the Administrator does not take action with re-
3 spect to an application submitted under paragraph
4 (1)(C) within 30 days of the submission of the appli-
5 cation, the failure to do so shall be treated as ap-
6 proval of the application.

7 (f) DEFINITIONS.—In this section:

8 (1) INSTITUTION OF HIGHER EDUCATION.—The
9 term “institution of higher education” has the
10 meaning given that term by section 101(a) of the
11 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

12 (2) UNMANNED AIRCRAFT SYSTEM.—The term
13 “unmanned aircraft system” has the meaning given
14 the term in section 44801 of title 49, United States
15 Code, as added by section 2121 of this Act.

16 (3) EDUCATIONAL OR RESEARCH PURPOSES.—
17 The term “educational or research purposes”, with
18 respect to the operation of an unmanned aircraft
19 system by an institution of higher education, in-
20 cludes—

21 (A) instruction of students at the institu-
22 tion;

23 (B) academic or research related use of
24 unmanned aircraft systems by student organi-



1 zations recognized by the institution, if such
2 use has been approved by the institution;

3 (C) activities undertaken by the institution
4 as part of research projects, including research
5 projects sponsored by the Federal Government;
6 and

7 (D) other academic activities at the insti-
8 tution, including general research, engineering,
9 and robotics.

10 **SEC. 2154. TRANSITION LANGUAGE.**

11 (a) REGULATIONS.—Notwithstanding the repeals
12 under sections 2122(b)(2), 2124(b)(2), 2125(b)(2),
13 2127(b)(2), 2128(b)(2), and 2132(b)(2) of this Act, all
14 orders, determinations, rules, regulations, permits, grants,
15 and contracts, which have been issued under any law de-
16 scribed under subsection (b) of this section on or before
17 the effective date of this Act shall continue in effect until
18 modified or revoked by the Secretary of Transportation,
19 acting through the Administrator of the Federal Aviation
20 Administration, as applicable, by a court of competent ju-
21 risdiction, or by operation of law other than this Act.

22 (b) LAWS DESCRIBED.—The laws described under
23 this subsection are as follows:

24 (1) Section 332(c) of the FAA Modernization
25 and Reform Act of 2012 (49 U.S.C. 40101 note).



1 (2) Section 332(d) of the FAA Modernization
2 and Reform Act of 2012 (49 U.S.C. 40101 note).

3 (3) Section 333 of the FAA Modernization and
4 Reform Act of 2012 (49 U.S.C. 40101 note).

5 (4) Section 334 of the FAA Modernization and
6 Reform Act of 2012 (49 U.S.C. 40101 note).

7 (5) Section 336 of the FAA Modernization and
8 Reform Act of 2012 (49 U.S.C. 40101 note).

9 (6) Section 2206 of the FAA Extension Safety
10 and Security Act of 2016 (Public Law 114–190; 130
11 Stat. 615).

12 (c) EFFECT ON PENDING PROCEEDINGS.—This Act
13 shall not affect administrative or judicial proceedings
14 pending on the effective date of this Act.

15 **SEC. 2155. COMMUNITY AND TECHNICAL COLLEGE CEN-**
16 **TERS OF EXCELLENCE IN SMALL UNMANNED**
17 **AIRCRAFT SYSTEM TECHNOLOGY TRAINING.**

18 (a) DESIGNATION.—Not later than 180 days after
19 the date of enactment of this Act, the Secretary of Trans-
20 portation, in consultation with the Secretary of Education
21 and the Secretary of Labor, shall establish a process to
22 designate consortia of public, 2-year institutions of higher
23 education as Community and Technical College Centers
24 of Excellence in Small Unmanned Aircraft System Tech-



1 nology Training (in this section referred to as the “Cen-
2 ters of Excellence”).

3 (b) FUNCTIONS.—A Center of Excellence designated
4 under subsection (a) shall have the capacity to train stu-
5 dents for career opportunities in industry and government
6 service related to the use of small unmanned aircraft sys-
7 tems.

8 (c) EDUCATION AND TRAINING REQUIREMENTS.—In
9 order to be designated as a Center of Excellence under
10 subsection (a), a consortium shall be able to address edu-
11 cation and training requirements associated with various
12 types of small unmanned aircraft systems, components,
13 and related equipment, including with respect to—

14 (1) multi-rotor and fixed-wing small unmanned
15 aircraft;

16 (2) flight systems, radio controllers, compo-
17 nents, and characteristics of such aircraft;

18 (3) routine maintenance, uses and applications,
19 privacy concerns, safety, and insurance for such air-
20 craft;

21 (4) hands-on flight practice using small un-
22 manned aircraft systems and computer simulator
23 training;

24 (5) use of small unmanned aircraft systems in
25 various industry applications and local, State, and



1 Federal government programs and services, includ-
2 ing in agriculture, law enforcement, monitoring oil
3 and gas pipelines, natural disaster response and re-
4 covery, fire and emergency services, and other
5 emerging areas;

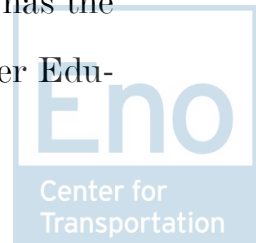
6 (6) Federal policies concerning small unmanned
7 aircraft;

8 (7) dual credit programs to deliver small un-
9 manned aircraft training opportunities to secondary
10 school students; or

11 (8) training with respect to sensors and the
12 processing, analyzing, and visualizing of data col-
13 lected by small unmanned aircraft.

14 (d) COLLABORATION.—Each Center of Excellence
15 shall seek to collaborate with institutions participating in
16 the Alliance for System Safety of UAS through Research
17 Excellence of the Federal Aviation Administration and
18 with the test ranges designated under section 332(c) of
19 the FAA Modernization and Reform Act of 2012 (Public
20 Law 112–95; 49 U.S.C. 40101 note).

21 (e) INSTITUTION OF HIGHER EDUCATION.—In this
22 section, the term “institution of higher education” has the
23 meaning given the term in section 101 of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1001).



1 **SEC. 2156. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **KNOW BEFORE YOU FLY CAMPAIGN.**

3 There are authorized to be appropriated to the Ad-
4 ministrator of the Federal Aviation Administration
5 \$1,000,000 for each of fiscal years 2019 through 2021
6 for the Know Before You Fly educational campaign or
7 similar public informational efforts intended to broaden
8 unmanned aircraft systems safety awareness.

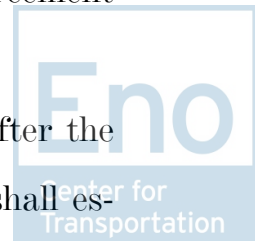
9 **SEC. 2157. STRATEGY FOR RESPONDING TO PUBLIC SAFETY**
10 **THREATS AND ENFORCEMENT UTILITY OF**
11 **UNMANNED AIRCRAFT SYSTEMS.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Administrator of the
14 Federal Aviation Administration shall develop a com-
15 prehensive strategy to provide outreach to State and local
16 governments and provide guidance for local law enforce-
17 ment agencies and first responders with respect to—

18 (1) how to identify and respond to public safety
19 threats posed by unmanned aircraft systems; and

20 (2) how to identify and take advantage of op-
21 portunities to use unmanned aircraft systems to en-
22 hance the effectiveness of local law enforcement
23 agencies and first responders.

24 (b) RESOURCES.—Not later than 180 days after the
25 date of enactment of this Act, the Administrator shall es-
26 tablish a publicly available Internet website that contains



1 resources for State and local law enforcement agencies and
2 first responders seeking—

3 (1) to respond to public safety threats posed by
4 unmanned aircraft systems; and

5 (2) to identify and take advantage of opportuni-
6 ties to use unmanned aircraft systems to enhance
7 the effectiveness of local law enforcement agencies
8 and public safety response efforts.

9 (c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
10 this section, the term “unmanned aircraft system” has the
11 meaning given that term in section 44801 of title 49,
12 United States Code, as added by section 2121.

13 **PART IV—OPERATOR SAFETY**

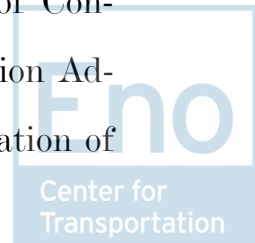
14 **SEC. 2161. SHORT TITLE.**

15 This part may be cited as the “Drone Operator Safe-
16 ty Act”.

17 **SEC. 2162. FINDINGS; SENSE OF CONGRESS.**

18 (a) FINDING.—Congress finds that educating opera-
19 tors of unmanned aircraft about Federal law, including
20 regulations, relating to unmanned aircraft will promote
21 the safe operation of such aircraft.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the Administrator of the Federal Aviation Ad-
24 ministration should continue to prioritize the education of



1 operators of unmanned aircraft through public outreach
2 efforts like the “Know Before You Fly” campaign.

3 **SEC. 2163. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

4 (a) IN GENERAL.—Chapter 2 of title 18, United
5 States Code, is amended—

6 (1) in section 31—

7 (A) in subsection (a)—

8 (i) by redesignating paragraph (10) as
9 paragraph (11); and

10 (ii) by inserting after paragraph (9)
11 the following:

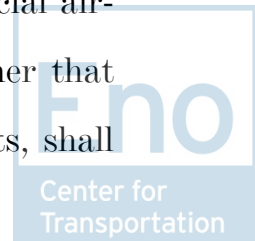
12 “(10) UNMANNED AIRCRAFT.—The term ‘un-
13 manned aircraft’ has the meaning given such term
14 in section 44801 of title 49.”; and

15 (B) in subsection (b), by inserting “‘air-
16 port’,” before “‘appliance’”; and

17 (2) by inserting after section 39A the following:

18 **“§ 39B. Unsafe operation of unmanned aircraft**

19 “(a) OFFENSE.—Any person who operates an un-
20 manned aircraft and, in so doing, knowingly or recklessly
21 interferes with, or disrupts the operation of, an aircraft
22 carrying 1 or more occupants operating in the special air-
23 craft jurisdiction of the United States, in a manner that
24 poses an imminent safety hazard to such occupants, shall
25 be punished as provided in subsection (b).



1 “(b) PENALTY.—

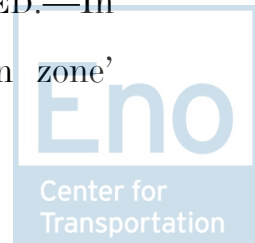
2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), the punishment for an offense under sub-
4 section (a) shall be a fine under this title, imprison-
5 ment for not more than 1 year, or both.

6 “(2) SERIOUS BODILY INJURY OR DEATH.—Any
7 person who attempts to cause, or knowingly or reck-
8 lessly causes, serious bodily injury or death during
9 the commission of an offense under subsection (a)
10 shall be fined under this title, imprisoned for any
11 term of years or for life, or both.

12 “(c) OPERATION OF UNMANNED AIRCRAFT IN CLOSE
13 PROXIMITY TO AIRPORTS.—

14 “(1) IN GENERAL.—The operation of an un-
15 manned aircraft within a runway exclusion zone
16 shall be considered a violation of subsection (a) un-
17 less such operation is approved by the airport’s air
18 traffic control facility or is the result of a cir-
19 cumstance, such as a malfunction, that could not
20 have been reasonably foreseen or prevented by the
21 operator.

22 “(2) RUNWAY EXCLUSION ZONE DEFINED.—In
23 this subsection, the term ‘runway exclusion zone’
24 means a rectangular area—



1 “(A) centered on the centerline of an ac-
2 tive runway of an airport immediately around
3 which the airspace is designated as class B,
4 class C, or class D airspace at the surface
5 under part 71 of title 14, Code of Federal Reg-
6 ulations; and

7 “(B) the length of which extends parallel
8 to the runway’s centerline to points that are 1
9 statute mile from each end of the runway and
10 the width of which is 1/2 statute mile.”.

11 (b) TABLE OF CONTENTS.—The table of contents for
12 chapter 2 of title 18, United States Code, is amended by
13 inserting after the item relating to section 39A the fol-
14 lowing:

“39B. Unsafe operation of unmanned aircraft.”.

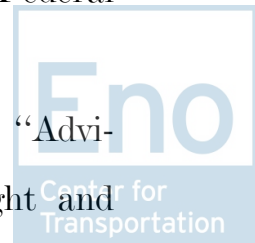
15 **Subtitle B—FAA Safety**
16 **Certification Reform**
17 **PART I—GENERAL PROVISIONS**

18 **SEC. 2211. DEFINITIONS.**

19 In this subtitle:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Federal
22 Aviation Administration.

23 (2) ADVISORY COMMITTEE.—The term “Advi-
24 sory Committee” means the Safety Oversight and



1 Certification Advisory Committee established under
2 section 2212.

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

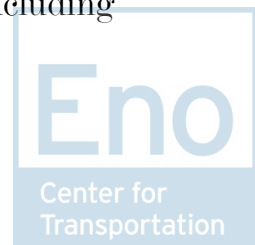
5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Transportation.

7 (5) SYSTEMS SAFETY APPROACH.—The term
8 “systems safety approach” means the application of
9 specialized technical and managerial skills to the
10 systematic, forward-looking identification and con-
11 trol of hazards throughout the lifecycle of a project,
12 program, or activity.

13 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
14 **SORY COMMITTEE.**

15 (a) ESTABLISHMENT.—Not later than 60 days after
16 the date of enactment of this Act, the Secretary shall es-
17 tablish a Safety Oversight and Certification Advisory
18 Committee in accordance with this section.

19 (b) DUTIES.—The Advisory Committee shall provide
20 advice to the Secretary on policy-level issues facing the
21 aviation community that are related to FAA safety over-
22 sight and certification programs and activities, including
23 the following:



1 (1) Aircraft and flight standards certification
2 processes, including efforts to streamline those proc-
3 esses.

4 (2) Implementation and oversight of safety
5 management systems.

6 (3) Risk-based oversight efforts.

7 (4) Utilization of delegation and designation au-
8 thorities, including organization designation author-
9 ization.

10 (5) Regulatory interpretation standardization
11 efforts.

12 (6) Training programs.

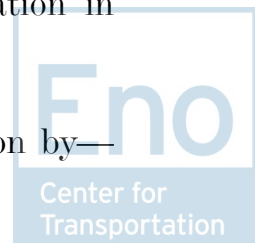
13 (7) Expediting the rulemaking process and
14 prioritizing safety-related rules.

15 (8) Enhancing global competitiveness of U.S.
16 manufactured and FAA type-certificate aircraft
17 products and services throughout the world.

18 (c) FUNCTIONS.—In carrying out its duties under
19 subsection (b) related to FAA safety oversight and certifi-
20 cation programs and activities, the Advisory Committee
21 shall—

22 (1) foster aviation stakeholder collaboration in
23 an open and transparent manner;

24 (2) consult with, and ensure participation by—



1 (A) the private sector, including represent-
2 atives of—

3 (i) general aviation;

4 (ii) commercial aviation;

5 (iii) aviation labor;

6 (iv) aviation, aerospace, and avionics
7 manufacturing;

8 (v) unmanned aircraft systems indus-
9 try; and

10 (vi) aviation maintenance, repair, and
11 overhaul; and

12 (B) the public;

13 (3) recommend consensus national goals, stra-
14 tegic objectives, and priorities for the most efficient,
15 streamlined, and cost-effective safety oversight and
16 certification processes in order to maintain the safe-
17 ty of the aviation system while allowing the FAA to
18 meet future needs and ensure that aviation stake-
19 holders remain competitive in the global market-
20 place;

21 (4) provide policy recommendations for the
22 FAA's safety oversight and certification efforts;

23 (5) periodically review and provide
24 ommendations regarding the FAA's safety oversight
25 and certification efforts;



1 (6) periodically review and evaluate registration,
2 certification, and related fees;

3 (7) provide appropriate legislative, regulatory,
4 and guidance recommendations for the air transpor-
5 tation system and the aviation safety regulatory en-
6 vironment;

7 (8) recommend performance objectives for the
8 FAA and aviation industry;

9 (9) recommend performance metrics for the
10 FAA and the aviation industry to be tracked and re-
11 viewed as streamlining certification reform, flight
12 standards reform, and regulation consistency efforts
13 progress;

14 (10) provide a venue for tracking progress to-
15 ward national goals and sustaining joint commit-
16 ments;

17 (11) recommend recruiting, hiring, staffing lev-
18 els, training, and continuing education objectives for
19 FAA aviation safety engineers and aviation safety
20 inspectors;

21 (12) provide advice and recommendations to the
22 FAA on how to prioritize safety rulemaking projects;

23 (13) improve the development of FAA regula-
24 tions by providing information, advice, and rec-
25 ommendations related to aviation issues;



1 (14) promote the validation and acceptance of
2 U.S. manufactured and FAA type-certificate aircraft
3 products and services throughout the world; and

4 (15) any other functions as determined appro-
5 priate by the chairperson of the Advisory Committee
6 and the Administrator.

7 (d) MEMBERSHIP.—

8 (1) VOTING MEMBERS.—The Advisory Com-
9 mittee shall be composed of the following voting
10 members:

11 (A) The Administrator, or the Administra-
12 tor's designee.

13 (B) At least 1 representative, appointed by
14 the Secretary, of each of the following:

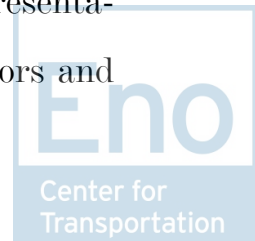
15 (i) Transport aircraft and engine
16 manufacturers.

17 (ii) General aviation aircraft and en-
18 gine manufacturers.

19 (iii) Avionics and equipment manufac-
20 turers.

21 (iv) Aviation labor organizations, in-
22 cluding collective bargaining representa-
23 tives of FAA aviation safety inspectors and
24 aviation safety engineers.

25 (v) General aviation operators.



1 (vi) Air carriers.

2 (vii) Business aviation operators.

3 (viii) Unmanned aircraft systems
4 manufacturers and operators.

5 (ix) Aviation safety management ex-
6 perts.

7 (x) Aviation maintenance, repair, and
8 overhaul.

9 (2) NONVOTING MEMBERS.—

10 (A) IN GENERAL.—In addition to the
11 members appointed under paragraph (1), the
12 Advisory Committee shall be composed of non-
13 voting members appointed by the Secretary
14 from among individuals representing FAA safe-
15 ty oversight program offices.

16 (B) DUTIES.—A nonvoting member may—

17 (i) take part in deliberations of the
18 Advisory Committee; and

19 (ii) provide input with respect to any
20 report or recommendation of the Advisory
21 Committee.

22 (C) LIMITATION.—A nonvoting member
23 may not represent any stakeholder interest
24 other than that of an FAA safety oversight pro-
25 gram office.



1 (3) TERMS.—Each voting member and non-
2 voting member of the Advisory Committee shall be
3 appointed for a term of 2 years.

4 (4) RULE OF CONSTRUCTION.—Public Law
5 104–65 (2 U.S.C. 1601 et seq.) may not be con-
6 strued to prohibit or otherwise limit the appointment
7 of any individual as a member of the Advisory Com-
8 mittee.

9 (e) COMMITTEE CHARACTERISTICS.—The Advisory
10 Committee shall have the following characteristics:

11 (1) Each voting member under subsection
12 (d)(1)(B) shall be an executive that has decision au-
13 thority within the member’s organization and can
14 represent and enter into commitments on behalf of
15 that organization in a way that serves the entire
16 group of organizations that member represents
17 under that subsection.

18 (2) The ability to obtain necessary information
19 from experts in the aviation and aerospace commu-
20 nities.

21 (3) A membership size that enables the Advi-
22 sory Committee to have substantive discussions and
23 reach consensus on issues in an expeditious manner.

24 (4) Appropriate expertise, including expertise in
25 certification and risk-based safety oversight proc-



1 esses, operations, policy, technology, labor relations,
2 training, and finance.

3 (f) CHAIRPERSON.—

4 (1) IN GENERAL.—The chairperson of the Advi-
5 sory Committee shall be appointed by the Secretary
6 from among the voting members under subsection
7 (d)(1)(B).

8 (2) TERM.—Each member appointed under
9 paragraph (1) shall serve a term of 2 years as chair-
10 person.

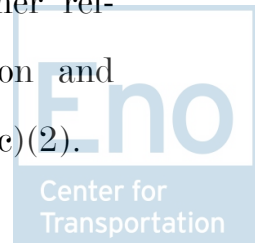
11 (g) MEETINGS.—

12 (1) FREQUENCY.—The Advisory Committee
13 shall convene at least 2 meetings a year at the call
14 of the chairperson.

15 (2) PUBLIC ATTENDANCE.—Each meeting of
16 the Advisory Committee shall be open and accessible
17 to the public.

18 (h) SPECIAL COMMITTEES.—

19 (1) ESTABLISHMENT.—The Advisory Com-
20 mittee may establish 1 or more special committees
21 composed of private sector representatives, members
22 of the public, labor representatives, and other rel-
23 evant parties in complying with consultation and
24 participation requirements under subsection (c)(2).



1 (2) RULEMAKING ADVICE.—A special com-
2 mittee established by the Advisory Committee may—

3 (A) provide rulemaking advice and rec-
4 ommendations to the Advisory Committee;

5 (B) provide the FAA additional opportuni-
6 ties to obtain firsthand information and insight
7 from those persons that are most affected by
8 existing and proposed regulations; and

9 (C) assist in expediting the development,
10 revision, or elimination of rules in accordance
11 with, and without circumventing, established
12 public rulemaking processes and procedures.

13 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
14 Federal Advisory Committee Act (5 U.S.C. App.)
15 shall not apply to a special committee under this
16 subsection.

17 (i) SUNSET.—The Advisory Committee shall cease to
18 exist on September 30, 2021.

19 **PART II—AIRCRAFT CERTIFICATION REFORM**

20 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-** 21 **JECTIVES AND METRICS.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date the Advisory Committee is established under section
24 2212, the Administrator shall establish performance objec-
25 tives and apply and track performance metrics for the



1 FAA and the aviation industry relating to aircraft certifi-
2 cation in accordance with this section.

3 (b) COLLABORATION.—The Administrator shall carry
4 out this section in collaboration with the Advisory Com-
5 mittee and update agency performance objectives and
6 metrics after considering the proposals recommended by
7 the Advisory Committee under paragraphs (8) and (9) of
8 section 2212(c).

9 (c) PERFORMANCE OBJECTIVES.—In establishing
10 performance objectives under subsection (a), the Adminis-
11 trator shall ensure progress is made toward, at a min-
12 imum—

13 (1) eliminating certification delays and improv-
14 ing cycle times;

15 (2) increasing accountability for both FAA and
16 the aviation industry;

17 (3) achieving effective utilization of FAA dele-
18 gation and designation authorities, including organi-
19 zational designation authorization;

20 (4) effectively implementing risk management
21 principles and a systems safety approach;

22 (5) reducing duplication of effort;

23 (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 the certification actions between the FAA
6 and bilateral partners;

7 (9) maintaining and improving safety;

8 (10) streamlining the hiring process for—

9 (A) qualified systems safety engineers at
10 staffing levels to support the FAA's efforts to
11 implement a systems safety approach; and

12 (B) qualified systems safety engineers to
13 guide the engineering of complex systems within
14 the FAA; and

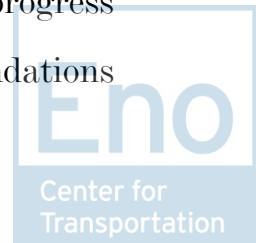
15 (11) maintaining the leadership of the United
16 States in international aviation and aerospace.

17 (d) PERFORMANCE METRICS.—In carrying out sub-
18 section (a), the Administrator shall—

19 (1) apply and track performance metrics for the
20 FAA and the aviation industry; and

21 (2) transmit to the appropriate committees of
22 Congress an annual report on tracking the progress
23 toward full implementation of the recommendations
24 under section 2212.

25 (e) DATA.—



1 (1) BASELINES.—Not later than 1 year after
2 the date the Advisory Committee recommends initial
3 performance metrics under section 2212(c)(9), the
4 Administrator shall generate initial data with respect
5 to each of the performance metrics applied and
6 tracked under this section.

7 (2) BENCHMARKS.—The Administrator shall
8 use the performance metrics applied and tracked
9 under this section to generate data on an ongoing
10 basis and to measure progress toward the consensus
11 national goals, strategic objectives, and priorities
12 recommended under section 2212(c)(3).

13 (f) PUBLICATION.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Administrator shall make data generated using
16 the performance metrics applied and tracked under
17 this section available in a searchable, sortable, and
18 downloadable format through the Internet Web site
19 of the FAA or other appropriate methods.

20 (2) LIMITATIONS.—The Administrator shall
21 make the data under paragraph (1) available in a
22 manner that—

23 (A) protects from disclosure identifying in-
24 formation regarding an individual or entity; and



1 (B) protects from inappropriate disclosure
2 proprietary information.

3 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

4 (a) IN GENERAL.—Chapter 447 is amended by add-
5 ing at the end the following:

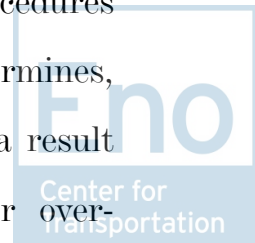
6 **“§ 44736. Organization designation authorizations**

7 “(a) DELEGATIONS OF FUNCTIONS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (3), in the oversight of an ODA holder, the
10 Administrator of the Federal Aviation Administra-
11 tion, in accordance with Federal Aviation Adminis-
12 tration standards, shall—

13 “(A) require, based on an application sub-
14 mitted by the ODA holder and approved by the
15 Administrator (or the Administrator’s des-
16 ignee), a procedures manual that addresses all
17 procedures and limitations regarding the speci-
18 fied functions to be performed by the ODA
19 holder subject to regulations prescribed by the
20 Administrator;

21 “(B) delegate fully to the ODA holder each
22 of the functions specified in the procedures
23 manual, unless the Administrator determines,
24 after the date of the delegation and as a result
25 of an accident finding, surveillance, or over-



1 sight, that it is in the public interest and safety
2 of air commerce to require a limitation; and

3 “(C) for each function that is limited
4 under subparagraph (B), work with the ODA
5 holder to develop the ODA holder’s capability to
6 execute that function safely and effectively, and
7 to return to full authority status.

8 “(2) DUTIES OF ODA HOLDERS.—An ODA
9 holder shall—

10 “(A) perform each specified function dele-
11 gated to the ODA holder in accordance with the
12 approved procedures manual for the delegation;

13 “(B) make the procedures manual avail-
14 able to each member of the appropriate ODA
15 unit; and

16 “(C) cooperate fully with oversight activi-
17 ties conducted by the Administrator in connec-
18 tion with the delegation.

19 “(3) EXISTING ODA HOLDERS.—With regard to
20 an ODA holder operating under a procedures man-
21 ual approved by the Administrator before the date of
22 enactment of the Federal Aviation Administration
23 Reauthorization Act of 2018, the Administrator
24 shall—



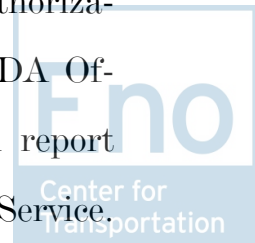
1 “(A) at the request of the ODA holder,
2 and in an expeditious manner, consider revisions to the ODA holder’s procedures manual;
3

4 “(B) delegate fully to the ODA holder each
5 of the functions specified in the procedures
6 manual, unless the Administrator determines,
7 after the date of the delegation and as a result
8 of an accident finding, surveillance, or oversight, that it is in the public interest and safety
9 of air commerce to require a limitation; and
10

11 “(C) for each function that is limited
12 under subparagraph (B), work with the ODA
13 holder to develop the ODA holder’s capability to
14 execute that function safely and effectively, and
15 to return to full authority status.

16 “(b) ODA OFFICE.—

17 “(1) ESTABLISHMENT.—Not later than 120
18 days after the date of enactment of Federal Aviation
19 Administration Reauthorization Act of 2018, the
20 Administrator shall identify, within the Office of
21 Aviation Safety, a centralized policy office to be responsible for the organization designation authorization (referred to in this subsection as the ODA Office). The Director of the ODA Office shall report
22 to the Director of the Aircraft Certification Service.



1 “(2) PURPOSE.—The purpose of the ODA Of-
2 fice shall be to provide oversight and ensure consist-
3 ency of the Federal Aviation Administration audit
4 functions under the ODA program across the agen-
5 cy.

6 “(3) FUNCTIONS.—The ODA Office shall—

7 “(A)(i) at the request of an ODA holder,
8 eliminate all limitations specified in a proce-
9 dures manual in place on the date of enactment
10 of the Federal Aviation Administration Reau-
11 thorization Act of 2018 that are low and me-
12 dium risk as determined by a risk analysis
13 using criteria established by the ODA Office
14 and disclosed to the ODA holder, except where
15 an ODA holder’s performance warrants the re-
16 tention of a specific limitation due to docu-
17 mented concerns about inadequate current per-
18 formance in carrying out that authorized func-
19 tion;

20 “(ii) require an ODA holder to estab-
21 lish a corrective action plan to regain au-
22 thority for any retained limitations;

23 “(iii) require an ODA holder to notify
24 the ODA Office when all corrective actions
25 have been accomplished; and



1 “(iv) make a reassessment to deter-
2 mine if subsequent performance in car-
3 rying out any retained limitation warrants
4 continued retention and, if such reassess-
5 ment determines performance meets objec-
6 tives, lift such limitation immediately;

7 “(B) improve the Administration and the
8 ODA holder performance and ensure full use of
9 the authorities delegated under the ODA pro-
10 gram;

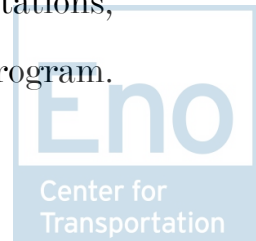
11 “(C) develop a more consistent approach to
12 audit priorities, procedures, and training under
13 the ODA program;

14 “(D) expeditiously review a random sample
15 of limitations on delegated authorities under the
16 ODA program to determine if the limitations
17 are appropriate;

18 “(E) review and approve new limitations to
19 ODA functions; and

20 “(F) ensure national consistency in the in-
21 terpretation and application of the requirements
22 of the ODA program, including any limitations,
23 and in the performance of the ODA program.

24 “(c) DEFINITIONS.—In this section:



1 “(1) ODA OR ORGANIZATION DESIGNATION AU-
2 THORIZATION.—The term ‘ODA’ or ‘organization
3 designation authorization’ means an authorization
4 under section 44702(d) to perform approved func-
5 tions on behalf of the Administrator of the Federal
6 Aviation Administration under subpart D of part
7 183 of title 14, Code of Federal Regulations.

8 “(2) ODA HOLDER.—The term ‘ODA holder’
9 means an entity authorized under section
10 44702(d)—

11 “(A) to which the Administrator of the
12 Federal Aviation Administration issues an ODA
13 letter of designation under subpart D of part
14 183 of title 14, Code of Federal Regulations (or
15 any corresponding similar regulation or ruling);
16 and

17 “(B) that is responsible for administering
18 1 or more ODA units.

19 “(3) ODA PROGRAM.—The term ‘ODA pro-
20 gram’ means the program to standardize Federal
21 Aviation Administration management and oversight
22 of the organizations that are approved to perform
23 certain functions on behalf of the Administration
24 under section 44702(d).



1 “(4) ODA UNIT.—The term ‘ODA unit’ means
2 a group of 2 or more individuals under the super-
3 vision of an ODA holder who perform the specified
4 functions under an ODA.

5 “(5) ORGANIZATION.—The term ‘organization’
6 means a firm, a partnership, a corporation, a com-
7 pany, an association, a joint-stock association, or a
8 governmental entity.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
10 The table of contents of chapter 447 is amended by adding
11 after the item relating to section 44735 the following:

 “44736. Organization designation authorizations.”.

12 **SEC. 2223. ODA REVIEW.**

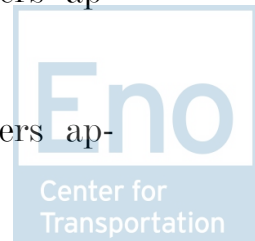
13 (a) EXPERT REVIEW PANEL.—

14 (1) ESTABLISHMENT.—Not later than 120 days
15 after the date of enactment of this Act, the Adminis-
16 trator of the FAA shall convene a multidisciplinary
17 expert review panel (referred to in this section as the
18 “Panel”).

19 (2) COMPOSITION.—

20 (A) IN GENERAL.—The Panel shall be
21 composed of not more than 20 members ap-
22 pointed by the Administrator.

23 (B) QUALIFICATIONS.—The members ap-
24 pointed to the Panel shall—



1 (i) each have a minimum of 5 years of
2 experience in processes and procedures
3 under the ODA program; and

4 (ii) include representatives of ODA
5 holders, aviation manufacturers, safety ex-
6 perts, and FAA labor organizations, in-
7 cluding labor representatives of FAA avia-
8 tion safety inspectors and aviation safety
9 engineers.

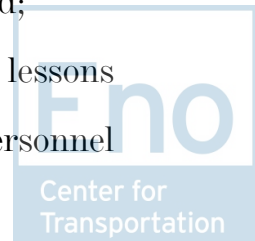
10 (b) SURVEY.—The Panel shall survey ODA holders
11 and ODA program applicants to document FAA safety
12 oversight and certification programs and activities, includ-
13 ing the FAA’s use of the ODA program and the speed
14 and efficiency of the certification process. In carrying out
15 this subsection, the Administrator shall consult with the
16 appropriate survey experts and the Panel to best design
17 and conduct the survey.

18 (c) ASSESSMENT.—The Panel shall—

19 (1) conduct an assessment of—

20 (A) the FAA’s processes and procedures
21 under the ODA program and whether the proc-
22 esses and procedures function as intended;

23 (B) the best practices of and lessons
24 learned by ODA holders and the FAA personnel
25 who provide oversight of ODA holders;



1 (C) the performance incentive policies, re-
2 lated to the ODA program for FAA personnel,
3 that do not conflict with the public interest;

4 (D) the training activities related to the
5 ODA program for FAA personnel and ODA
6 holders; and

7 (E) the impact, if any, that oversight of
8 the ODA program has on FAA resources and
9 the FAA's ability to process applications for
10 certifications outside of the ODA program; and

11 (2) make recommendations for improving FAA
12 safety oversight and certification programs and ac-
13 tivities based on the results of the survey under sub-
14 section (b) and each element of the assessment
15 under paragraph (1) of this subsection.

16 (d) REPORT.—Not later than 180 days after the date
17 the Panel is convened under subsection (a), the Panel shall
18 submit to the Administrator, the Advisory Committee, and
19 the appropriate committees of Congress a report on re-
20 sults of the survey under subsection (b) and the assess-
21 ment and recommendations under subsection (c).

22 (e) DEFINITIONS.—The terms used in this section
23 have the meanings given the terms in section 44736 of
24 title 49, United States Code, as added by section 2222
25 of this Act.



1 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the Panel.

4 (g) SUNSET.—The Panel shall terminate on the date
5 the report is submitted under subsection (d).

6 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

7 (a) IN GENERAL.—Section 44704(a) is amended by
8 adding at the end the following:

9 “(6) TYPE CERTIFICATION RESOLUTION PROC-
10 ESS.—

11 “(A) IN GENERAL.—Not later than 15
12 months after the date of enactment of the Fed-
13 eral Aviation Administration Reauthorization
14 Act of 2018, the Administrator shall establish
15 an effective, expeditious, and milestone-based
16 issue resolution process for type certification ac-
17 tivities under this subsection.

18 “(B) PROCESS REQUIREMENTS.—The res-
19 olution process shall provide for—

20 “(i) the resolution of technical issues
21 at preestablished stages of the certification
22 process, as agreed to by the Administrator
23 and the type certificate applicant;

24 “(ii) the automatic escalation to ap-
25 propriate management personnel of the



1 Federal Aviation Administration and the
2 type certificate applicant of any major cer-
3 tification process milestone that is not
4 completed or resolved within a specific pe-
5 riod of time agreed to by the Adminis-
6 trator and the type certificate applicant;
7 and

8 “(iii) the resolution of a major certifi-
9 cation process milestone escalated under
10 clause (ii) within a specific period of time
11 agreed to by the Administrator and the
12 type certificate applicant.

13 “(C) DEFINITION OF MAJOR CERTIFI-
14 CATION PROCESS MILESTONE.—In this para-
15 graph, the term ‘major certification process
16 milestone’ means a milestone related to a type
17 certification basis, type certification plan, type
18 inspection authorization, issue paper, or other
19 major type certification activity agreed to by
20 the Administrator and the type certificate appli-
21 cant.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
23 Section 44704 is amended in the heading by striking
24 “**airworthiness certificates,**” and inserting “**air-**
25 **worthiness certificates,**”.



1 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
2 **GENERAL AVIATION AIRPLANES.**

3 (a) **POLICY.**—In a manner consistent with the Small
4 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
5 note), not later than 180 days after the date of enactment
6 of this Act, the Administrator shall establish and begin
7 implementing a risk-based policy that streamlines the in-
8 stallation of safety enhancing technologies for small gen-
9 eral aviation airplanes in a manner that reduces regu-
10 latory delays and significantly improves safety.

11 (b) **INCLUSIONS.**—The safety enhancing technologies
12 for small general aviation airplanes described in subsection
13 (a) shall include, at a minimum, the replacement or ret-
14 rofit of primary flight displays, auto pilots, engine mon-
15 itors, and navigation equipment.

16 (c) **COLLABORATION.**—In carrying out this section,
17 the Administrator shall collaborate with general aviation
18 operators, general aviation manufacturers, and appro-
19 priate FAA labor organizations, including representatives
20 of FAA aviation safety inspectors and aviation safety engi-
21 neers, certified under section 7111 of title 5, United
22 States Code.

23 (d) **DEFINITION OF SMALL GENERAL AVIATION AIR-**
24 **PLANE.**—In this section, the term “small general aviation
25 airplane” means an airplane that—



1 (1) is certified to the standards of part 23 of
2 title 14, Code of Federal Regulations;

3 (2) has a seating capacity of not more than 9
4 passengers; and

5 (3) is not used in scheduled passenger-carrying
6 operations under part 121 of title 14, Code of Fed-
7 eral Regulations.

8 **PART III—FLIGHT STANDARDS REFORM**

9 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-** 10 **TIVES AND METRICS.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date the Advisory Committee is established under section
13 2212, the Administrator shall establish performance objec-
14 tives and apply and track performance metrics for the
15 FAA and the aviation industry relating to flight standards
16 activities in accordance with this section.

17 (b) COLLABORATION.—The Administrator shall carry
18 out this section in collaboration with the Advisory Com-
19 mittee and update agency performance objectives and
20 metrics after considering the recommendations of the Ad-
21 visory Committee under paragraphs (8) and (9) of section
22 2212(c).

23 (c) PERFORMANCE OBJECTIVES.—In carrying out
24 subsection (a), the Administrator shall ensure that
25 progress is made toward, at a minimum—



1 (1) eliminating delays with respect to such ac-
2 tivities;

3 (2) increasing accountability for both FAA and
4 the aviation industry;

5 (3) effectively implementing risk management
6 principles and a systems safety approach;

7 (4) reducing duplication of effort;

8 (5) promoting appropriate compliance activities
9 and eliminating inconsistent regulatory interpreta-
10 tions and inconsistent enforcement activities;

11 (6) improving and providing greater opportuni-
12 ties for training, including recurrent training, in au-
13 diting and a systems safety approach to oversight;

14 (7) developing and allowing the use of a single
15 master source for guidance;

16 (8) providing and using a streamlined appeal
17 process for the resolution of regulatory interpreta-
18 tion questions;

19 (9) maintaining and improving safety; and

20 (10) increasing transparency.

21 (d) PERFORMANCE METRICS.—In carrying out sub-
22 section (a), the Administrator shall—

23 (1) apply and track performance metrics for the
24 FAA and the aviation industry; and



1 (2) transmit to the appropriate committees of
2 Congress an annual report tracking the progress to-
3 ward full implementation of the performance metrics
4 under section 2212.

5 (e) DATA.—

6 (1) BASELINES.—Not later than 1 year after
7 the date the Advisory Committee recommends initial
8 performance metrics under section 2212(c)(9), the
9 Administrator shall generate initial data with respect
10 to each of the performance metrics applied and
11 tracked that are approved based on the rec-
12 ommendations required under this section.

13 (2) BENCHMARKS.—The Administrator shall
14 use the performance metrics applied and tracked
15 under this section to generate data on an ongoing
16 basis and to measure progress toward the consensus
17 national goals, strategic objectives, and priorities
18 recommended under section 2212(c)(3).

19 (f) PUBLICATION.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 the Administrator shall make data generated using
22 the performance metrics applied and tracked under
23 this section available in a searchable, sortable, and
24 downloadable format through the Internet Web site
25 of the FAA or other appropriate methods.



1 (2) LIMITATIONS.—The Administrator shall
2 make the data under paragraph (1) available in a
3 manner that—

4 (A) protects from disclosure identifying in-
5 formation regarding an individual or entity; and

6 (B) protects from inappropriate disclosure
7 proprietary information.

8 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
9 **FORM.**

10 (a) ESTABLISHMENT.—Not later than 90 days after
11 the date of enactment of this Act, the Administrator shall
12 establish the FAA Task Force on Flight Standards Re-
13 form (referred to in this section as the “Task Force”).

14 (b) MEMBERSHIP.—

15 (1) APPOINTMENT.—The membership of the
16 Task Force shall be appointed by the Administrator.

17 (2) NUMBER.—The Task Force shall be com-
18 posed of not more than 20 members.

19 (3) REPRESENTATION REQUIREMENTS.—The
20 membership of the Task Force shall include rep-
21 resentatives, with knowledge of flight standards reg-
22 ulatory processes and requirements, of—

23 (A) air carriers;

24 (B) general aviation;

25 (C) business aviation;



- 1 (D) repair stations;
- 2 (E) unmanned aircraft systems operators;
- 3 (F) flight schools;
- 4 (G) manufacturers;
- 5 (H) labor unions, including those rep-
- 6 resenting FAA aviation safety inspectors and
- 7 those representing FAA aviation safety engi-
- 8 neers; and
- 9 (I) aviation safety experts.

10 (c) DUTIES.—The duties of the Task Force shall in-

11 clude, at a minimum, identifying cost-effective best prac-

12 tices and providing recommendations with respect to—

13 (1) simplifying and streamlining flight stand-

14 ards regulatory processes, including issuance and

15 oversight of certificates;

16 (2) reorganizing the Flight Standards Service

17 to establish an entity organized by function rather

18 than geographic region, if appropriate;

19 (3) FAA aviation safety inspector training op-

20 portunities;

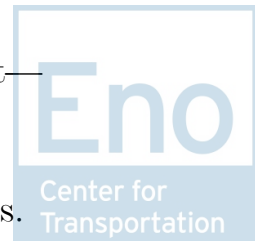
21 (4) FAA aviation safety inspector standards

22 and performance; and

23 (5) achieving, across the FAA, consistent—

24 (A) regulatory interpretations; and

25 (B) application of oversight activities.



1 (d) REPORT.—Not later than 1 year after the date
2 the Task Force is established under subsection (a), the
3 Task Force shall submit to the Administrator, Advisory
4 Committee, and appropriate committees of Congress a re-
5 port detailing—

6 (1) the best practices identified and rec-
7 ommendations provided by the Task Force under
8 subsection (c); and

9 (2) any recommendations of the Task Force for
10 additional regulatory action or cost-effective legisla-
11 tive action.

12 (e) FLIGHT STANDARDS SERVICE REALIGNMENT
13 FEASIBILITY REPORT.—Not later than 1 year after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit to the appropriate committees of Congress a report
16 on the findings of the determination of the feasibility of
17 realigning flight standards service regional field offices to
18 specialized areas of aviation safety oversight and technical
19 expertise.

20 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
21 Federal Advisory Committee Act (5 U.S.C. App.) shall not
22 apply to the Task Force.

23 (g) SUNSET.—The Task Force shall cease to exist on
24 the date that the Task Force submits the report required
25 under subsection (d).



1 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of enactment of this Act, the Administrator of
4 the FAA shall establish a centralized safety guidance data-
5 base for all of the regulatory guidance issued by the FAA
6 Office of Aviation Safety regarding compliance with 1 or
7 more aviation safety-related provisions of the Code of Fed-
8 eral Regulations.

9 (b) REQUIREMENTS.—The database under subsection
10 (a) shall—

11 (1) for each guidance, include a link to the spe-
12 cific provision of the Code of Federal Regulations;

13 (2) subject to paragraph (3), be accessible to
14 the public; and

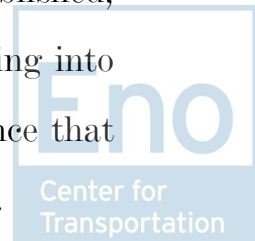
15 (3) be provided in a manner that—

16 (A) protects from disclosure identifying in-
17 formation regarding an individual or entity; and

18 (B) protects from inappropriate disclosure
19 proprietary information.

20 (c) DATA ENTRY TIMING.—

21 (1) EXISTING DOCUMENTS.—Not later than 14
22 months after the date the database is established,
23 the Administrator shall have completed entering into
24 the database any applicable regulatory guidance that
25 are in effect and were issued before that date.



1 (2) NEW REGULATORY GUIDANCE AND UP-
2 DATES.—Beginning on the date the database is es-
3 tablished, the Administrator shall ensure that any
4 applicable regulatory guidance that are issued on or
5 after that date are entered into the database as they
6 are issued.

7 (d) CONSULTATION REQUIREMENT.—In establishing
8 the database under subsection (a), the Administrator shall
9 consult and collaborate with appropriate stakeholders, in-
10 cluding labor organizations (including those representing
11 aviation workers, FAA aviation safety engineers, and FAA
12 aviation safety inspectors) and aviation industry stake-
13 holders.

14 (e) DEFINITION OF REGULATORY GUIDANCE.—In
15 this section, the term “regulatory guidance” means all
16 forms of written information issued by the FAA that an
17 individual or entity may use to interpret or apply FAA
18 regulations and requirements, including information an in-
19 dividual or entity may use to determine acceptable means
20 of compliance with such regulations and requirements,
21 such as an order, manual, circular, policy statement, legal
22 interpretation memorandum, and rulemaking documents.



1 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATION**

2 **BOARD.**

3 (a) FUNCTIONS.—The Regulatory Consistency Com-
4 munication Board (referred to in this section as the
5 “Board”) shall carry out the following functions:

6 (1) Recommend, at a minimum, processes by
7 which—

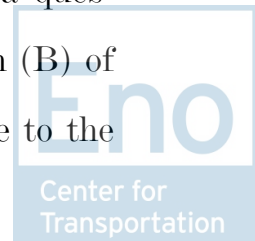
8 (A) FAA personnel and persons regulated
9 by the FAA may submit regulatory interpreta-
10 tion questions without fear of retaliation;

11 (B) FAA personnel may submit written
12 questions as to whether a previous approval or
13 regulatory interpretation issued by FAA per-
14 sonnel in another office or region is correct or
15 incorrect; and

16 (C) any other person may submit anony-
17 mous regulatory interpretation questions.

18 (2) Meet on a regular basis to discuss and re-
19 solve questions submitted under paragraph (1) and
20 the appropriate application of regulations and policy
21 with respect to each question.

22 (3) Provide to a person that submitted a ques-
23 tion under subparagraph (A) or subparagraph (B) of
24 paragraph (1) an expeditious written response to the
25 question.



1 (4) Recommend a process to make the resolu-
2 tion of common regulatory interpretation questions
3 publicly available to FAA personnel and the public
4 in a manner that—

5 (A) does not reveal any identifying data of
6 the person that submitted a question; and

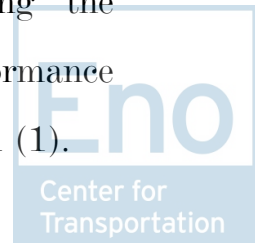
7 (B) protects any proprietary information.

8 (5) Ensure that responses to questions under
9 this subsection are incorporated into regulatory
10 guidance (as defined in section 2233(e)).

11 (b) PERFORMANCE METRICS, TIMELINES, AND
12 GOALS.—Not later than 180 days after the date that the
13 Advisory Committee recommends performance objectives
14 and performance metrics for the FAA and the aviation
15 industry under paragraphs (8) and (9) of section 2212(c),
16 the Administrator, in collaboration with the Advisory
17 Committee, shall—

18 (1) establish performance metrics, timelines,
19 and goals to measure the progress of the Board in
20 resolving regulatory interpretation questions sub-
21 mitted under subsection (a)(1); and

22 (2) implement a process for tracking the
23 progress of the Board in meeting the performance
24 metrics, timelines, and goals under paragraph (1).



1 **PART IV—SAFETY WORKFORCE**

2 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

3 (a) SAFETY WORKFORCE TRAINING STRATEGY.—

4 Not later than 60 days after the date of enactment of this
5 Act, the Administrator of the FAA shall review and revise
6 its safety workforce training strategy to ensure that it—

7 (1) aligns with an effective risk-based approach
8 to safety oversight;

9 (2) best utilizes available resources;

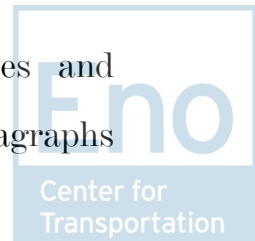
10 (3) allows FAA employees participating in orga-
11 nization management teams or conducting ODA pro-
12 gram audits to complete, expeditiously, appropriate
13 training, including recurrent training, in auditing
14 and a systems safety approach to oversight;

15 (4) seeks knowledge-sharing opportunities be-
16 tween the FAA and the aviation industry in new
17 technologies, best practices, and other areas of inter-
18 est related to safety oversight;

19 (5) fosters an inspector and engineer workforce
20 that has the skills and training necessary to improve
21 risk-based approaches that focus on requirements
22 management and auditing skills; and

23 (6) includes, as appropriate, milestones and
24 metrics for meeting the requirements of paragraphs

25 (1) through (5).



1 (b) REPORT.—Not later than 270 days after the date
2 the strategy is established under subsection (a), the Ad-
3 ministrator shall submit to the appropriate committees of
4 Congress a report on the implementation of the strategy
5 and progress in meeting any milestones or metrics in-
6 cluded in the strategy.

7 (c) DEFINITIONS.—In this section:

8 (1) ODA HOLDER.—The term “ODA holder”
9 has the meaning given the term in section 44736 of
10 title 49, United States Code, as added by section
11 2222 of this Act.

12 (2) ODA PROGRAM.—The term “ODA pro-
13 gram” has the meaning given the term in section
14 44736(c)(3) of title 49, United States Code, as
15 added by section 2222 of this Act.

16 (3) ORGANIZATION MANAGEMENT TEAM.—The
17 term “organization management team” means a
18 group of FAA employees consisting of FAA aviation
19 safety engineers, flight test pilots, and aviation safe-
20 ty inspectors overseeing an ODA holder and its spec-
21 ified function delegated under section 44702 of title
22 49, United States Code.



1 **PART V—INTERNATIONAL AVIATION**
2 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**
3 **STANDARDS, PRODUCTS, AND SERVICES**
4 **ABROAD.**

5 Section 40104 is amended by adding at the end the
6 following:

7 “(d) PROMOTION OF UNITED STATES AEROSPACE
8 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
9 Secretary shall take appropriate actions—

10 “(1) to promote United States aerospace-re-
11 lated safety standards abroad;

12 “(2) to facilitate and vigorously defend approv-
13 als of United States aerospace products and services
14 abroad;

15 “(3) with respect to bilateral partners, to use
16 bilateral safety agreements and other mechanisms to
17 improve validation of United States type certificated
18 aeronautical products and services and enhance mu-
19 tual acceptance in order to eliminate redundancies
20 and unnecessary costs; and

21 “(4) with respect to the aeronautical safety au-
22 thorities of a foreign country, to streamline that
23 country’s validation of United States aerospace
24 standards, products, and services.”.



1 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
2 **RESPONSIBILITIES.**

3 Section 44701(e) is amended by adding at the end
4 the following:

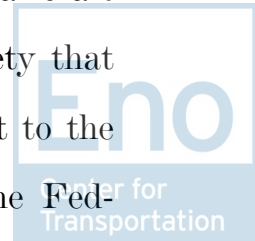
5 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

6 “(A) ACCEPTANCE.—Subject to subpara-
7 graph (D), the Administrator may accept an
8 airworthiness directive (as defined in section
9 39.3 of title 14, Code of Federal Regulations)
10 issued by an aeronautical safety authority of a
11 foreign country, and leverage that aeronautical
12 safety authority’s regulatory process, if—

13 “(i) the country is the state of design
14 for the product that is the subject of the
15 airworthiness directive;

16 “(ii) the United States has a bilateral
17 safety agreement relating to aircraft cer-
18 tification with the country;

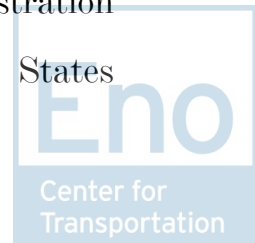
19 “(iii) as part of the bilateral safety
20 agreement with the country, the Adminis-
21 trator has determined that the aero-
22 nautical safety authority has an aircraft
23 certification system relating to safety that
24 produces a level of safety equivalent to the
25 level produced by the system of the Fed-
26 eral Aviation Administration;



1 “(iv) the aeronautical safety authority
2 utilizes an open and transparent public no-
3 tice and comment process, including con-
4 sidering comments from owners and opera-
5 tors of foreign-registered aircraft and other
6 aeronautical products and appliances in
7 the issuance of airworthiness directives;
8 and

9 “(v) the airworthiness directive ad-
10 dresses a specific issue necessary for the
11 safe operation of aircraft subject to the di-
12 rective.

13 “(B) ALTERNATIVE APPROVAL PROCESS.—
14 Notwithstanding subparagraph (A), the Admin-
15 istrator may issue a Federal Aviation Adminis-
16 tration airworthiness directive instead of accept-
17 ing the airworthiness directive issued by the
18 aeronautical safety authority of a foreign coun-
19 try if the Administrator determines that such
20 issuance is necessary for safety or operational
21 reasons due to the complexity or unique fea-
22 tures of the Federal Aviation Administration
23 airworthiness directive or the United States
24 aviation system.



1 “(C) ALTERNATIVE MEANS OF COMPLI-
2 ANCE.—The Administrator—

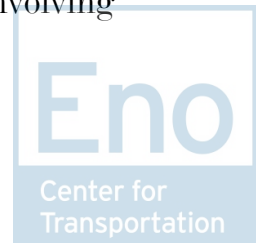
3 “(i) may accept an alternative means
4 of compliance, with respect to an air-
5 worthiness directive under subparagraph
6 (A), that was approved by the aeronautical
7 safety authority of the foreign country that
8 issued the airworthiness directive; or

9 “(ii) notwithstanding subparagraph
10 (A), and at the request of any person af-
11 fected by an airworthiness directive under
12 that subparagraph—

13 “(I) shall consider an alternative
14 means of compliance with respect to
15 the airworthiness directive; and

16 “(II) may approve such alter-
17 native means, if appropriate.

18 “(D) LIMITATIONS.—The Administrator
19 may not accept an airworthiness directive
20 issued by an aeronautical safety authority of a
21 foreign country if the airworthiness directive
22 addresses matters other than those involving
23 the safe operation of an aircraft.”.



1 **SEC. 2253. FAA LEADERSHIP ABROAD.**

2 (a) IN GENERAL.—To promote United States aero-
3 space safety standards, reduce redundant regulatory activ-
4 ity, and facilitate acceptance of FAA design and produc-
5 tion approvals abroad, the Administrator shall—

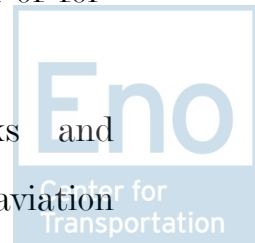
6 (1) attain greater expertise in issues related to
7 dispute resolution, intellectual property, and export
8 control laws to better support FAA certification and
9 other aerospace regulatory activities abroad;

10 (2) work with United States companies to more
11 accurately track the amount of time it takes foreign
12 authorities, including bilateral partners, to validate
13 United States type certificated aeronautical prod-
14 ucts;

15 (3) provide assistance to United States compa-
16 nies who have experienced significantly long foreign
17 validation wait times;

18 (4) work with foreign authorities, including bi-
19 lateral partners, to collect and analyze data to deter-
20 mine the timeliness of the acceptance and validation
21 of FAA design and production approvals by foreign
22 authorities and the acceptance and validation of for-
23 eign-certified products by the FAA;

24 (5) establish appropriate benchmarks and
25 metrics to measure the success of bilateral aviation
26 safety agreements and to reduce the validation time



1 for United States type certificated aeronautical
2 products abroad; and

3 (6) work with foreign authorities, including bi-
4 lateral partners, to improve the timeliness of the ac-
5 ceptance and validation of FAA design and produc-
6 tion approvals by foreign authorities and the accept-
7 ance and validation of foreign-certified products by
8 the FAA.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Administrator shall submit
11 to the appropriate committees of Congress a report that—

12 (1) describes the Administrator’s strategic plan
13 for international engagement;

14 (2) describes the structure and responsibilities
15 of all FAA offices that have international respon-
16 sibilities, including the Aircraft Certification Office,
17 and all the activities conducted by those offices re-
18 lated to certification and production;

19 (3) describes current and forecasted staffing
20 and travel needs for the FAA’s international engage-
21 ment activities, including the needs of the Aircraft
22 Certification Office in the current and forecasted
23 budgetary environment;

24 (4) provides recommendations, if appropriate,
25 to improve the existing structure and personnel and



1 travel policies supporting the FAA’s international
2 engagement activities, including the activities of the
3 Aviation Certification Office, to better support the
4 growth of United States aerospace exports; and

5 (5) identifies policy initiatives, regulatory initia-
6 tives, or cost-effective legislative initiatives needed to
7 improve and enhance the timely acceptance of
8 United States aerospace products abroad.

9 (c) INTERNATIONAL TRAVEL.—The Administrator of
10 the FAA, or the Administrator’s designee, may authorize
11 international travel for any FAA employee, without the
12 approval of any other person or entity, if the Adminis-
13 trator determines that the travel is necessary—

14 (1) to promote United States aerospace safety
15 standards; or

16 (2) to support expedited acceptance of FAA de-
17 sign and production approvals.

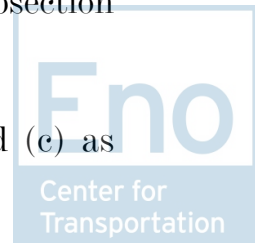
18 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**

19 **FEEES.**

20 Section 45305 is amended—

21 (1) in subsection (a), by striking “Subject to
22 subsection (b)” and inserting “Subject to subsection
23 (c)”;

24 (2) by redesignating subsections (b) and (c) as
25 subsections (c) and (d), respectively; and



1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) CERTIFICATION SERVICES.—Subject to sub-
4 section (c), and notwithstanding section 45301(a), the Ad-
5 ministrator may establish and collect a fee from a foreign
6 government or entity for services related to certification,
7 regardless of where the services are provided, if the fee—
8 “(1) is established and collected in a manner
9 consistent with aviation safety agreements; and
10 “(2) does not exceed the estimated costs of the
11 services.”.

12 **Subtitle C—Airline Passenger**
13 **Safety and Protections**

14 **SEC. 2301. ACCESS TO AIR CARRIER FLIGHT DECKS.**

15 The Administrator of the Federal Aviation Adminis-
16 tration shall collaborate with other aviation authorities to
17 advance a global standard for access to air carrier flight
18 decks and redundancy requirements consistent with the
19 flight deck access and redundancy requirements in the
20 United States.

21 **SEC. 2302. AIRCRAFT TRACKING AND FLIGHT DATA.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration shall assess current per-
25 formance standards, and as appropriate, conduct a rule-



1 making to revise the standards to improve near-term and
2 long-term aircraft tracking and flight data recovery, in-
3 cluding retrieval, access, and protection of such data after
4 an incident or accident.

5 (b) CONSIDERATIONS.—In revising the performance
6 standards under subsection (a), the Administrator may
7 consider—

8 (1) various methods for improving detection
9 and retrieval of flight data, including—

10 (A) low frequency underwater locating de-
11 vices; and

12 (B) extended battery life for underwater
13 locating devices;

14 (2) automatic deployable flight recorders;

15 (3) triggered transmission of flight data, and
16 other satellite-based solutions;

17 (4) distress-mode tracking; and

18 (5) protections against disabling flight recorder
19 systems.

20 (c) COORDINATION.—If the performance standards
21 under subsection (a) are revised, the Administrator shall
22 coordinate with international regulatory authorities and
23 the International Civil Aviation Organization to ensure
24 that any new international standard for aircraft tracking
25 and flight data recovery is consistent with a performance-



1 based approach and is implemented in a globally har-
2 monized manner.

3 **SEC. 2303. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
4 **AND REST REQUIREMENTS.**

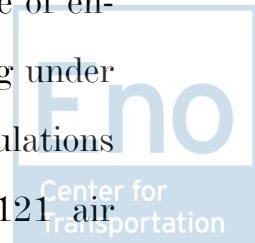
5 (a) MODIFICATION OF FINAL RULE.—Not later than
6 1 year after the date of enactment of this Act, the Admin-
7 istrator of the Federal Aviation Administration shall re-
8 vise the flight attendant duty period limitations and rest
9 requirements under section 121.467 of title 14, Code of
10 Federal Regulations.

11 (b) CONTENTS.—Except as provided in subsection
12 (c), in revising the rule under subsection (a), the Adminis-
13 trator shall ensure that a flight attendant scheduled to
14 a duty period of 14 hours or less is given a scheduled rest
15 period of at least 10 consecutive hours.

16 (c) EXCEPTION.—The rest period required under
17 subsection (b) may be scheduled or reduced to 9 consecu-
18 tive hours if the flight attendant is provided a subsequent
19 rest period of at least 11 consecutive hours.

20 (d) FATIGUE RISK MANAGEMENT PLAN.—

21 (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-
22 RIERS.—Not later than 90 days after the date of en-
23 actment of this Act, each air carrier operating under
24 part 121 of title 14, Code of Federal Regulations
25 (referred to in this subsection as a “part 121 air



1 carrier”), shall submit a fatigue risk management
2 plan for the carrier’s flight attendants to the Admin-
3 istrator for review and acceptance.

4 (2) CONTENTS OF PLAN.—Each fatigue risk
5 management plan submitted under paragraph (1)
6 shall include—

7 (A) current flight time and duty period
8 limitations;

9 (B) a rest scheme that is consistent with
10 such limitations and enables the management of
11 flight attendant fatigue, including annual train-
12 ing to increase awareness of—

13 (i) fatigue;

14 (ii) the effects of fatigue on flight at-
15 tendants; and

16 (iii) fatigue countermeasures; and

17 (C) the development and use of method-
18 ology that continually assesses the effectiveness
19 of implementation of the plan, including the
20 ability of the plan—

21 (i) to improve alertness; and

22 (ii) to mitigate performance errors.

23 (3) REVIEW.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator
25 shall—



1 (A) review each fatigue risk management
2 plan submitted under this subsection; and

3 (B)(i) accept the plan; or

4 (ii) reject the plan and provide the
5 part 121 air carrier with suggested modi-
6 fications to be included when the plan is
7 resubmitted.

8 (4) PLAN UPDATES.—

9 (A) IN GENERAL.—Not less frequently
10 than once every 2 years, each part 121 air car-
11 rier shall—

12 (i) update the fatigue risk manage-
13 ment plan submitted under paragraph (1);
14 and

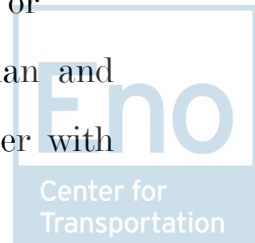
15 (ii) submit the updated plan to the
16 Administrator for review and acceptance.

17 (B) REVIEW.—Not later than 1 year after
18 the date on which an updated plan is submitted
19 under subparagraph (A)(ii), the Administrator
20 shall—

21 (i) review the updated plan; and

22 (ii)(I) accept the updated plan; or

23 (II) reject the updated plan and
24 provide the part 121 air carrier with



1 suggested modifications to be included
2 when the updated plan is resubmitted.

3 (5) COMPLIANCE.—Each part 121 air carrier
4 shall comply with its fatigue risk management plan
5 after the plan 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 the purpose of applying civil penalties
11 under chapter 463 of such title.

12 **SEC. 2304. REPORT ON OBSOLETE TEST EQUIPMENT.**

13 (a) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Administrator of the
15 Federal Aviation Administration shall submit to the ap-
16 propriate committees of Congress a report on the National
17 Test Equipment Program (referred to in this section as
18 the “Program”).

19 (b) CONTENTS.—The report shall include—

20 (1) a list of all known outstanding requests for
21 test equipment, cataloged by type and location,
22 under the Program;

23 (2) a description of the current method under
24 the Program of ensuring calibrated equipment is in
25 place for utilization;



1 (3) a plan by the Administrator for appropriate
2 inventory of such equipment; and

3 (4) the Administrator's recommendations for
4 increasing multifunctionality in future test equip-
5 ment to be developed and all known and foreseeable
6 manufacturer technological advances.

7 **SEC. 2305. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
8 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

9 (a) IN GENERAL.—Not later than June 30, 2019, the
10 Administrator of the Federal Aviation Administration
11 shall—

12 (1) assess available technologies to determine
13 whether it is feasible, cost-effective, and appropriate
14 to install and deploy, at any airport, systems to pro-
15 vide a direct warning capability to flight crews and
16 air traffic controllers of potential runway incursions;
17 and

18 (2) submit to the appropriate committees of
19 Congress a report on the assessment under para-
20 graph (1), including any recommendations.

21 (b) CONSIDERATIONS.—In conducting the assess-
22 ment under subsection (a), the Administration shall con-
23 sider National Transportation Safety Board findings and
24 relevant aviation stakeholder views relating to runway in-
25 cursions.



1 **SEC. 2306. HELICOPTER AIR AMBULANCE OPERATIONS**

2 **DATA AND REPORTS.**

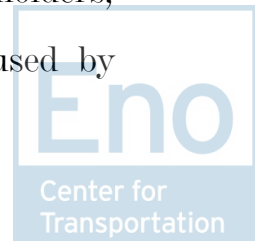
3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration, in collaboration with heli-
6 copter air ambulance industry stakeholders, shall assess
7 the availability of information to the general public related
8 to the location of heliports and helipads used by heli-
9 copters providing air ambulance services, including
10 helipads and helipads outside of those listed as part of
11 any existing databases of Airport Master Record (5010)
12 forms.

13 (b) REQUIREMENTS.—Based on the assessment
14 under subsection (a), the Administrator shall—

15 (1) update, as necessary, any existing guidance
16 on what information is included in the current data-
17 bases of Airport Master Record (5010) forms to in-
18 clude information related to heliports and helipads
19 used by helicopters providing air ambulance services;
20 or

21 (2) develop, as appropriate and in collaboration
22 with helicopter air ambulance industry stakeholders,
23 a new database of heliports and helipads used by
24 helicopters providing air ambulance services.

25 (c) REPORTS.—



1 (1) ASSESSMENT.—Not later than 30 days
2 after the date the assessment under subsection (a)
3 is complete, the Administrator shall submit to the
4 appropriate committees of Congress a report on the
5 assessment, including any recommendations on how
6 to make information related to the location of heli-
7 ports and helipads used by helicopters providing air
8 ambulance services available to the general public.

9 (2) IMPLEMENTATION.—Not later than 30 days
10 after completing action under paragraph (1) or
11 paragraph (2) of subsection (b), the Administrator
12 shall submit to the appropriate committees of Con-
13 gress a report on the implementation of that action.

14 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
15 is amended—

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
18 by striking “not later than 1 year after the date
19 of enactment of this section, and annually
20 thereafter” and inserting “annually”;

21 (B) in paragraph (2), by striking “flights
22 and hours flown, by registration number, dur-
23 ing which helicopters operated by the certificate
24 holder were providing helicopter air ambulance



1 services” and inserting “hours flown by the hel-
2 icopters operated by the certificate holder”;

3 (C) in paragraph (3)—

4 (i) by striking “of flight” and insert-
5 ing “of patients transported and the num-
6 ber of patient transport”;

7 (ii) by inserting “or” after “inter-
8 facility transport,”; and

9 (iii) by striking “, or ferry or repo-
10 sitioning flight”;

11 (D) in paragraph (5)—

12 (i) by striking “flights and”; and

13 (ii) by striking “while providing air
14 ambulance services”; and

15 (E) by amending paragraph (6) to read as
16 follows:

17 “(6) The number of hours flown at night by
18 helicopters operated by the certificate holder.”;

19 (2) in subsection (d)—

20 (A) by striking “Not later than 2 years
21 after the date of enactment of this section, and
22 annually thereafter, the Administrator shall
23 submit” and inserting “The Administrator shall
24 submit annually”; and



1 (B) by adding at the end the following:

2 “The report shall include the number of acci-
3 dents experienced by helicopter air ambulance
4 operations, the number of fatal accidents expe-
5 rienced by helicopter air ambulance operations,
6 and the rate, per 100,000 flight hours, of acci-
7 dents and fatal accidents experienced by opera-
8 tors providing helicopter air ambulance serv-
9 ices.”;

10 (3) by redesignating subsection (e) as sub-
11 section (f); and

12 (4) by inserting after subsection (d) the fol-
13 lowing:

14 “(e) IMPLEMENTATION.—In carrying out this sec-
15 tion, the Administrator, in collaboration with part 135 cer-
16 tificate holders providing helicopter air ambulance serv-
17 ices, shall—

18 “(1) propose and develop a method to collect
19 and store the data submitted under subsection (a),
20 including a method to protect the confidentiality of
21 any trade secret or proprietary information sub-
22 mitted; and

23 “(2) ensure that the database under subsection
24 (c) and the report under subsection (d) include data



1 and analysis that will best inform efforts to improve
2 the safety of helicopter air ambulance operations.”.

3 **SEC. 2307. PART 135 ACCIDENT AND INCIDENT DATA.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator of the Federal Aviation Ad-
6 ministration shall—

7 (1) determine, in collaboration with the Na-
8 tional Transportation Safety Board and part 135 in-
9 dustry stakeholders, what, if any, additional data
10 should be reported as part of an accident or incident
11 notice—

12 (A) to more accurately measure the safety
13 of on-demand part 135 aircraft activity;

14 (B) to pinpoint safety problems; and

15 (C) to form the basis for critical research
16 and analysis of general aviation issues; and

17 (2) submit to the appropriate committees of
18 Congress a report on the findings under paragraph
19 (1), including a description of the additional data to
20 be collected, a timeframe for implementing the addi-
21 tional data collection, and any potential obstacles to
22 implementation.

23 **SEC. 2308. DEFINITION OF HUMAN FACTORS.**

24 Section 40102(a), as amended by section 2134 of this
25 Act, is further amended—



1 (1) by redesignating paragraphs (24) through
2 (47) as paragraphs (25) through (48), respectively;
3 and

4 (2) by inserting after paragraph (23) the fol-
5 lowing:

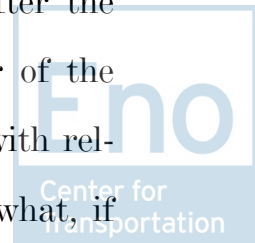
6 “(24) ‘human factors’ means a multidisciplinary
7 field that generates and compiles information about
8 human capabilities and limitations and applies it to
9 design, development, and evaluation of equipment,
10 systems, facilities, procedures, jobs, environments,
11 staffing, organizations, and personnel management
12 for safe, efficient, and effective human performance,
13 including people’s use of technology.”.

14 **SEC. 2309. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
15 **THORITY.**

16 It is the sense of Congress that the pilot in command
17 of an aircraft is directly responsible for, and is the final
18 authority as to, the operation of that aircraft, as set forth
19 in section 91.3(a) of title 14, Code of Federal Regulations
20 (or any successor regulation thereto).

21 **SEC. 2310. ENHANCING ASIAs.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration, in consultation with rel-
25 evant aviation industry stakeholders, shall assess what, if



1 any, improvements are needed to develop the predictive
2 capability of the Aviation Safety Information Analysis and
3 Sharing program (referred to in this section as “ASIAS”)
4 with regard to identifying precursors to accidents.

5 (b) CONTENTS.—In conducting the assessment under
6 subsection (a), the Administrator shall—

7 (1) determine what actions are necessary—

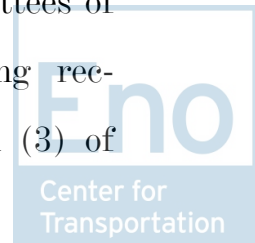
8 (A) to improve data quality and standard-
9 ization; and

10 (B) to increase the data received from ad-
11 ditional segments of the aviation industry, such
12 as small airplane, helicopter, and business jet
13 operations;

14 (2) consider how to prioritize the actions de-
15 scribed in paragraph (1); and

16 (3) review available methods for disseminating
17 safety trend data from ASIAS to the aviation safety
18 community, including the inspector workforce, to in-
19 form in their risk-based decision making efforts.

20 (c) REPORT.—Not later than 60 days after the date
21 the assessment under subsection (a) is complete, the Ad-
22 ministrator shall submit to the appropriate committees of
23 Congress a report on the assessment, including rec-
24 ommendations regarding paragraphs (1) through (3) of
25 subsection (b).



1 **SEC. 2311. IMPROVING RUNWAY SAFETY.**

2 (a) IN GENERAL.—The Administrator of the Federal
3 Aviation Administration shall expedite the development of
4 metrics—

5 (1) to allow the Federal Aviation Administra-
6 tion to determine whether runway incursions are in-
7 creasing; and

8 (2) to assess the effectiveness of implemented
9 runway safety initiatives.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Administrator shall submit
12 to the appropriate committees of Congress a report on the
13 progress in developing the metrics described in subsection
14 (a).

15 (c) PROGRESS REPORT ON RUNWAY SAFETY GRANT
16 ELIGIBILITY.—Section 47144 is amended—

17 (1) by redesignating subsection (b) as sub-
18 section (c);

19 (2) in subsection (a), by striking “subsection
20 (b)” and inserting “subsection (c)”; and

21 (3) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) PROGRESS REPORTS.—

24 “(1) INITIAL REPORT.—Not later than 60 days
25 after the date of enactment of the Federal Aviation
26 Administration Reauthorization Act of 2018, the

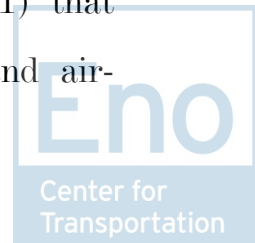


1 Secretary of Transportation shall submit a report to
2 the Committee on Commerce, Science, and Trans-
3 portation of the Senate and the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives that includes, with respect to a
6 pending application for a grant under subsection (a),
7 what actions the Secretary is taking to expedite the
8 implementation of immediate steps that are deter-
9 mined necessary to ensure the safety and operational
10 benefits of operations at the airport.

11 “(2) FINAL REPORT.—Not later than 180 days
12 after the date of enactment of the Federal Aviation
13 Administration Reauthorization Act of 2018, the
14 Secretary of Transportation shall—

15 “(A) make a final determination on wheth-
16 er to award a pending application for a grant
17 under subsection (a) to an airport described in
18 subsection (c); or

19 “(B) if the Secretary determines not to
20 award a grant or a determination is not made
21 under subparagraph (A), submit a report to the
22 committees referred to in paragraph (1) that
23 includes, with respect to such grant and air-
24 port—



1 “(i) the steps that have been taken by
2 the Secretary to determine whether an air-
3 port meets the description for grant eligi-
4 bility;

5 “(ii) the factors that the Secretary is
6 considering in determining whether there is
7 a demonstrated need to improve a runway
8 safety area;

9 “(iii) the factors the Secretary is con-
10 sidering in determining whether repairing,
11 replacing, or improving the runway safety
12 area is reasonable in relation to the antici-
13 pated safety and operational benefit of
14 such repair, replacement, or improvement,
15 respectively; and

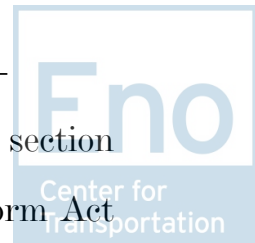
16 “(iv) when the Secretary will deter-
17 mine whether such grant will be award-
18 ed.”.

19 **SEC. 2312. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
20 **AND BATTERIES.**

21 (a) RESTRICTIONS ON TRANSPORTATION OF LITH-
22 IUM BATTERIES ON AIRCRAFT.—

23 (1) ADOPTION OF ICAO INSTRUCTIONS.—

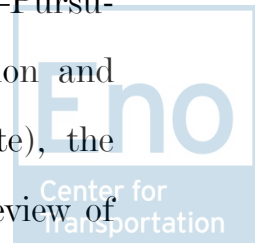
24 (A) IN GENERAL.—Pursuant to section
25 828 of the FAA Modernization and Reform Act



1 of 2012 (49 U.S.C. 44701 note), not later than
2 90 days after the date of enactment of this Act,
3 the Secretary of the Department of Transpor-
4 tation shall conform United States regulations
5 on the air transport of lithium cells and bat-
6 teries with the lithium cells and battery require-
7 ments in the 2015–2016 edition of the Inter-
8 national Civil Aviation Organization’s (referred
9 to in this subsection as “ICAO”) Technical In-
10 structions (to include all addenda) including the
11 revised standards adopted by ICAO which be-
12 came effective on April 1, 2016.

13 (B) FURTHER PROCEEDINGS.—Beginning
14 on the date the revised regulations under sub-
15 paragraph (A) are published in the Federal
16 Register, any lithium cell and battery rule-
17 making action or update commenced on or after
18 that date shall continue to comply with the re-
19 quirements under section 828 of the FAA Mod-
20 ernization and Reform Act of 2012 (49 U.S.C.
21 44701 note).

22 (2) REVIEW OF OTHER REGULATIONS.—Pursu-
23 ant to section 828 of the FAA Modernization and
24 Reform Act of 2012 (49 U.S.C. 44701 note), the
25 Secretary of Transportation may initiate a review of



1 other existing regulations regarding the air transpor-
2 tation, including passenger-carrying and cargo air-
3 craft, of lithium batteries and cells.

4 (3) MEDICAL DEVICE BATTERIES.—

5 (A) IN GENERAL.—For United States ap-
6 plicants, the Secretary of Transportation shall
7 consider and either grant or deny, within 45
8 days, applications submitted in compliance with
9 part 107 of title 49, Code of Federal Regula-
10 tions, for special permits or approvals for air
11 transportation of lithium ion cells or batteries
12 specifically used by medical devices. Not later
13 than 30 days after the date of application, the
14 Pipeline and Hazardous Materials Safety Ad-
15 ministration shall provide a draft special permit
16 based on the application to the Federal Aviation
17 Administration. The Federal Aviation Adminis-
18 tration shall conduct an on-site inspection for
19 issuance of the special permit not later than 10
20 days after the date of receipt of the draft spe-
21 cial permit from the Pipeline and Hazardous
22 Materials Safety Administration.

23 (B) LIMITED EXCEPTIONS TO RESTRIC-
24 TIONS ON AIR TRANSPORTATION OF MEDICAL
25 DEVICE BATTERIES.—The Secretary shall issue



1 limited exceptions to the restrictions on trans-
2 portation of lithium ion and lithium metal bat-
3 teries to allow the shipment on a passenger air-
4 craft of not more than 2 replacement batteries
5 specifically used for a medical device if—

6 (i) the intended destination of the bat-
7 teries is not serviced daily by cargo aircraft
8 if a battery is required for medically nec-
9 essary care; and

10 (ii) with regard to a shipper of lithium
11 ion or lithium metal batteries for medical
12 devices that cannot comply with a charge
13 limitation in place at the time, each bat-
14 tery is—

15 (I) individually packed in an
16 inner packaging that completely en-
17 closes the battery;

18 (II) placed in a rigid outer pack-
19 aging; and

20 (III) protected to prevent a short
21 circuit.

22 (C) DEFINITION OF MEDICAL DEVICE.—In
23 this paragraph, the term “medical device” has
24 the meaning given the term “device” in section



1 201 of the Federal Food, Drug, and Cosmetic
2 Act (21 U.S.C. 321).

3 (4) SAVINGS CLAUSE.—Nothing in this section
4 shall be construed as expanding or constricting any
5 other authority the Secretary of Transportation has
6 under section 828 of the FAA Modernization and
7 Reform Act of 2012 (49 U.S.C. 44701 note).

8 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
9 Not later than 90 days after the date of enactment of this
10 Act, the President shall establish a lithium battery safety
11 working group to promote and coordinate efforts related
12 to the promotion of the safe manufacture, use, and trans-
13 portation of lithium batteries and cells.

14 (1) COMPOSITION.—

15 (A) IN GENERAL.—The working group
16 shall be composed of at least 1 representative
17 from each of the following:

18 (i) Department of Transportation.

19 (ii) Consumer Product Safety Com-
20 mission.

21 (iii) National Institute on Standards
22 and Technology.

23 (iv) Food and Drug Administration.

24 (B) ADDITIONAL MEMBERS.—The working
25 group may include not more than 4 additional



1 members with expertise in the safe manufac-
2 ture, use, or transportation of lithium batteries
3 and cells.

4 (C) SUBCOMMITTEES.—The President, or
5 members of the working group, may—

6 (i) establish working group sub-
7 committees to focus on specific issues re-
8 lated to the safe manufacture, use, or
9 transportation of lithium batteries and
10 cells; and

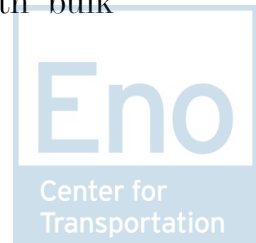
11 (ii) include in a subcommittee the par-
12 ticipation of nonmember stakeholders with
13 expertise in areas that the President or
14 members consider necessary.

15 (2) REPORT.—Not later than 1 year after the
16 date it is established, the working group shall—

17 (A) research—

18 (i) additional ways to decrease the
19 risk of fires and explosions from lithium
20 batteries and cells;

21 (ii) additional ways to ensure uniform
22 transportation requirements for both bulk
23 and individual batteries; and



1 (iii) new or existing technologies that
2 could reduce the fire and explosion risk of
3 lithium batteries and cells; and

4 (B) transmit to the appropriate commit-
5 tees of Congress a report on the research under
6 subparagraph (A), including any legislative rec-
7 ommendations to effectuate the safety improve-
8 ments described in clauses (i) through (iii) of
9 that subparagraph.

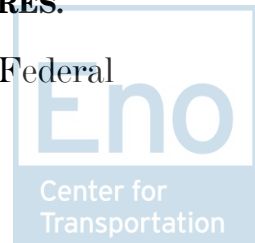
10 (3) EXEMPTION FROM FACA.—The Federal Ad-
11 visory Committee Act (5 U.S.C. App.) shall not
12 apply to the working group.

13 (4) TERMINATION.—The working group, and
14 any working group subcommittees, shall terminate
15 90 days after the date the report is transmitted
16 under paragraph (2).

17 (c) PARTICIPATION.—The Secretary of Transpor-
18 tation shall request that as part of the ICAO deliberations
19 in the dangerous good panel on these issues, that appro-
20 priate experts on issues under consideration be allowed to
21 participate.

22 **SEC. 2313. AIRCRAFT CABIN EVACUATION PROCEDURES.**

23 (a) REVIEW.—The Administrator of the Federal
24 Aviation Administration shall review—



1 (1) evacuation certification of transport-cat-
2 egory aircraft used in air transportation, with regard
3 to—

4 (A) emergency conditions, including im-
5 pacts into water;

6 (B) crew procedures used for evacuations
7 under actual emergency conditions;

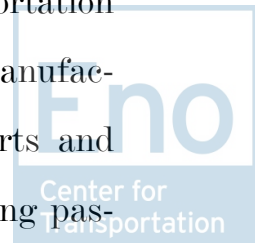
8 (C) any relevant changes to passenger de-
9 mographics and legal requirements, including
10 the Americans with Disabilities Act of 1990 (42
11 U.S.C. 12101 et seq.), that affect emergency
12 evacuations; and

13 (D) any relevant changes to passenger
14 seating configurations, including changes to
15 seat width, padding, reclining, size, pitch, leg
16 room, and aisle width; and

17 (2) recent accidents and incidents in which pas-
18 sengers evacuated such aircraft.

19 (b) CONSULTATION; REVIEW OF DATA.—In con-
20 ducting the review under subsection (a), the Administrator
21 shall—

22 (1) consult with the National Transportation
23 Safety Board, transport-category aircraft manufac-
24 turers, air carriers, and other relevant experts and
25 Federal agencies, including groups representing pas-



1 sengers, airline crew members, maintenance employ-
2 ees, and emergency responders; and

3 (2) review relevant data with respect to evacu-
4 ation certification of transport-category aircraft.

5 (c) REPORT TO CONGRESS.—Not later than 1 year
6 after the date of enactment of this Act, the Administrator
7 shall submit to the appropriate committees of Congress
8 a report on the results of the review under subsection (a)
9 and related recommendations, if any, including rec-
10 ommendations for revisions to the assumptions and meth-
11 ods used for assessing evacuation certification of trans-
12 port-category aircraft.

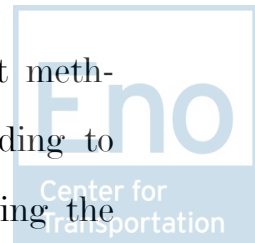
13 **SEC. 2314. ANNUAL SAFETY INCIDENT REPORT.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, and annually thereafter,
16 the Administrator of the Federal Aviation Administration,
17 shall submit to the appropriate committees of Congress
18 a report regarding part 121 airline safety oversight.

19 (b) CONTENTS.—The annual report shall include—

20 (1) a description of the Federal Aviation Ad-
21 ministration's safety oversight process to ensure the
22 safety of the traveling public;

23 (2) a description of risk-based oversight meth-
24 ods applied to ensure aviation safety, including to
25 specific issues addressed in the year preceding the



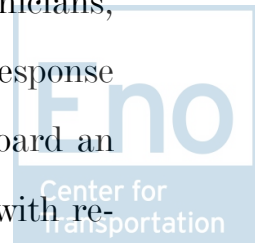
1 report that in the determination of the Adminis-
2 trator address safety risk; and

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
6 are advanced.

7 **SEC. 2315. AIRCRAFT AIR QUALITY.**

8 (a) EDUCATIONAL MATERIALS.—Not later than 1
9 year after the date of enactment of this Act, the Adminis-
10 trator of the Federal Aviation Administration shall, in
11 consultation with relevant stakeholders, establish and
12 make available on a publicly available Internet website of
13 the Administration, educational materials for flight at-
14 tendants, pilots, aircraft maintenance technicians, and air-
15 port first responders and emergency response teams on
16 how to respond to incidents on board aircraft involving
17 smoke or fumes.

18 (b) REPORTING OF INCIDENTS OF SMOKE OR FUMES
19 ON BOARD AIRCRAFT.—Not later than 180 days after the
20 date of enactment of this Act, the Administrator shall, in
21 consultation with relevant stakeholders, issue guidance for
22 flight attendants, pilots, aircraft maintenance technicians,
23 and airport first responders and emergency response
24 teams to report incidents of smoke or fumes on board an
25 aircraft operated by a commercial air carrier and with re-



1 spect to the basis on which commercial air carriers shall
2 report such incidents through the Service Difficulty Re-
3 porting System.

4 (c) RESEARCH TO DEVELOP TECHNIQUES TO MON-
5 ITOR BLEED AIR QUALITY.—Not later than 180 days
6 after the date of enactment of this Act, the Administrator
7 shall commission a study by the Airliner Cabin Environ-
8 ment Research Center of Excellence—

9 (1) to identify and measure the constituents
10 and levels of constituents resulting from bleed air in
11 the cabins of a representative set of commercial air-
12 craft in operation of the United States;

13 (2) to assess the potential health effects of such
14 constituents on passengers and cabin and flight deck
15 crew;

16 (3) to identify technologies suitable to provide
17 reliable and accurate warning of bleed air contami-
18 nation, including technologies to effectively monitor
19 the aircraft air supply system when the aircraft is
20 in flight; and

21 (4) to identify potential techniques to prevent
22 fume events.

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



1 on the feasibility, efficacy, and cost-effectiveness of certifi-
2 cation and installation of systems to evaluate bleed air
3 quality.

4 (e) PILOT PROGRAM.—The Federal Aviation Admin-
5 istration may conduct a pilot program to evaluate the ef-
6 fectiveness of technologies identified in subsection (c).

7 **SEC. 2316. EMERGENCY MEDICAL EQUIPMENT ON PAS-**
8 **SENGER AIRCRAFT.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall evaluate and revise,
12 as appropriate, the regulations under part 121 of title 14,
13 Code of Federal Regulations, regarding the emergency
14 medical equipment requirements, including the contents of
15 first-aid kits, applicable to all certificate holders operating
16 passenger aircraft under that part.

17 (b) CONSIDERATIONS.—In carrying out subsection
18 (a), the Administrator shall consider whether the min-
19 imum contents of approved emergency medical kits, in-
20 cluding approved first-aid kits, include appropriate medi-
21 cations and equipment to meet the emergency medical
22 needs of children.



1 **Subtitle D—General Aviation**
2 **Safety**

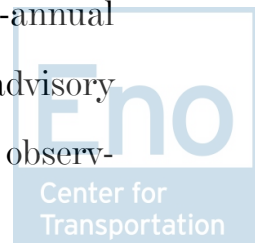
3 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
4 **POLICY.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Administrator of
7 the Federal Aviation Administration shall—

8 (1) update automated weather observing sys-
9 tems standards to maximize the use of new tech-
10 nologies that promote the reduction of equipment or
11 maintenance cost for non-Federal automated weath-
12 er observing systems, including the use of remote
13 monitoring and maintenance, unless demonstrated to
14 be ineffective;

15 (2) review, and if necessary update, existing
16 policies in accordance with the standards developed
17 under paragraph (1); and

18 (3) establish a process under which appropriate
19 on site airport personnel or an aviation official may,
20 with appropriate manufacturer training or alter-
21 native training as determined by the Administrator,
22 be permitted to conduct the minimum tri-annual
23 preventative maintenance checks under the advisory
24 circular for non-Federal automated weather observ-



1 ing systems (AC 150/5220–16E) and any other
2 similar, successor checks.

3 (b) PERMISSION.—Permission to conduct the min-
4 imum tri-annual preventative maintenance checks de-
5 scribed under subsection (a)(3) and any similar, successor
6 checks shall not be withheld but for specific cause.

7 (c) STANDARDS.—In updating the standards under
8 subsection (a)(1), the Administrator shall—

9 (1) ensure the standards are performance-
10 based;

11 (2) use risk analysis to determine the accuracy
12 of the automated weather observing systems outputs
13 required for pilots to perform safe aircraft oper-
14 ations; and

15 (3) provide a cost benefit analysis to determine
16 whether the benefits outweigh the cost for any re-
17 quirement not directly related to safety.

18 (d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—Not-
19 withstanding any other law, the Administrator shall waive
20 any positive benefit-cost ratio requirement for automated
21 weather observing system equipment under subchapter I
22 of chapter 471, United States Code, if—

23 (1) the airport sponsor or State, as applicable,
24 certifies that a grant for such automated weather
25 observing systems equipment under that chapter will



1 assist an applicable airport to respond to regional
2 emergency needs, including medical, firefighting, and
3 search and rescue needs; and

4 (2) the other requirements under that chapter
5 are met.

6 (e) REPORT.—Not later than September 30, 2019,
7 the Administrator shall submit to the appropriate commit-
8 tees of Congress a report on the implementation of the
9 requirements under this section.

10 **SEC. 2402. 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 of the Federal Aviation Ad-
16 ministration shall consult with general aviation stake-
17 holders in defining the scope and requirements for any
18 new Future Flight Service Program of the Administration
19 to be used in a competitive source selection for the next
20 flight service contract with the Administration.

21 **SEC. 2403. AVIATION FUEL.**

22 (a) USE OF UNLEADED AVIATION GASOLINE.—The
23 Administrator of the Federal Aviation Administration
24 shall allow the use of an unleaded aviation gasoline in an



1 aircraft as a replacement for a leaded gasoline if the Ad-
2 ministrator—

3 (1) determines that the unleaded aviation gaso-
4 line qualifies as a replacement for an approved lead-
5 ed gasoline;

6 (2) identifies the aircraft and engines that are
7 eligible to use the qualified replacement unleaded
8 gasoline; and

9 (3) adopts a process (other than the traditional
10 means of certification) to allow eligible aircraft and
11 engines to operate using qualified replacement un-
12 leaded gasoline in a manner that ensures safety.

13 (b) TIMING.—The Administrator shall adopt the
14 process described in subsection (a)(3) not later than 180
15 days after the later of—

16 (1) the date on which the Administration com-
17 pletes the Piston Aviation Fuels Initiative; or

18 (2) the date on which the American Society for
19 Testing and Materials publishes a production speci-
20 fication for an unleaded aviation gasoline.

21 **SEC. 2404. APPLICABILITY OF MEDICAL CERTIFICATION**
22 **STANDARDS TO OPERATORS OF AIR BAL-**
23 **LOONS.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “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 of the
3 Federal Aviation Administration shall revise section
4 61.3(c) of title 14, Code of Federal Regulations (relating
5 to second-class medical certificates), to apply to an oper-
6 ator of an air balloon to the same extent such regulations
7 apply to a pilot flight crewmember of other aircraft.

8 (c) AIR BALLOON DEFINED.—In this section, the
9 term “air balloon” has the meaning given the term “bal-
10 loon” in section 1.1 of title 14, Code of Federal Regula-
11 tions (or any corresponding similar regulation or ruling).

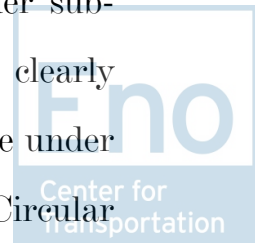
12 **SEC. 2405. TECHNICAL CORRECTIONS.**

13 Section 2110 of the FAA Extension Safety and Secu-
14 rity Act of 2016 (49 U.S.C. 44718 note) is amended to
15 read as follows:

16 **“SEC. 2110. TOWER MARKING.**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 Federal Aviation Administration shall issue regulations to
20 implement the requirements of this section with respect
21 to covered towers.

22 “(b) MARKING REQUIRED.—Regulations under sub-
23 section (a) that require that a covered tower be clearly
24 marked shall be consistent with applicable guidance under
25 the Federal Aviation Administration Advisory Circular



1 issued December 4, 2015 (AC 70/7460–1L), or other rel-
2 evant safety guidance, as determined by the Adminis-
3 trator.

4 “(c) APPLICATION.—The regulations issued under
5 subsection (a) shall—

6 “(1) ensure that consistent with this section all
7 covered towers constructed on or after the date on
8 which such regulations take effect are marked in ac-
9 cordance with subsection (b), or included in the
10 database in subsection (e), or, in the case of mete-
11 orological evaluation towers both;

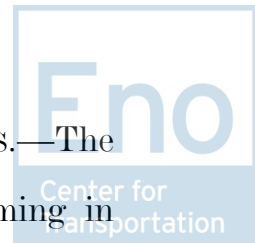
12 “(2) ensure that consistent with this section all
13 covered towers constructed before the date on which
14 such regulations take effect are marked in accord-
15 ance with subsection (b), or included in the database
16 in subsection (e), or, in the case of meteorological
17 evaluation towers both, not later than 1 year after
18 such effective date; and

19 “(3) take effect no earlier than the availability
20 of the database developed by the Administrator pur-
21 suant to subsection (e).

22 “(d) DEFINITIONS.—

23 “(1) IN GENERAL.—In this section:

24 “(A) AGRICULTURAL PURPOSES.—The
25 term ‘agricultural purposes’ means farming in



1 all its branches and the cultivation and tillage
2 of the soil, the production, cultivation, growing,
3 and harvesting of any agricultural or horti-
4 cultural commodities performed by a farmer or
5 on a farm, or on pasture land or rangeland.

6 “(B) COVERED TOWER.—

7 “(i) IN GENERAL.—Except as speci-
8 fied in clause (ii), the term ‘covered tower’
9 means a structure that—

10 “(I) is a meteorological evalua-
11 tion tower, a self-standing tower, or a
12 tower supported by guy wires and
13 ground anchors;

14 “(II) is 10 feet or less in diame-
15 ter at the above-ground base, exclud-
16 ing concrete footing;

17 “(III) at the highest point of the
18 structure is at least 50 feet above
19 ground level;

20 “(IV) at the highest point of the
21 structure is not more than 200 feet
22 above ground level;

23 “(V) has accessory facilities on
24 which an antenna, sensor, camera,



1 meteorological instrument, or other
2 equipment is mounted; and

3 “(VI) is located on land that is—

4 “(aa) in a rural area; and

5 “(bb) used for agricultural
6 purposes or immediately adjacent
7 to such land.

8 “(ii) EXCLUSIONS.—The term ‘cov-
9 ered tower’ does not include any structure
10 that—

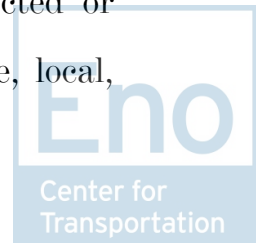
11 “(I) is adjacent to a house, barn,
12 electric utility station, or other build-
13 ing;

14 “(II) is within the curtilage of a
15 farmstead or adjacent to another
16 building or visible structure;

17 “(III) supports electric utility
18 transmission or distribution lines;

19 “(IV) is a wind-powered electrical
20 generator with a rotor blade radius
21 that exceeds 6 feet;

22 “(V) is a street light erected or
23 maintained by a Federal, State, local,
24 or tribal entity;



1 “(VI) is designed and con-
2 structed to resemble a tree or visible
3 structure 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 Reg-
13 istration program set forth under part
14 17 of title 47, Code of Federal Regu-
15 lations; and

16 “(bb) has been determined by the
17 Administrator to pose no hazard to
18 air navigation; 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 “(C) The term ‘rural area’ has the mean-
25 ing given the term in section 609(a)(5) of the



1 Public Utility Regulatory Policies Act of 1978
2 (7 U.S.C. 918c(a)(5)).

3 “(2) OTHER DEFINITIONS.— The Adminis-
4 trator shall define such other terms not otherwise
5 defined in paragraph (1) as may be necessary to
6 carry out this section.

7 “(e) DATABASE.—The Administrator shall—

8 “(1) develop a database that contains the loca-
9 tion and height of each covered tower that is not
10 marked in accordance with this section, except
11 that—

12 “(A) meteorological evaluation towers shall
13 be marked in accordance with subsection (b)
14 and contained in the database; and

15 “(B) towers excluded from the definition of
16 covered tower under subsection
17 (d)(1)(B)(ii)(VIII) must be registered by its
18 owner in the database.

19 “(2) keep the database current;

20 “(3) ensure that a tower to be included in the
21 database pursuant to subsection (c)(1) and con-
22 structed after the date on which regulations issued
23 under subsection (a) take effect is registered by its
24 owner in the database before its construction;

25 “(4) ensure that—



1 “(A) any proprietary information in the
2 database is protected from disclosure in accord-
3 ance with law;

4 “(B) information in the database is de-
5 identified and that such information only in-
6 cludes the location, and height, of such covered
7 towers, and whether the tower has guy wires;
8 and

9 “(C) information in the dataset is
10 encrypted at rest and in transit and is pro-
11 tected from unauthorized access and acquisi-
12 tion;

13 “(5) ensure that, by virtue of accessing the
14 database, users agree and acknowledge that informa-
15 tion in the database—

16 “(A) may only be used for aviation safety
17 purposes; and

18 “(B) may not be disclosed for purposes
19 other than aviation safety, regardless of wheth-
20 er or not the information is identified or labeled
21 as proprietary or with a similar designation;
22 and

23 “(6) ensure that pilots who intend to conduct
24 low-altitude operations in locations described in sub-



1 section (d)(1)(B)(vi) consult the relevant parts of
2 the database before conducting such operations.

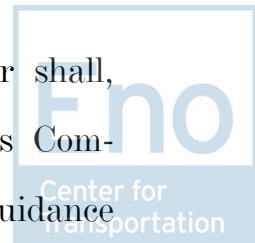
3 “(f) EXCLUSION AND WAIVER AUTHORITIES.—As
4 part of a rulemaking conducted pursuant to this section,
5 the Administrator—

6 “(1) may exclude a class, category, or type of
7 tower that is determined by the Administrator, after
8 public notice and comment, to not pose a hazard to
9 aviation safety;

10 “(2) shall establish a process to waive specific
11 covered towers from the marking requirements
12 under this section as required under the rulemaking
13 if the Administrator later determines such tower or
14 towers do not pose a hazard to aviation safety; and

15 “(3) shall consider, in establishing exclusions
16 and granting waivers under this subsection, factors
17 that may sufficiently mitigate risks to aviation safe-
18 ty, such as the length of time the tower has been in
19 existence or alternative marking methods or tech-
20 nologies that maintains a tower’s level of conspicu-
21 ousness to a degree which adequately maintains the
22 safety of the airspace.

23 “(g) PERIODIC REVIEW.—The Administrator shall,
24 in consultation with the Federal Communications Com-
25 mission, periodically review any regulations or guidance



1 regarding the marking of covered towers issued pursuant
2 to this section and update them as necessary, consistent
3 with this section, and in the interest of safety of low-alti-
4 tude aircraft operations.

5 “(h) FCC REGULATIONS.—The Federal Communica-
6 tions Commission shall amend section 17.7 of title 47,
7 Code of Federal Regulations, to require a notification to
8 the Federal Aviation Administration for any construction
9 or alteration of an antenna structure, as defined in section
10 17.2(a) of title 47, Code of Federal Regulations, that is
11 a covered tower as defined by this section.”.

12 **SEC. 2406. ROTORCRAFT CRASH RESISTANT FUEL SYS-**
13 **TEMS.**

14 The Administrator of the Federal Aviation Adminis-
15 tration shall—

16 (1) expedite the certification and validation of
17 United States and foreign type designs and retrofit
18 kits that improve fuel system crash worthiness; and

19 (2) not later than 180 days after the date of
20 enactment of this Act, and periodically thereafter,
21 issue a bulletin to—

22 (A) inform rotorcraft owners and operators
23 of available modifications to improve fuel sys-
24 tem crashworthiness; and



1 (B) urge that such modifications be in-
2 stalled as soon as practicable.

3 **Subtitle E—General Provisions**

4 **SEC. 2501. FAA TECHNICAL TRAINING.**

5 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
6 later than 90 days after the date of enactment of this Act,
7 the Administrator of the Federal Aviation Administration,
8 in collaboration with the exclusive bargaining representa-
9 tives of covered FAA personnel, shall establish an e-learn-
10 ing training pilot program in accordance with the require-
11 ments of this section.

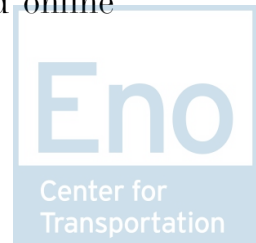
12 (b) CURRICULUM.—The pilot program shall—

13 (1) include a recurrent training curriculum for
14 covered FAA personnel to ensure that the covered
15 FAA personnel receive instruction on the latest avia-
16 tion technologies, processes, and procedures;

17 (2) focus on providing specialized technical
18 training for covered FAA personnel, as determined
19 necessary by the Administrator;

20 (3) include training courses on applicable regu-
21 lations of the Federal Aviation Administration; and

22 (4) consider the efficacy of instructor-led online
23 training.



1 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
2 gram shall terminate 1 year after the date of establish-
3 ment of the pilot program.

4 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
5 nation of the pilot program, the Administrator shall assess
6 and establish or update an e-learning training program
7 that incorporates lessons learned for covered FAA per-
8 sonnel as a result of the pilot program.

9 (e) DEFINITIONS.—In this section:

10 (1) COVERED FAA PERSONNEL.—The term
11 “covered FAA personnel” means airway transpor-
12 tation systems specialists and aviation safety inspec-
13 tors of the Federal Aviation Administration.

14 (2) E-LEARNING TRAINING.—The term “e-
15 learning training” means learning utilizing electronic
16 technologies to access educational curriculum outside
17 of a traditional classroom.

18 **SEC. 2502. SAFETY CRITICAL STAFFING.**

19 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
20 later than 1 year after the date of enactment of this Act,
21 the Inspector General of the Department of Transpor-
22 tation shall conduct and complete an audit of the staffing
23 model used by the Federal Aviation Administration to de-
24 termine the number of aviation safety inspectors that are



1 needed to fulfill the mission of the Federal Aviation Ad-
2 ministration and adequately ensure aviation safety.

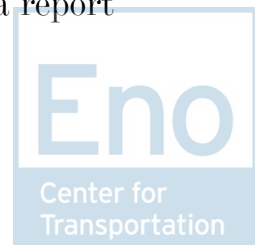
3 (b) CONTENTS.—The audit shall include, at a min-
4 imum—

5 (1) a review of the staffing model and an anal-
6 ysis of how consistently the staffing model is applied
7 throughout the Federal Aviation Administration’s
8 aviation safety lines of business;

9 (2) a review of the assumptions and methods
10 used in devising and implementing the staffing
11 model to assess the adequacy of the staffing model
12 to predict the number of aviation safety inspectors
13 needed to properly fulfill the mission of the Federal
14 Aviation Administration and meet the future growth
15 of the aviation industry; and

16 (3) a determination on whether the current
17 staffing model takes into account the Federal Avia-
18 tion Administration’s authority to fully utilize des-
19 ignees.

20 (c) REPORT.—Not later than 30 days after the date
21 of completion of the audit, the Inspector General shall
22 submit to the appropriate committees of Congress a report
23 on the results of the audit.



1 **SEC. 2503. APPROACH CONTROL RADAR.**

2 The Administrator of the Federal Aviation Adminis-
3 tration shall—

4 (1) identify airports that are currently served
5 by Federal Aviation Administration towers with
6 nonradar approach and departure control (type 4
7 tower); and

8 (2) develop an implementation plan, including
9 budgetary considerations, to provide an airport iden-
10 tified under paragraph (1), if appropriate, with ap-
11 proach control radar.

12 **SEC. 2504. AIRSPACE MANAGEMENT ADVISORY COM-**
13 **MITTEE.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Administrator of
16 the Federal Aviation Administration shall establish an ad-
17 visory committee to carry out the duties described in sub-
18 section (b).

19 (b) DUTIES.—The advisory committee shall—

20 (1) conduct a review of the practices and proce-
21 dures of the Federal Aviation Administration for de-
22 veloping proposals with respect to changes in regula-
23 tions, policies, or guidance of the Federal Aviation
24 Administration relating to airspace that affect air-
25 port operations, airport capacity, the environment,



1 or communities in the vicinity of airports, includ-
2 ing—

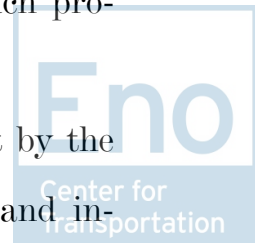
3 (A) an assessment of the extent to which
4 there is consultation, or a lack of consultation,
5 with respect to such proposals—

6 (i) between and among the affected
7 elements of the Federal Aviation Adminis-
8 tration, including the Air Traffic Organiza-
9 tion, the Office of Airports, the Flight
10 Standards Service, the Office of NextGen,
11 and the Office of Energy and Environ-
12 ment; and

13 (ii) between the Federal Aviation Ad-
14 ministration and affected entities, includ-
15 ing airports, aircraft operators, commu-
16 nities, and State and local governments;

17 (2) recommend revisions to such practices and
18 procedures to improve communications and coordi-
19 nation between and among affected elements of the
20 Federal Aviation Administration and with other af-
21 fected entities with respect to proposals described in
22 paragraph (1) and the potential effects of such pro-
23 posals;

24 (3) conduct a review of the management by the
25 Federal Aviation Administration of systems and in-



1 formation used to evaluate data relating to obstruc-
2 tions to air navigation or navigational facilities
3 under part 77 of title 14, Code of Federal Regula-
4 tions; and

5 (4) make recommendations to ensure that the
6 data described in paragraph (3) is publicly accessible
7 and streamlined to ensure developers, airport opera-
8 tors, and other interested parties may obtain rel-
9 evant information concerning potential obstructions
10 when working to preserve and create a safe and effi-
11 cient navigable airspace.

12 (c) MEMBERSHIP.—The membership of the advisory
13 committee established under subsection (a) shall include
14 representatives of—

15 (1) air carriers, including passenger and cargo
16 air carriers;

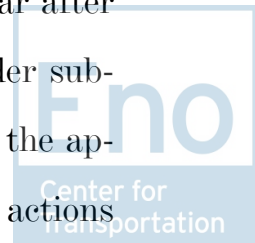
17 (2) general aviation, including business aviation
18 and fixed wing aircraft and rotorcraft;

19 (3) airports of various sizes and types;

20 (4) air traffic controllers; and

21 (5) State aviation officials.

22 (d) REPORT REQUIRED.—Not later than 1 year after
23 the date the advisory committee is established under sub-
24 section (a), the advisory committee shall submit to the ap-
25 propriate committees of Congress a report on the actions



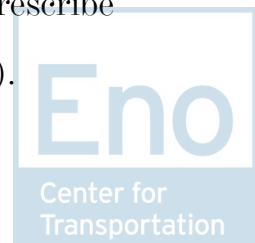
1 taken by the advisory committee to carry out the duties
2 described in subsection (b).

3 **SEC. 2505. REPORT ON CONSPICUITY NEEDS FOR SURFACE**
4 **VEHICLES OPERATING ON THE AIRSIDE OF**
5 **AIR CARRIER SERVED AIRPORTS.**

6 (a) STUDY REQUIRED.—The Administrator of the
7 Federal Aviation Administration shall perform a study of
8 the need for the Federal Aviation Administration to pre-
9 scribe conspicuity standards for surface vehicles operating
10 on the airside of the categories of airports that air carriers
11 serve as specified in subsection (b).

12 (b) COVERED AIRPORTS.—The study required by
13 subsection (a) shall cover, at a minimum, one large hub
14 airport, one medium hub airport, and one small hub air-
15 port, as those terms are defined in section 40102 of title
16 49, United States Code.

17 (c) REPORT TO CONGRESS.—Not later than July 1,
18 2019, the Administrator shall submit to the appropriate
19 committees of Congress a report setting forth the results
20 of the study required by subsection (a), including such rec-
21 ommendations as the Administrator considers appropriate
22 regarding the need for the Administration to prescribe
23 conspicuity standards as described in subsection (a).



1 **SEC. 2506. STUDY ON THE EFFECT OF EXTREME WEATHER**
2 **ON AIR TRAVEL.**

3 (a) **STUDY REQUIRE.**—Not later than 1 year after
4 the date of enactment of this Act, the Administrator of
5 the National Oceanic and Atmospheric Administration
6 and the Administrator of the Federal Aviation Adminis-
7 tration shall jointly complete a study on the effect of ex-
8 treme weather on commercial air travel.

9 (b) **ELEMENTS.**—The study required by subsection
10 (a) shall include assessment of the following:

11 (1) Whether extreme weather may result in an
12 increase in turbulence.

13 (2) The effect of extreme weather on current
14 commercial air routes.

15 (3) The effect of extreme weather on domestic
16 airports, air traffic control facilities, and associated
17 facilities.

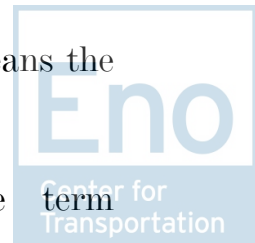
18 **SEC. 2507. SELF-PILOTED AIRCRAFT INTRODUCTION PLAN.**

19 (a) **DEFINITIONS.**—In this section:

20 (1) **ADMINISTRATOR.**—The term “Adminis-
21 trator” means the Administrator of the Federal
22 Aviation Administration.

23 (2) **AT PLAN.**—The term “AT Plan” means the
24 plan required by subsection (b).

25 (3) **STAKEHOLDER COMMITTEE.**—The term
26 “Stakeholder Committee” means the committee of



1 appropriate stakeholders convened by the Adminis-
2 trator under subsection (b).

3 (b) REQUIREMENT FOR AT PLAN.—The Adminis-
4 trator, in coordination with a committee of appropriate
5 stakeholders convened by the Administrator, shall prepare
6 an air traffic policies and systems plan to enable the intro-
7 duction of self-piloted aircraft into the national airspace
8 system.

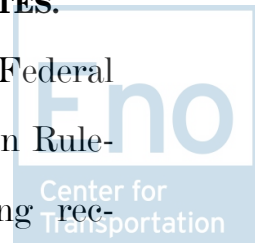
9 (c) STAKEHOLDER COMMITTEE.—The Stakeholder
10 Committee shall include manufacturers of self-piloted air-
11 craft and other industry stakeholders that the Adminis-
12 trator considers appropriate.

13 (d) CONTENT OF AT PLAN.—The AT Plan shall in-
14 clude actions necessary to ensure the Administrator is able
15 to fully implement the AT Plan not later than two years
16 after the date the AT Plan is submitted under subsection
17 (e).

18 (e) SUBMISSION OF AT PLAN.—Not later than 2
19 years after the date the Stakeholder Committee is con-
20 vened, the Administrator shall submit to the appropriate
21 committees of Congress the AT Plan.

22 **SEC. 2508. PORTABILITY OF REPAIRMAN CERTIFICATES.**

23 (a) IN GENERAL.—The Administrator of the Federal
24 Aviation Administration shall assign to the Aviation Rule-
25 making Advisory Committee the task of making rec-



1 ommendations with respect to the regulatory and policy
2 changes necessary to allow a repairman certificate issued
3 under section 65.101 of title 14, Code of Federal Regula-
4 tions, to be portable from one employing certificate holder
5 to another.

6 (b) ACTION BASED ON RECOMMENDATIONS.—Not
7 later than 1 year after receiving recommendations under
8 subsection (a), the Administrator shall take such action
9 as the Administrator considers appropriate with respect
10 to those recommendations.

11 **SEC. 2509. REVISION OF CERTAIN REGULATIONS RELATING**
12 **TO REPAIR STATION CERTIFICATES.**

13 The Administrator of the Federal Aviation Adminis-
14 tration shall—

15 (1) not later than 60 days after the date of en-
16 actment of this Act, publish in the Federal Register
17 a notice of proposed rulemaking revising part 145 of
18 title 14, Code of Federal Regulations—

19 (A) to restore the right of a repair station
20 to unilaterally surrender its certificate;

21 (B) to prevent an individual who materially
22 contributes to the revocation of a repair station
23 certificate or causes the process of revoking
24 such a certificate to begin from reentering the
25 industry; and



1 (C) to clarify that a repair station that ter-
2 minates an individual who materially contrib-
3 utes to the revocation of the certificate of the
4 repair station or causes the process of revoking
5 that certificate to begin may reapply for a cer-
6 tificate; and

7 (2) not later than 90 days after publishing the
8 notice of proposed rulemaking, publish in the Fed-
9 eral Register a final rule with respect to those revi-
10 sions.

11 **SEC. 2510. CRITICAL AIRFIELD MARKINGS.**

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 issue a request for proposal for a study
15 that includes—

16 (1) an independent, third-party study to assess
17 the durability of Type III and Type I glass beads
18 applied to critical markings over a 2-year period at
19 no fewer than 2 primary airports in varying weather
20 conditions to measure the retroreflectivity levels of
21 such markings on a quarterly basis; and

22 (2) a study at 2 other airports carried out by
23 applying Type III beads on one half of the centerline
24 and Type I beads to the other half and providing for
25 assessments from pilots through surveys adminis-



1 tered by a third party as to the visibility and per-
2 formance of the Type III glass beads as compared
3 to the Type I glass beads over a 1-year period.

4 **SEC. 2511. REPORT ON AIRCRAFT RESCUE AND FIRE-**
5 **FIGHTING TRAINING FACILITIES.**

6 Not later than 90 days after the date of enactment
7 of this Act, the Administrator of the Federal Aviation Ad-
8 ministration shall submit to the appropriate committees
9 of Congress—

10 (1) a report on the number and suitability of
11 aircraft rescue and firefighting training facilities in
12 each region of the Federal Aviation Administration
13 as of such date of enactment; and

14 (2) a plan to address any coverage gaps identi-
15 fied in that report.

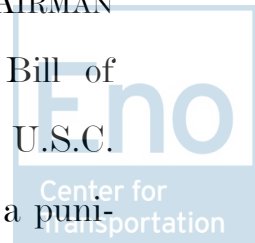
16 **Subtitle F—General Aviation Pilot**
17 **Protections**

18 **SEC. 2601. SHORT TITLE.**

19 This subtitle may be cited as the “Fairness for Pilots
20 Act”.

21 **SEC. 2602. EXPANSION OF PILOT’S BILL OF RIGHTS.**

22 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
23 CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of
24 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
25 44703 note) is amended by striking “or imposing a puni-



1 tive civil action or an emergency order of revocation under
2 subsections (d) and (e) of section 44709 of such title” and
3 inserting “suspending or revoking an airman certificate
4 under section 44709(d) of such title, or imposing an emer-
5 gency order of revocation under subsections (d) and (e)
6 of section 44709 of such title”.

7 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
8 OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights
9 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
10 note) is amended—

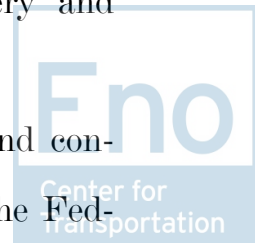
11 (1) by amending paragraph (1) to read as fol-
12 lows:

13 “(1) IN GENERAL.—In an appeal filed under
14 subsection (d) in a United States district court with
15 respect to a denial, suspension, or revocation of an
16 airman certificate by the Administrator the district
17 court shall review the denial, suspension, or revoca-
18 tion de novo, including by—

19 “(A) conducting a full independent review
20 of the complete administrative record of the de-
21 nial, suspension, or revocation;

22 “(B) permitting additional discovery and
23 the taking of additional evidence; and

24 “(C) making the findings of fact and con-
25 clusions of law required by Rule 52 of the Fed-



1 eral Rules of Civil Procedure without being
2 bound to any findings of fact of the Adminis-
3 trator or the National Transportation Safety
4 Board.”;

5 (2) by redesignating paragraph (2) as para-
6 graph (3); and

7 (3) by inserting after paragraph (1) the fol-
8 lowing:

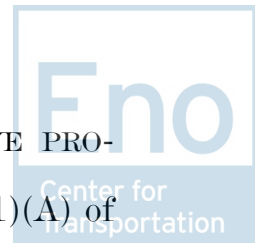
9 “(2) BURDEN OF PROOF.—In an appeal filed
10 under subsection (d) in a United States district
11 court after an exhaustion of administrative remedies,
12 the burden of proof shall be as follows:

13 “(A) In an appeal of the denial of an ap-
14 plication for the issuance or renewal of an air-
15 man certificate under section 44703 of title 49,
16 United States Code, the burden of proof shall
17 be upon the applicant denied an airman certifi-
18 cate by the Administrator.

19 “(B) In an appeal of an order issued by
20 the Administrator under section 44709 of title
21 49, United States Code, the burden of proof
22 shall be upon the Administrator.”; and

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

24 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
25 CEDURE ACT.—Notwithstanding paragraph (1)(A) of



1 this subsection or subsection (a)(1) of section 554 of
2 title 5, United States Code, section 554 of such title
3 shall apply to adjudications of the Administrator
4 and the National Transportation Safety Board to
5 the same extent as that section applied to such adju-
6 dications before the date of enactment of the Fair-
7 ness for Pilots Act.”.

8 (c) NOTIFICATION OF INVESTIGATION.—Subsection
9 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
10 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
11 amended—

12 (1) in paragraph (2)(A), by inserting “and the
13 specific activity on which the investigation is based”
14 after “nature of the investigation”;

15 (2) in paragraph (3), by striking “timely”; and

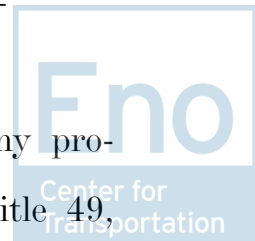
16 (3) in paragraph (5), by striking “section
17 44709(c)(2)” and inserting “section 44709(e)(2)”.

18 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
19 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
20 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
21 adding at the end the following:

22 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

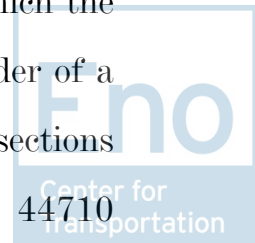
23 “(1) IN GENERAL.—

24 “(A) EMERGENCY ORDERS.—In any pro-
25 ceeding conducted under part 821 of title 49,



1 Code of Federal Regulations, relating to the
2 amendment, modification, suspension, or rev-
3 ocation of an airman certificate, in which the
4 Administrator issues an emergency order under
5 subsections (d) and (e) of section 44709, sec-
6 tion 44710, or section 46105(c) of title 49,
7 United States Code, or another order that takes
8 effect immediately, the Administrator shall pro-
9 vide to the individual holding the airman certifi-
10 cate the releasable portion of the investigative
11 report at the time the Administrator issues the
12 order. If the complete Report of Investigation is
13 not available at the time the Emergency Order
14 is issued, the Administrator shall issue all por-
15 tions of the report that are available at the time
16 and shall provide the full report within 5 days
17 of its completion.

18 “(B) OTHER ORDERS.—In any non-emer-
19 gency proceeding conducted under part 821 of
20 title 49, Code of Federal Regulations, relating
21 to the amendment, modification, suspension, or
22 revocation of an airman certificate, in which the
23 Administrator notifies the certificate holder of a
24 proposed certificate action under subsections
25 (b) and (c) of section 44709 or section 44710



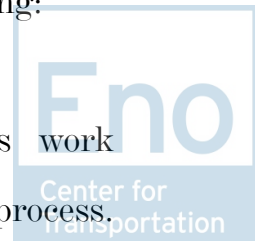
1 of title 49, United States Code, the Adminis-
2 trator shall, upon the written request of the
3 covered certificate holder and at any time after
4 that notification, provide to the covered certifi-
5 cate holder the releasable portion of the inves-
6 tigative report.

7 “(2) MOTION FOR DISMISSAL.—If the Adminis-
8 trator does not provide the releasable portions of the
9 investigative report to the individual holding the air-
10 man certificate subject to the proceeding referred to
11 in paragraph (1) by the time required by that para-
12 graph, the individual may move to dismiss the com-
13 plaint of the Administrator or for other relief and,
14 unless the Administrator establishes good cause for
15 the failure to provide the investigative report or for
16 a lack of timeliness, the administrative law judge
17 shall order such relief as the judge considers appro-
18 priate.

19 “(3) RELEASABLE PORTION OF INVESTIGATIVE
20 REPORT.—For purposes of paragraph (1), the re-
21 leasable portion of an investigative report is all in-
22 formation in the report, except for the following:

23 “(A) Information that is privileged.

24 “(B) Information that constitutes
25 product or reflects internal deliberative process.



1 “(C) Information that would disclose the
2 identity of a confidential source.

3 “(D) Information the disclosure of which is
4 prohibited by any other provision of law.

5 “(E) Information that is not relevant to
6 the subject matter of the proceeding.

7 “(F) Information the Administrator can
8 demonstrate is withheld for good cause.

9 “(G) Sensitive security information, as de-
10 fined in section 15.5 of title 49, Code of Fed-
11 eral Regulations (or any corresponding similar
12 ruling or regulation).

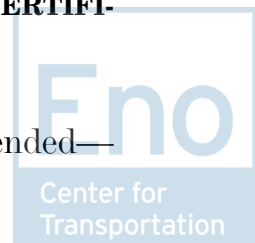
13 “(4) RULE OF CONSTRUCTION.—Nothing in
14 this subsection shall be construed to prevent the Ad-
15 ministrator from releasing to an individual subject
16 to an investigation described in subsection (b)(1)—

17 “(A) information in addition to the infor-
18 mation included in the releasable portion of the
19 investigative report; or

20 “(B) a copy of the investigative report be-
21 fore the Administrator issues a complaint.”.

22 **SEC. 2603. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
23 **CATE HOLDERS.**

24 (a) IN GENERAL.—Section 44709(a) is amended—



1 (1) by striking “The Administrator” and insert-
2 ing the following:

3 “(1) IN GENERAL.—The Administrator”;

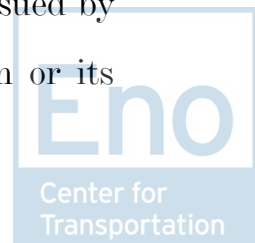
4 (2) by striking “reexamine” and inserting “, ex-
5 cept as provided in paragraph (2), reexamine”; and

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

7 “(2) LIMITATION ON THE REEXAMINATION OF
8 AIRMAN CERTIFICATES.—

9 “(A) IN GENERAL.—The Administrator
10 may not reexamine an airman holding a stu-
11 dent, sport, recreational, or private pilot certifi-
12 cate issued under section 44703 of this title if
13 the reexamination is ordered as a result of an
14 event involving the fault of the Federal Aviation
15 Administration or its designee, unless the Ad-
16 ministrator has reasonable grounds—

17 “(i) to establish that the airman may
18 not be qualified to exercise the privileges of
19 a particular certificate or rating, based
20 upon an act or omission committed by the
21 airman while exercising those privileges,
22 after the certificate or rating was issued by
23 the Federal Aviation Administration or its
24 designee; or



1 “(ii) to demonstrate that the airman
2 obtained the certificate or the rating
3 through fraudulent means or through an
4 examination that was substantially and de-
5 monstrably inadequate to establish the air-
6 man’s qualifications.

7 “(B) NOTIFICATION REQUIREMENTS.—Be-
8 fore taking any action to reexamine an airman
9 under subparagraph (A), the Administrator
10 shall provide to the airman—

11 “(i) a reasonable basis, described in
12 detail, for requesting the reexamination;
13 and

14 “(ii) any information gathered by the
15 Federal Aviation Administration, that the
16 Administrator determines is appropriate to
17 provide, such as the scope and nature of
18 the requested reexamination, that formed
19 the basis for that justification.”.

20 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
21 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
22 INATION.—Section 44709(b) is amended—

23 (1) in paragraph (1), by redesignating subpara-
24 graphs (A) and (B) as clauses (i) and (ii), respec-
25 tively, and indenting appropriately;



1 (2) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and indent-
3 ing appropriately;

4 (3) in the matter preceding subparagraph (A),
5 as redesignated, by striking “The Administrator”
6 and inserting the following:

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), the Administrator”; and

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

10 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
11 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
12 AFTER REEXAMINATION.—

13 “(A) IN GENERAL.—The Administrator
14 may not issue an order to amend, modify, sus-
15 pend, or revoke an airman certificate held by a
16 student, sport, recreational, or private pilot and
17 issued under section 44703 of this title after a
18 reexamination of the airman holding the certifi-
19 cate unless the Administrator determines that
20 the airman—

21 “(i) lacks the technical skills and com-
22 petency, or care, judgment, and responsi-
23 bility, necessary to hold and safely exercise
24 the privileges of the certificate; or



1 “(ii) materially contributed to the
2 issuance of the certificate by fraudulent
3 means.

4 “(B) STANDARD OF REVIEW.—Any order
5 of the Administrator under this paragraph shall
6 be subject to the standard of review provided
7 for under section 2 of the Pilot’s Bill of Rights
8 (49 U.S.C. 44703 note).”.

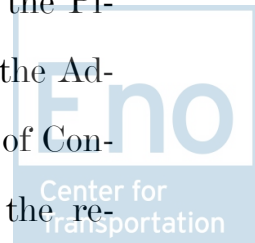
9 (c) CONFORMING AMENDMENTS.—Section
10 44709(d)(1) is amended—

11 (1) in subparagraph (A), by striking “sub-
12 section (b)(1)(A)” and inserting “subsection
13 (b)(1)(A)(i)”; and

14 (2) in subparagraph (B), by striking “sub-
15 section (b)(1)(B)” and inserting “subsection
16 (b)(1)(A)(ii)”.

17 **SEC. 2604. EXPEDITING UPDATES TO NOTAM PROGRAM.**

18 (a) IN GENERAL.—Beginning on the date that is 180
19 days after the date of enactment of this Act, the Adminis-
20 trator of the Federal Aviation Administration may not
21 take any enforcement action against any individual for a
22 violation of a NOTAM (as defined in section 3 of the Pi-
23 lot’s Bill of Rights (49 U.S.C. 44701 note)) until the Ad-
24 ministrator certifies to the appropriate committees of Con-
25 gress that the Administrator has complied with the re-



1 requirements of section 3 of the Pilot’s Bill of Rights, as
2 amended by this section.

3 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
4 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
5 44701 note) is amended—

6 (1) in subsection (a)(2)—

7 (A) in the matter preceding subparagraph

8 (A)—

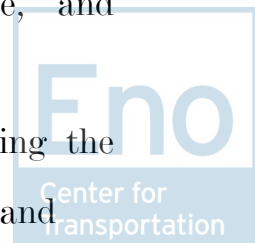
9 (i) by striking “this Act” and insert-
10 ing “the Fairness for Pilots Act”; and

11 (ii) by striking “begin” and inserting
12 “complete the implementation of”;

13 (B) by amending subparagraph (B) to read
14 as follows:

15 “(B) to continue developing and modern-
16 izing the NOTAM repository, in a public cen-
17 tral location, to maintain and archive all
18 NOTAMs, including the original content and
19 form of the notices, the original date of publica-
20 tion, and any amendments to such notices with
21 the date of each amendment, in a manner that
22 is Internet-accessible, machine-readable, and
23 searchable;”;

24 (C) in subparagraph (C), by striking the
25 period at the end and inserting “; and”; and



1 (D) by adding at the end the following:

2 “(D) to specify the times during which
3 temporary flight restrictions are in effect and
4 the duration of a designation of special use air-
5 space in a specific area.”; and

6 (2) by amending subsection (d) to read as fol-
7 lows:

8 “(d) DESIGNATION OF REPOSITORY AS SOLE
9 SOURCE FOR NOTAMS.—

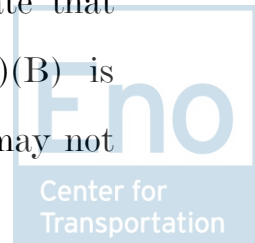
10 “(1) IN GENERAL.—The Administrator—

11 “(A) shall consider the repository for
12 NOTAMs under subsection (a)(2)(B) to be the
13 sole location for airmen to check for NOTAMs;
14 and

15 “(B) may not consider a NOTAM to be
16 announced or published until the NOTAM is in-
17 cluded in the repository for NOTAMs under
18 subsection (a)(2)(B).

19 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
20 LATIONS OF NOTAMS NOT IN REPOSITORY.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), beginning on the date that
23 the repository under subsection (a)(2)(B) is
24 final and published, the Administrator may not



1 take any enforcement action against an airman
2 for a violation of a NOTAM during a flight if—

3 “(i) that NOTAM is not available
4 through the repository before the com-
5 mencement of the flight; and

6 “(ii) that NOTAM is not reasonably
7 accessible and identifiable to the airman.

8 “(B) EXCEPTION FOR NATIONAL SECUR-
9 RITY.—Subparagraph (A) shall not apply in the
10 case of an enforcement action for a violation of
11 a NOTAM that directly relates to national se-
12 curity.”.

13 **SEC. 2605. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

14 (a) IN GENERAL.—Subchapter I of chapter 471 is
15 amended by inserting after section 47124 the following:

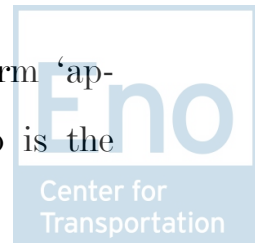
16 **“§ 47124a. Accessibility of certain flight data**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ADMINISTRATION.—The term ‘Administra-
19 tion’ means the Federal Aviation Administration.

20 “(2) ADMINISTRATOR.—The term ‘Adminis-
21 trator’ means the Administrator of the Federal Avia-
22 tion Administration.

23 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
24 plicable individual’ means an individual who is the



1 subject of an investigation initiated by the Adminis-
2 trator related to a covered flight record.

3 “(4) CONTRACT TOWER.—The term ‘contract
4 tower’ means an air traffic control tower providing
5 air traffic control services pursuant to a contract
6 with the Administration under section 47124.

7 “(5) COVERED FLIGHT RECORD.—The term
8 ‘covered flight record’ means any air traffic data (as
9 defined in section 2(b)(4)(B) of the Pilot’s Bill of
10 Rights (49 U.S.C. 44703 note)), created, main-
11 tained, or controlled by any program of the Adminis-
12 tration, including any program of the Administration
13 carried out by employees or contractors of the Ad-
14 ministration, such as contract towers, flight service
15 stations, and controller training programs.

16 “(b) PROVISION OF COVERED FLIGHT RECORD TO
17 ADMINISTRATION.—

18 “(1) REQUESTS.—Whenever the Administration
19 receives a written request for a covered flight record
20 from an applicable individual and the covered flight
21 record is not in the possession of the Administration,
22 the Administrator shall request the covered flight
23 record from the contract tower or other contractor
24 of the Administration in possession of the covered
25 flight record.



1 “(2) PROVISION OF RECORDS.—Any covered
2 flight record created, maintained, or controlled by a
3 contract tower or another contractor of the Adminis-
4 tration that maintains covered flight records shall be
5 provided to the Administration if the Administration
6 requests the record pursuant to paragraph (1).

7 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
8 TION.—If the Administrator has issued, or subse-
9 quently issues, a Notice of Proposed Certificate Ac-
10 tion relying on evidence contained in the covered
11 flight record and the individual who is the subject of
12 an investigation has requested the record, the Ad-
13 ministrator shall promptly produce the record and
14 extend the time the individual has to respond to the
15 Notice of Proposed Certificate Action until the cov-
16 ered flight record is provided.

17 “(c) IMPLEMENTATION.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of the Fairness for Pi-
20 lots Act, the Administrator shall promulgate regula-
21 tions or guidance to ensure compliance with this sec-
22 tion.

23 “(2) COMPLIANCE BY CONTRACTORS.—

24 “(A) IN GENERAL.—Compliance with this
25 section by a contract tower or other contractor



1 of the Administration that maintains covered
2 flight records shall be included as a material
3 term in any contract between the Administra-
4 tion and the contract tower or contractor en-
5 tered into or renewed on or after the date of en-
6 actment of the Fairness for Pilots Act.

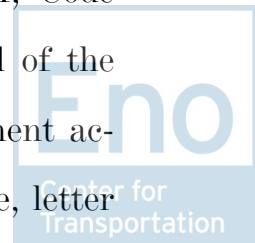
7 “(B) NONAPPLICABILITY.—Subparagraph
8 (A) shall not apply to any contract or agree-
9 ment in effect on the date of enactment of the
10 Fairness for Pilots Act unless the contract or
11 agreement is renegotiated, renewed, or modified
12 after that date.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
14 The table of contents for chapter 471 is amended by in-
15 serting after the item relating to section 47124 the fol-
16 lowing:

“47124a. Accessibility of certain flight data.”.

17 **SEC. 2606. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
18 **CERTAIN NOTICES.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Administrator of the Federal Aviation Ad-
21 ministration shall revise section 13.11 of title 14, Code
22 of Federal Regulations, to authorize legal counsel of the
23 Federal Aviation Administration to close enforcement ac-
24 tions covered by that section with a warning notice, letter
25 of correction, or other administrative action.



1 **TITLE III—AIR SERVICE**
2 **IMPROVEMENTS**

3 **SEC. 3001. DEFINITIONS.**

4 In this title:

5 (1) COVERED AIR CARRIER.—The term “cov-
6 ered air carrier” means an air carrier or a foreign
7 air carrier as those terms are defined in section
8 40102 of title 49, United States Code.

9 (2) ONLINE SERVICE.—The term “online serv-
10 ice” means any service available over the Internet,
11 or that connects to the Internet or a wide-area net-
12 work.

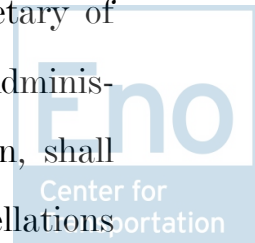
13 (3) TICKET AGENT.—The term “ticket agent”
14 has the meaning given the term in section 40102 of
15 title 49, United States Code.

16 **Subtitle A—Passenger Air Service**
17 **Improvements**

18 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-**
19 **TIONS.**

20 (a) REVIEW.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Secretary of
23 Transportation, in consultation with the Adminis-
24 trator of the Federal Aviation Administration, shall
25 review the categorization of delays and cancellations



1 with respect to air carriers that are required to re-
2 port such data.

3 (2) CONSIDERATIONS.—In conducting the re-
4 view under paragraph (1), the Secretary shall con-
5 sider, at a minimum—

6 (A) whether data indicates that delays and
7 cancellations attributed by an air carrier to
8 weather were unavoidable, including—

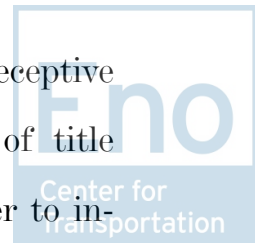
9 (i) due to operational issues, air traf-
10 fic control issues, or groundstop or delay
11 management programs;

12 (ii) due to the air carrier's discretion
13 in determining which flights to delay or
14 cancel during a weather event, including
15 an attempt to impact the fewest pas-
16 sengers; or

17 (iii) due to other factors;

18 (B) if the data indicates whether and to
19 what extent delays and cancellations attributed
20 by an air carrier to weather disproportionately
21 impact service to smaller airports and commu-
22 nities;

23 (C) whether it is an unfair or deceptive
24 practice in violation of section 41712 of title
25 49, United States Code, for an air carrier to in-



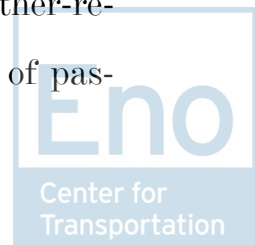
1 form a passenger that a flight is delayed or
2 cancelled due to weather, without any other
3 context or explanation for the delay or cancella-
4 tion, when the air carrier has discretion as to
5 which flights to delay or cancel; and

6 (D) relevant analytical work by academic
7 institutions.

8 (3) CONSULTATION.—The Secretary may con-
9 sult air carriers and the Advisory Committee for
10 Aviation Consumer Protection, established under
11 section 411 of the FAA Modernization and Reform
12 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
13 in conducting the review and providing recommenda-
14 tions.

15 (b) REPORT.—Not later than 90 days after the date
16 the review under subsection (a) is complete, the Secretary
17 shall submit to the appropriate committees of Congress
18 a report on the review under subsection (a), including any
19 recommendations.

20 (c) SAVINGS PROVISION.—Nothing in this section
21 shall be construed as affecting the decision of an air car-
22 rier to maximize its system capacity during weather-re-
23 lated events to accommodate the greatest number of pas-
24 sengers.



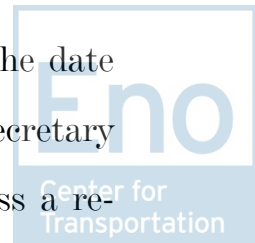
1 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

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 shall review whether it is an unfair
6 or deceptive practice in violation of section 41712 of
7 title 49, United States Code, for an air carrier to
8 change the itinerary of a passenger, more than 24
9 hours before departure, if the new itinerary involves
10 additional stops or departs 3 hours earlier or later
11 and compensation or other more suitable air trans-
12 portation is not offered. In conducting the review,
13 the Secretary shall consider the refund policy and al-
14 ternative travel options provided or offered by the
15 air carrier in such situations.

16 (2) CONSULTATION.—The Secretary may con-
17 sult with air carriers and the Advisory Committee
18 for Aviation Consumer Protection, established under
19 section 411 of the FAA Modernization and Reform
20 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
21 in conducting the review and providing recommenda-
22 tions.

23 (b) REPORT.—Not later than 90 days after the date
24 the review under subsection (a) is complete, the Secretary
25 shall submit to appropriate committees of Congress a re-



1 port on the review under subsection (a), including any rec-
2 ommendations.

3 **SEC. 3103. TRAVELERS WITH DISABILITIES.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall—

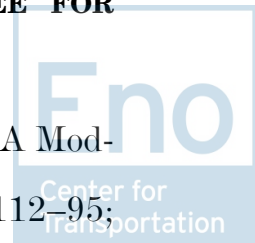
7 (1) conduct a study of airport accessibility best
8 practices for individuals with disabilities; and

9 (2) submit to the appropriate committees of
10 Congress a report on the study, including the Comp-
11 troller General’s findings, conclusions, and rec-
12 ommendations.

13 (b) CONTENTS.—The study under subsection (a)
14 shall include accessibility best practices beyond those rec-
15 ommended under the Architectural Barriers Act of 1968
16 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
17 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
18 Stat. 1080; Public Law 99–435), or Americans with Dis-
19 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
20 prove infrastructure and communications, such as with re-
21 gard to wayfinding, amenities, and passenger care.

22 **SEC. 3104. EXTENSION OF ADVISORY COMMITTEE FOR**
23 **AVIATION CONSUMER PROTECTION.**

24 (a) TERMINATION.—Section 411(h) of the FAA Mod-
25 ernization and Reform Act of 2012 (Public Law 112–95;



1 49 U.S.C. 42301 prec. note) is amended by striking “Sep-
2 tember 30, 2018” and inserting “September 30, 2021”.

3 (b) FINANCIAL DISCLOSURE.—Section 411 of the
4 FAA Modernization and Reform Act of 2012 (Public Law
5 112–95; 49 U.S.C. 42301 prec. note) is further amend-
6 ed—

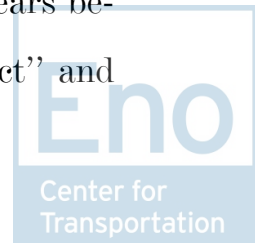
7 (1) by redesignating subsection (h) as sub-
8 section (i); and

9 (2) by inserting before subsection (i), the fol-
10 lowing:

11 “(h) CONFLICT OF INTEREST DISCLOSURE.—Begin-
12 ning on the date of enactment of the Federal Aviation Ad-
13 ministration Reauthorization Act of 2018, each member
14 of the advisory committee who is not a government em-
15 ployee shall disclose, on an annual basis, any potential
16 conflicts of interest, including financial conflicts of inter-
17 est, to the Secretary in such form and manner as pre-
18 scribed by the Secretary.”.

19 (c) RECOMMENDATIONS.—Section 411(g) of the FAA
20 Modernization and Reform Act of 2012 (Public Law 112–
21 95; 49 U.S.C. 42301 prec. note) is amended—

22 (1) by striking “of the first 2 calendar years be-
23 ginning after the date of enactment of this Act” and
24 inserting “calendar year”; and



1 (2) by inserting “and post on the Department
2 of Transportation Web site” after “Congress”.

3 **SEC. 3105. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

4 Section 47107(r)(3) is amended by striking “October
5 1, 2018” and inserting “October 1, 2021”.

6 **SEC. 3106. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
7 **ORED BY A COVERED AIR CARRIER.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Secretary of Transportation shall promul-
10 gate regulations that require each covered air carrier to
11 promptly provide an automated refund to a passenger of
12 any ancillary fees paid for services related to air travel
13 that the passenger does not receive, including on the pas-
14 senger’s scheduled flight, on a subsequent replacement
15 itinerary if there has been a rescheduling, or for a flight
16 not taken by the passenger.

17 **SEC. 3107. DISCLOSURE OF FEES TO CONSUMERS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall issue final regulations requiring—

21 (1) each covered air carrier to disclose to a con-
22 sumer the baggage fee, cancellation fee, change fee,
23 ticketing fee, and seat selection fee of that covered
24 air carrier in a standardized format; and



1 (2) notwithstanding the manner in which infor-
2 mation regarding the fees described in paragraph
3 (1) is collected, each ticket agent to disclose to a
4 consumer such fees of a covered air carrier in the
5 standardized format described in paragraph (1).

6 (b) REQUIREMENTS.—The regulations under sub-
7 section (a) shall require that each disclosure—

8 (1) if ticketing is done on an Internet Web site
9 or other online service—

10 (A) be prominently displayed to the con-
11 sumer prior to the point of purchase; and

12 (B) set forth the fees described in sub-
13 section (a)(1) in clear and plain language and
14 a font of easily readable size; and

15 (2) if ticketing is done on the telephone, be ex-
16 pressly stated to the consumer during the telephone
17 call and prior to the point of purchase.

18 **SEC. 3108. SEAT ASSIGNMENTS.**

19 (a) IN GENERAL.—Not later than 15 months after
20 the date of enactment of this Act, the Secretary of Trans-
21 portation shall complete such actions as may be necessary
22 to require each covered air carrier and ticket agent to dis-
23 close to a consumer that seat selection for which a fee
24 is charged is an optional service, and that if a consumer



1 does not pay for a seat assignment, a seat will be assigned
2 to the consumer from available inventory.

3 (b) REQUIREMENTS.—The disclosure under sub-
4 section (a) shall—

5 (1) if ticketing is done on an Internet Web site
6 or other online service, be prominently displayed to
7 the consumer on that Internet Web site or online
8 service during the selection of seating or prior to the
9 point of purchase;

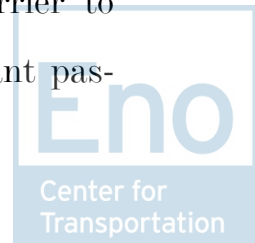
10 (2) if ticketing is done on the telephone, be ex-
11 pressly stated to the consumer during the telephone
12 call and prior to the point of purchase;

13 (3) be made at the time the consumer checks
14 in for the flight; and

15 (4) be made at other ancillary seat assignment
16 purchase opportunities prior to departure.

17 **SEC. 3109. ADVANCE BOARDING DURING PREGNANCY.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Secretary of Transportation shall review
20 air carrier policies regarding traveling during pregnancy
21 and, if appropriate, may revise regulations, as the Sec-
22 retary considers necessary, to require an air carrier to
23 offer advance boarding of an aircraft to a pregnant pas-
24 senger who requests such assistance.



1 **SEC. 3110. CONSUMER COMPLAINT PROCESS IMPROVE-**
2 **MENT.**

3 (a) IN GENERAL.—Section 42302 is amended—

4 (1) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively;

6 (2) by inserting after subsection (a), the fol-
7 lowing:

8 “(b) POINT OF SALE.—Each air carrier, foreign air
9 carrier, and ticket agent shall inform each consumer of
10 a carrier service, at the point of sale, that the consumer
11 can file a complaint about that service with the carrier
12 and with the Aviation Consumer Protection Division of the
13 Department of Transportation.”;

14 (3) by amending subsection (c), as redesign-
15 nated, to read as follows:

16 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
17 ICE NOTICE.—Each air carrier, foreign air carrier, and
18 ticket agent shall include on its Internet Web site, any
19 related mobile device application, and online service—

20 “(1) the hotline telephone number established
21 under subsection (a) or for the Aviation Consumer
22 Protection Division of the Department of Transpor-
23 tation;

24 “(2) an active link and the email address, tele-
25 phone number, and mailing address of the air car-
26 rier, foreign air carrier, or ticket agent, as applica-



1 ble, for a consumer to submit a complaint to the
2 carrier about the quality of service;

3 “(3) notice that the consumer can file a com-
4 plaint with the Aviation Consumer Protection Divi-
5 sion of the Department of Transportation;

6 “(4) an active link to the Internet Web site of
7 the Aviation Consumer Protection Division of the
8 Department of Transportation for a consumer to file
9 a complaint; and

10 “(5) the active link described in paragraph (2)
11 on the same Internet Web site page as the active
12 link described in paragraph (4).”; and

13 (4) in subsection (d), as redesignated—

14 (A) in the matter preceding paragraph (1),
15 by striking “An air carrier or foreign air carrier
16 providing scheduled air transportation using
17 any aircraft that as originally designed has a
18 passenger capacity of 30 or more passenger
19 seats” and inserting “Each air carrier and for-
20 eign air carrier”;

21 (B) in paragraph (1), by striking “air car-
22 rier” and inserting “carrier”; and

23 (C) in paragraph (2), by striking “air car-
24 rier” and inserting “carrier”.



1 (b) RULEMAKING.—Not later than 1 year after the
2 date of enactment of this Act, the Secretary of Transpor-
3 tation shall promulgate regulations to implement the re-
4 quirements of section 42302 of title 49, United States
5 Code, as amended.

6 **SEC. 3111. 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 in-
11 terest.

12 (b) CONSIDERATIONS.—In considering which cases to
13 pursue for enforcement or corrective action under sub-
14 section (a), the Secretary shall consider—

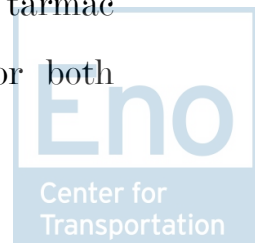
15 (1) Air Carrier Access Act of 1986 (Public Law
16 99–435; 100 Stat. 1080);

17 (2) unfair and deceptive practices by air car-
18 riers, foreign air carriers, and ticket agents;

19 (3) the terms and conditions agreed to between
20 passengers and air carriers, foreign air carriers, or
21 ticket agents;

22 (4) aviation consumer protection and tarmac
23 delay contingency planning requirements for both
24 airports and airlines; and

25 (5) any other applicable law.



1 (c) AVIATION CONSUMER ADVOCATE.—

2 (1) IN GENERAL.—Within the Aviation Con-
3 sumer Protection Division, there shall be an Aviation
4 Consumer Advocate.

5 (2) FUNCTIONS.—The Aviation Consumer Ad-
6 vocate shall—

7 (A) assist consumers in resolving carrier
8 service complaints filed with the Aviation Con-
9 sumer Protection Division;

10 (B) evaluate the resolution by the Depart-
11 ment of Transportation of carrier service com-
12 plaints;

13 (C) identify and recommend actions the
14 Department can take to improve the enforce-
15 ment of aviation consumer protection rules and
16 resolution of carrier service complaints; and

17 (D) identify and recommend regulations
18 and policies that can be amended to more effec-
19 tively resolve carrier service complaints.

20 (d) ANNUAL REPORTS.—The Secretary, through the
21 Aviation Consumer Advocate, shall submit to the appro-
22 priate committees of Congress an annual report summa-
23 rizing the following:

24 (1) The total number of annual complaints re-
25 ceived by the Department, including the number of



1 complaints by the name of each air carrier and for-
2 eign air carrier.

3 (2) The total number of annual complaints by
4 category of complaint.

5 (3) The number of complaints referred in the
6 preceding year for enforcement or corrective action
7 by the Department.

8 (4) Any recommendations under paragraphs
9 (2)(C) and (2)(D) of subsection (c).

10 (5) Such other data as the Aviation Consumer
11 Advocate considers appropriate.

12 **SEC. 3112. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
13 **TECTION INFORMATION.**

14 (a) INTERNET WEB SITE.—Not later than 180 days
15 after the date of enactment of this Act, the Secretary of
16 Transportation shall—

17 (1) complete an evaluation of the aviation con-
18 sumer protection portion of the Department of
19 Transportation's public Internet Web site to identify
20 any changes to the user interface that will improve
21 usability, accessibility, consumer satisfaction, and
22 Web site performance;

23 (2) in completing the evaluation under para-
24 graph (1)—



1 (A) consider the best practices of other
2 Federal agencies with effective Web sites; and

3 (B) consult with the Federal Web Man-
4 agers Council;

5 (3) develop a plan, including an implementation
6 timeline, for—

7 (A) making the changes identified under
8 paragraph (1); and

9 (B) making any necessary changes to that
10 portion of the Web site that will enable a con-
11 sumer, in a manner that protects the privacy of
12 consumers and employees, to—

13 (i) access information regarding each
14 complaint filed with the Aviation Con-
15 sumer Protection Division of the Depart-
16 ment of Transportation;

17 (ii) search the complaints described in
18 clause (i) by the name of the air carrier,
19 the dates of departure and arrival, the air-
20 ports of origin and departure, and the type
21 of complaint; and

22 (iii) determine the date a complaint
23 was filed and the date a complaint was re-
24 solved; and



1 (4) submit the evaluation and plan to appro-
2 priate committees of Congress.

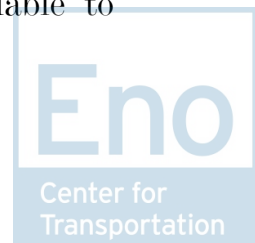
3 (b) MOBILE APPLICATION SOFTWARE.—Not later
4 than 1 year after the date of enactment of this Act, the
5 Secretary of Transportation shall—

6 (1) implement a program to develop application
7 software for wireless devices that will enable a user
8 to access information and perform activities related
9 to aviation consumer protection, such as—

10 (A) information regarding airline pas-
11 senger protections, including protections related
12 to lost baggage and baggage fees, disclosure of
13 additional fees, bumping, cancelled or delayed
14 flights, damaged or lost baggage, and tarmac
15 delays; and

16 (B) file an aviation consumer complaint,
17 including a safety and security, airline service,
18 disability and discrimination, or privacy com-
19 plaint, with the Aviation Consumer Protection
20 Division of the Department of Transportation;
21 and

22 (2) make the application software available to
23 the public at no cost.



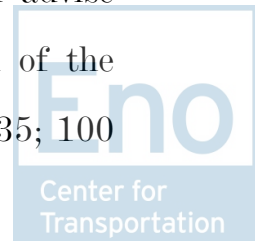
1 **SEC. 3113. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
2 **SYSTEMS.**

3 Not later than 2 years after the date of enactment
4 of this Act, the Architectural and Transportation Barriers
5 Compliance Board, in consultation with the Secretary of
6 Transportation, including the Aviation Consumer Protec-
7 tion Division of the Department of Transportation and the
8 Office of Aviation Safety at the Federal Aviation Adminis-
9 tration, and relevant stakeholders, including aircraft man-
10 ufacturers, wheelchair manufacturers, and disability advo-
11 cates, shall conduct a study to determine the ways in
12 which particular individuals with significant disabilities
13 who use wheelchairs, including power wheelchairs, can be
14 safely accommodated through in-cabin wheelchair re-
15 straint systems.

16 **SEC. 3114. ADVISORY COMMITTEE ON THE AIR TRAVEL**
17 **NEEDS OF PASSENGERS WITH DISABILITIES.**

18 (a) ESTABLISHMENT.—The Secretary of Transpor-
19 tation shall establish an advisory committee for the air
20 travel needs of passengers with disabilities (referred to in
21 this section as the “Advisory Committee”).

22 (b) DUTIES.—The Advisory Committee shall advise
23 the Secretary with regard to the implementation of the
24 Air Carrier Access Act of 1986 (Public Law 99–435; 100
25 Stat. 1080), including—



1 (1) assessing the disability-related access bar-
2 riers encountered by passengers with disabilities;

3 (2) determining the extent to which the pro-
4 grams and activities of the Department of Transpor-
5 tation are addressing the barriers described in para-
6 graph (1);

7 (3) recommending improvements to the air
8 travel experience of passengers with disabilities; and

9 (4) such activities as the Secretary considers
10 necessary to carry out this section.

11 (c) MEMBERSHIP.—

12 (1) IN GENERAL.—The Advisory Committee
13 shall be comprised of at least 1 representative of
14 each of the following groups:

15 (A) Passengers with disabilities.

16 (B) National disability organizations.

17 (C) Air carriers.

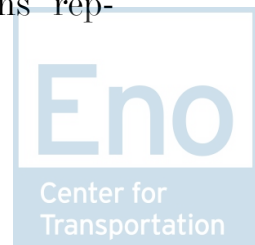
18 (D) Airport operators.

19 (E) Contractor service providers.

20 (F) Aircraft manufacturers.

21 (G) Wheelchair manufacturers.

22 (H) National veterans organizations rep-
23 resenting disabled veterans.



1 (2) APPOINTMENT.—The Secretary of Trans-
2 portation shall appoint each member of the Advisory
3 Committee.

4 (3) VACANCIES.—A vacancy in the Advisory
5 Committee shall be filled in the manner in which the
6 original appointment was made.

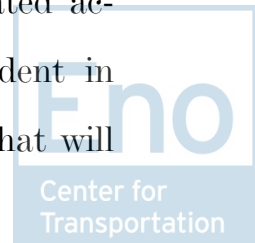
7 (d) CHAIRPERSON.—The Secretary of Transportation
8 shall designate, from among the members appointed under
9 subsection (c), an individual to serve as chairperson of the
10 Advisory Committee.

11 (e) TRAVEL EXPENSES.—Members of the Advisory
12 Committee shall serve without pay, but shall receive travel
13 expenses, including per diem in lieu of subsistence, in ac-
14 cordance with subchapter I of chapter 57 of title 5, United
15 States Code.

16 (f) REPORTS.—

17 (1) IN GENERAL.—Not later than February 1
18 of each year, the Advisory Committee shall submit
19 to the Secretary of Transportation a report on the
20 needs of passengers with disabilities in air travel, in-
21 cluding—

22 (A) an assessment of disability-related ac-
23 cess barriers, both those that were evident in
24 the preceding calendar year and those that will



1 likely be an issue in the subsequent 5 calendar
2 years;

3 (B) an evaluation of the extent to which
4 the Department of Transportation's programs
5 and activities are eliminating disability-related
6 access barriers;

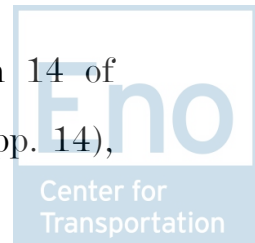
7 (C) a description of the Advisory Commit-
8 tee's actions during the preceding calendar
9 year;

10 (D) a description of activities that the Ad-
11 visory Committee has planned for the subse-
12 quent calendar year; and

13 (E) any recommendations for legislation,
14 administrative action, or other action that the
15 Advisory Committee considers appropriate.

16 (2) REPORT TO CONGRESS.—Not later than 60
17 days after the date the Secretary receives the report
18 under paragraph (1), the Secretary shall submit to
19 the appropriate committees of Congress a copy of
20 the report, including any additional findings or rec-
21 ommendations that the Secretary considers appro-
22 priate.

23 (g) TERMINATION.—Notwithstanding section 14 of
24 the Federal Advisory Committee Act (5 U.S.C. App. 14),



1 the Advisory Committee shall terminate on September 30,
2 2021.

3 **SEC. 3115. IMPROVING WHEELCHAIR ASSISTANCE FOR IN-**
4 **DIVIDUALS WITH DISABILITIES.**

5 In developing the best practices regarding the assist-
6 ance of individuals with disabilities required under section
7 2107(b) of the FAA Extension, Safety, and Security Act
8 of 2016 (Public Law 114–190; 130 Stat. 622), the Sec-
9 retary of Transportation shall include specific rec-
10 ommendations regarding the failure of air carriers to pro-
11 vide wheelchair assistance and how training programs by
12 air carriers can address that failure.

13 **SEC. 3116. REGULATIONS ENSURING ASSISTANCE FOR INDI-**
14 **VIDUALS WITH DISABILITIES IN AIR TRANS-**
15 **PORTATION.**

16 (a) IN GENERAL.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall review applicable regulations and revise,
20 as appropriate, regulations to ensure that individuals
21 with disabilities who request assistance at any time
22 while traveling in air transportation receive timely
23 and effective assistance at airports and on aircraft
24 from trained personnel. Such assistance may be in
25 boarding or deplaning an aircraft, connecting be-



1 tween flights, or other similar or related request, as
2 appropriate.

3 (2) TRAINING.—The Secretary shall require air
4 carriers to ensure that personnel, including contrac-
5 tors, who may be providing physical assistance to a
6 passenger with a disability receive hands-on training
7 on an annual basis in performing that assistance, in-
8 cluding the use of all equipment.

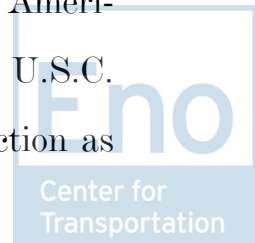
9 (b) REVIEW AND AMENDMENT.—The Secretary shall
10 consult with the Access Board and periodically review and,
11 as appropriate, amend regulations and standards pre-
12 scribed under this section.

13 (c) DEFINITIONS.—In this section:

14 (1) ACCESS BOARD.—The term “Access Board”
15 means the Architectural and Transportation Bar-
16 riers Compliance Board.

17 (2) AIR CARRIER.—The term “air carrier”
18 means an air carrier or foreign air carrier (as those
19 terms are defined in section 40102 of title 49,
20 United States Code).

21 (3) DISABILITY.—The term “disability” has the
22 meaning given that term in section 3 of the Ameri-
23 cans with Disabilities Act of 1990 (42 U.S.C.
24 12102), including the meaning under that section as



1 amended by the ADA Amendments of 2008 (Public
2 Law 110–325; 122 Stat. 3553).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

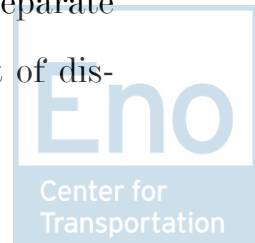
5 **SEC. 3117. CIVIL PENALTIES RELATING TO HARM TO PAS-**
6 **SENGERS WITH DISABILITIES.**

7 Section 46301(a) is amended by adding at the end
8 the following:

9 “(7) PENALTIES RELATING TO HARM TO PAS-
10 SENGERS WITH DISABILITIES.—

11 “(A) PENALTY FOR BODILY HARM OR DAMAGE
12 TO WHEELCHAIR OR OTHER MOBILITY AID.—The
13 amount of a civil penalty assessed under this section
14 for a violation of section 41705 that involves damage
15 to a passenger’s wheelchair or other mobility aid or
16 injury to a passenger with a disability may be in-
17 creased above the otherwise applicable maximum
18 amount under this section for a violation of section
19 41705 to an amount not to exceed 3 times the max-
20 imum penalty otherwise allowed.

21 “(B) EACH ACT CONSTITUTES SEPARATE OF-
22 FENSE.—Notwithstanding paragraph (2), a separate
23 violation of section 41705 occurs for each act of dis-
24 crimination prohibited by that section.”.



1 **SEC. 3118. AIRLINE PASSENGERS WITH DISABILITIES BILL**
2 **OF RIGHTS.**

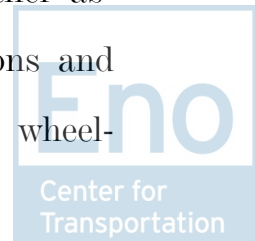
3 (a) AIRLINE PASSENGERS WITH DISABILITIES BILL
4 OF RIGHTS.—The Secretary of Transportation shall de-
5 velop a document, to be known as the “Airline Passengers
6 with Disabilities Bill of Rights”, using plain language to
7 describe the basic protections and responsibilities of cov-
8 ered air carriers, their employees and contractors, and
9 people with disabilities under the section 41705 of title
10 49, United States Code.

11 (b) CONTENT.—In developing the Airline Passengers
12 with Disabilities Bill of Rights under subsection (a), the
13 Secretary shall include, at a minimum, plain language de-
14 scriptions of protections and responsibilities provided in
15 law related to the following:

16 (1) The right of passengers with disabilities to
17 be treated with dignity and respect.

18 (2) The right of passengers with disabilities to
19 receive timely assistance, if requested, from properly
20 trained covered air carrier and contractor personnel.

21 (3) The right of passengers with disabilities to
22 travel with wheelchairs, mobility aids, and other as-
23 sistive devices, including necessary medications and
24 medical supplies, including stowage of such wheel-
25 chairs, aids, and devices.



1 (4) The right of passengers with disabilities to
2 receive seating accommodations, if requested, to ac-
3 commodate a disability.

4 (5) The right of passengers with disabilities to
5 receive announcements in an accessible format.

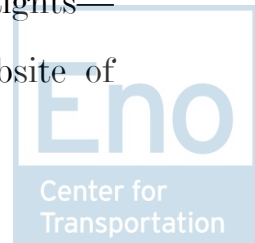
6 (6) The right of passengers with disabilities to
7 speak with a complaint resolution officer or to file
8 a complaint with an covered air carrier or the De-
9 partment of Transportation.

10 (c) RULE OF CONSTRUCTION.—The development of
11 the Airline Passengers with Disabilities Bill of Rights
12 under subsections (a) and (b) shall not be construed as
13 expanding or restricting the rights available to passengers
14 with disabilities on the day before the date of the enact-
15 ment of this Act pursuant to any statute or regulation.

16 (d) CONSULTATIONS.—In developing the Airline Pas-
17 sengers with Disabilities Bill of Rights under subsection
18 (a), the Secretary of Transportation shall consult with
19 stakeholders, including disability organizations and cov-
20 ered air carriers and their contractors.

21 (e) DISPLAY.—Each covered air carrier shall include
22 the Airline Passengers with Disabilities Bill of Rights—

23 (1) on a publicly available Internet website of
24 the covered air carrier; and



1 (2) in any pre-flight notifications or commu-
2 nications provided to passengers who alert the cov-
3 ered air carrier in advance of the need for accom-
4 modations relating to a disability.

5 (f) TRAINING.—Covered air carriers and contractors
6 of covered air carriers shall submit to the Secretary of
7 Transportation plans that ensure employees of covered air
8 carriers and their contractors receive training on the pro-
9 tections and responsibilities described in the Airline Pas-
10 sengers with Disabilities Bill of Rights. The Secretary
11 shall review such plans to ensure the plans address the
12 matters described in subsection (b).

13 **SEC. 3119. ENFORCEMENT OF AVIATION CONSUMER PRO-**
14 **TECTION 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)
20 shall 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.



1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Comptroller General shall
3 submit to the appropriate committees of Congress a report
4 on the study, including the Comptroller General’s findings,
5 conclusions, and recommendations.

6 **SEC. 3120. DIMENSIONS FOR PASSENGER SEATS.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date of enactment of this Act, the Administrator of
9 the Federal Aviation Administration shall initiate a pro-
10 ceeding to study the minimum seat pitch for passenger
11 seats on aircraft operated by air carriers (as defined in
12 section 40102 of title 49, United States Code).

13 (b) CONSIDERATIONS.—In reviewing any minimum
14 seat pitch under subsection (a), the Administrator shall
15 consider the safety of passengers, including passengers
16 with disabilities.

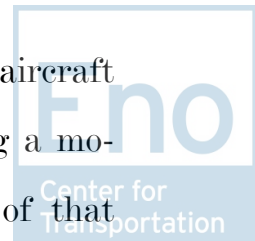
17 **SEC. 3121. CELL PHONE VOICE COMMUNICATIONS.**

18 (a) IN GENERAL.—Subchapter I of chapter 417 is
19 amended by adding at the end the following:

20 **“§ 41725. Cell phone voice communications**

21 **“(a) PROHIBITION AUTHORITY.—**The Secretary of
22 Transportation shall issue regulations—

23 “(1) to prohibit an individual on an aircraft
24 from engaging in voice communications using a mo-
25 bile communications device during a flight of that



1 aircraft in scheduled passenger interstate or intra-
2 state air transportation; and

3 “(2) that exempt from the prohibition described
4 in paragraph (1)—

5 “(A) any member of the flight crew on
6 duty on an aircraft;

7 “(B) any flight attendant on duty on an
8 aircraft; and

9 “(C) any Federal law enforcement officer
10 acting in an official capacity.

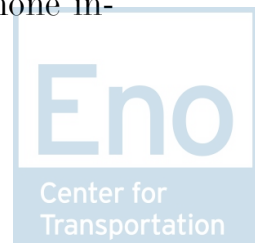
11 “(b) DEFINITIONS.—In this section:

12 “(1) FLIGHT.—The term ‘flight’ means, with
13 respect to an aircraft, the period beginning when the
14 aircraft takes off and ending when the aircraft
15 lands.

16 “(2) MOBILE COMMUNICATIONS DEVICE.—

17 “(A) IN GENERAL.—The term ‘mobile
18 communications device’ means any portable
19 wireless telecommunications equipment utilized
20 for the transmission or reception of voice data.

21 “(B) LIMITATION.—The term ‘mobile com-
22 munications device’ does not include a phone in-
23 stalled on an aircraft.”.



1 (b) TABLE OF CONTENTS.—The table of contents at
2 the beginning of chapter 417 is amended by inserting after
3 the item relating to section 41724 the following:

“41725. Cell phone voice communications.”.

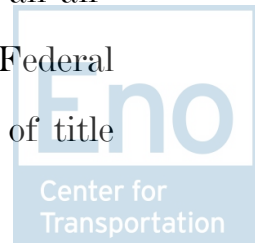
4 **SEC. 3122. TICKETS ACT.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Transparency Improvements and Compensation to Keep
7 Every Ticketholder Safe Act of 2018” or the “TICKETS
8 Act”.

9 (b) BOARDED PASSENGERS.—Beginning on the date
10 of enactment of this Act, once a revenue passenger is ap-
11 proved by a gate attendant to clear the boarding area and
12 board an aircraft, the applicable air carrier may not deny
13 that passenger permission to board the aircraft without
14 the consent of the passenger unless—

- 15 (1) the passenger poses a safety, security, or
16 health risk to oneself or to the other passengers; or
17 (2) the passenger is engaging in behavior that
18 is obscene, disruptive, or otherwise unlawful .

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion may be construed to limit or otherwise affect the re-
21 sponsibility or authority of a pilot in command of an air-
22 craft under section 121.533 of title 14, Code of Federal
23 Regulations, or any penalty under section 46504 of title
24 49, United States Code.



1 (d) ELIMINATION OF LIMITATION ON COMPENSATION
2 FOR BEING DENIED BOARDING.—Not later than 1 year
3 after the date of the enactment of this Act, the Secretary
4 of Transportation shall review air carrier policies and re-
5 vise the regulations under part 250 of title 14, Code of
6 Federal Regulations, to eliminate the dollar amount limi-
7 tations under paragraphs (2) and (3) of subsections (a)
8 and (b) of section 250.5 of that part on the amount of
9 compensation that may be provided to a passenger who
10 is denied boarding involuntarily.

11 (e) OVERSALES.—

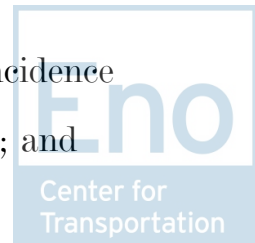
12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall review airline policies and
14 practices related to oversales of flights.

15 (2) CONSIDERATIONS.—In conducting the re-
16 view under paragraph (1), the Comptroller Generals
17 shall examine—

18 (A) impact on passengers, including the
19 prevalence of a negative impact on passengers,
20 as a result of an oversale;

21 (B) economic and operational factors
22 which results in oversales;

23 (C) whether, and if so how, the incidence
24 of oversales varies depending on markets; and



1 (D) potential consequences on the limiting
2 of oversales.

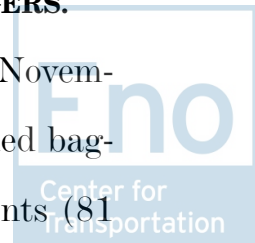
3 (3) REPORT.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller Gen-
5 eral shall submit to the appropriate committees of
6 Congress a report on the review under paragraph
7 (2).

8 (f) NOTICE OF POLICIES OF AIR CARRIERS.—Not
9 later than 1 year after the date of the enactment of this
10 Act, the Secretary of Transportation shall prescribe regu-
11 lations requiring an air carrier, or other entity selling tick-
12 ets for flights in passenger air transportation, to specify,
13 on a passenger’s flight itinerary, receipt, or other direct
14 customer communication, the policies of the air carrier op-
15 erating the flight regarding oversold flights. The Secretary
16 shall also provide guidance on the extent to which such
17 policies should be noticed publicly at airport gates.

18 (g) DEFINITION OF AIR CARRIER.—In this section,
19 the term “air carrier” means an air carrier or foreign air
20 carrier, as those terms are defined in section 40102 of
21 title 49, United States Code.

22 **SEC. 3123. TRANSPARENCY FOR DISABLED PASSENGERS.**

23 The compliance date of the final rule, dated Novem-
24 ber 2, 2016, on the reporting of data for mishandled bag-
25 gage and wheelchairs in aircraft cargo compartments (81



1 Fed. Reg. 76300) shall be effective not later than 60 days
2 after the date of enactment of this Act or January 1,
3 2019, whichever occurs first.

4 **SEC. 3124. REPORT ON AVAILABILITY OF LAVATORIES ON**
5 **COMMERCIAL AIRCRAFT.**

6 Not later than 180 days after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall submit to the appropriate committees of Congress
9 a report assessing—

10 (1) the availability of functional lavatories on
11 commercial aircraft, including single-engine aircraft;

12 (2) the extent to which flights take off without
13 functional lavatories;

14 (3) the ability of individuals with disabilities to
15 access lavatories on commercial aircraft;

16 (4) the extent of complaints to the Department
17 of Transportation and air carriers related to lava-
18 tories and efforts they have taken to address com-
19 plaints;

20 (5) the extent to which air carriers are shrink-
21 ing lavatories to add more seats; and

22 (6) the extent to which lavatory design creates
23 safety issues.



1 **SEC. 3125. TRAINING POLICIES REGARDING RACIAL, ETH-**
2 **NIC, AND RELIGIOUS NONDISCRIMINATION.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to the appropriate com-
6 mittees of Congress a report describing—

7 (1) each air carrier’s training policy for its em-
8 ployees and contractors regarding racial, ethnic, and
9 religious nondiscrimination; and

10 (2) how frequently an air carrier is required to
11 train new employees and contractors because of
12 turnover in positions that require such training.

13 (b) BEST PRACTICES.—After the date the report is
14 submitted under subsection (a), the Secretary of Trans-
15 portation shall develop and disseminate to air carriers best
16 practices necessary to improve the training policies de-
17 scribed in subsection (a), based on the findings of the re-
18 port and in consultation with—

19 (1) passengers of diverse racial, ethnic, and reli-
20 gious backgrounds;

21 (2) national organizations that represent im-
22 pacted communities;

23 (3) air carriers;

24 (4) airport operators; and

25 (5) contractor service providers.



1 **SEC. 3126. CONSUMER PROTECTION REQUIREMENTS RE-**
2 **LATING TO LARGE TICKET AGENTS.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall issue a final rule to require large ticket agents
6 to adopt minimum customer service standards.

7 (b) PURPOSE.—The purpose of the final rule shall be
8 to ensure that, to the maximum extent practicable, there
9 is a consistent level of consumer protection regardless of
10 where consumers purchase air fares and related air trans-
11 portation services.

12 (c) STANDARDS.—In issuing the final rule, the Sec-
13 retary shall consider, at a minimum, establishing stand-
14 ards consistent with all customer service and disclosure
15 requirements applicable to air carriers under this title and
16 associated regulations.

17 (d) DEFINITIONS.—In this section:

18 (1) TICKET AGENT.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), the term “ticket agent” has the
21 meaning given that term in section 40102(a) of
22 title 49, United States Code.

23 (B) INCLUSION.—The term “ticket agent”
24 includes a person who acts as an intermediary
25 involved in the sale of air transportation di-
26 rectly or indirectly to consumers, including by



1 operating an electronic airline information sys-
2 tem, if the person—

3 (i) holds the person out as a source of
4 information about, or reservations for, the
5 air transportation industry; and

6 (ii) receives compensation in any way
7 related to the sale of air transportation.

8 (2) LARGE TICKET AGENT.—The term “large
9 ticket agent” means a ticket agent with annual reve-
10 nues of \$100,000,000 or more.

11 **SEC. 3127. SENSE OF CONGRESS REGARDING EQUAL AC-**
12 **CESS FOR INDIVIDUALS WITH DISABILITIES.**

13 It is the sense of Congress that—

14 (1) the aviation industry and every relevant
15 stakeholder must work to ensure that every indi-
16 vidual who experiences a disability has equal access
17 to air travel;

18 (2) as technology and ease of travel continue to
19 advance, accessibility must be a priority; and

20 (3) accommodations must—

21 (A) extend to every airport and service or
22 facility of an air carrier; and

23 (B) be inclusive of every disability.



1 **SEC. 3128. REGULATIONS PROHIBITING THE IMPOSITION**
2 **OF FEES THAT ARE NOT REASONABLE AND**
3 **PROPORTIONAL TO THE COSTS INCURRED.**

4 (a) IN GENERAL.—Not later than 270 days after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation shall prescribe regulations—

7 (1) prohibiting an air carrier from imposing
8 fees described in subsection (b)(1) that are unrea-
9 sonable or disproportional to the costs incurred by
10 the air carrier; and

11 (2) establishing standards for assessing whether
12 fees described in subsection (b) are reasonable and
13 proportional to the costs incurred by the air carrier.

14 (b) FEES DESCRIBED.—The fees described in this
15 subsection are—

16 (1) any fee for a change or cancellation of a
17 reservation for a flight in interstate air transpor-
18 tation;

19 (2) any fee relating to checked baggage to be
20 transported on a flight in interstate air transpor-
21 tation;

22 (3) any fee relating to seat selection or reserva-
23 tion on a flight;

24 (4) any fee relating to changing between flights
25 departing on the same day or flying standby on a
26 flight; and



1 (5) any other fee imposed by an air carrier re-
2 lating to a flight in interstate air transportation.

3 (c) CONSIDERATIONS.—In establishing the standards
4 required by subsection (a)(2), the Secretary shall con-
5 sider—

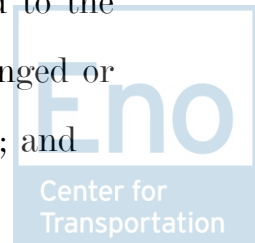
6 (1) with respect to a fee described in subsection
7 (b)(1) imposed by an air carrier for a change or can-
8 cellation of a flight reservation—

9 (A) any net benefit or cost to the air car-
10 rier from the change or cancellation, taking into
11 consideration—

12 (i) the ability of the air carrier to an-
13 ticipate the expected average number of
14 cancellations and changes and make res-
15 ervations accordingly;

16 (ii) the ability of the air carrier to fill
17 a seat made available by a change or can-
18 cellation;

19 (iii) any difference in the fare likely to
20 be paid for a ticket sold to another pas-
21 senger for a seat made available by the
22 change or cancellation, as compared to the
23 fare paid by the passenger who changed or
24 canceled the passenger's reservation; and



1 (iv) the likelihood that the passenger
2 changing or canceling the passenger's res-
3 ervation will fill a seat on another flight by
4 the same air carrier;

5 (B) the costs of processing the change or
6 cancellation electronically; and

7 (C) any related labor costs;

8 (2) with respect to a fee described in subsection
9 (b)(2) imposed by an air carrier relating to checked
10 baggage—

11 (A) the costs of processing checked bag-
12 gage electronically; and

13 (B) any related labor costs; and

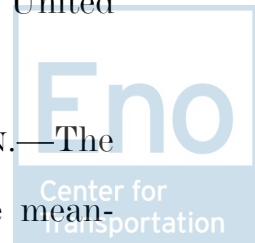
14 (3) any other considerations the Secretary con-
15 siderers appropriate.

16 (d) UPDATED REGULATIONS.—The Secretary shall
17 update the standards required by subsection (a)(2) not
18 less frequently than every 3 years.

19 (e) DEFINITIONS.—In this section:

20 (1) AIR CARRIER.—The term “air carrier”
21 means any air carrier that holds an air carrier cer-
22 tificate under section 41101 of title 49, United
23 States Code.

24 (2) INTERSTATE AIR TRANSPORTATION.—The
25 term “interstate air transportation” has the mean-



1 ing given that term in section 40102 of title 49,
2 United States Code.

3 (f) GOVERNMENT ACCOUNTABILITY OFFICE
4 STUDY.—

5 (1) IN GENERAL.—The Comptroller General of
6 the United States shall conduct a study to determine
7 what the effect on the availability of air transpor-
8 tation to consumers would be—

9 (A) if the Department of Transportation
10 acts on the authority under subsection (a); and

11 (B) if the Department of Transportation
12 was granted the authority under subsection
13 (a)(1) for the fees described in paragraphs (2)
14 through (5) of subsection (b).

15 (2) CONSIDERATIONS.—In conducting the study
16 required by paragraph (1), the Comptroller General
17 shall consider, at a minimum, the effect of the regu-
18 lations described in paragraph (1) on—

19 (A) the cost of ticket prices and other fees
20 charged by air carriers;

21 (B) the services provided to air travelers
22 while traveling on air carriers, including low
23 cost air carriers and ultra-low cost air carriers;
24 and



1 (C) the availability, frequency, and sched-
2 ule of flights provided by air carriers, including
3 to rural communities.

4 (3) REPORT.—Not later than one year after the
5 date of the enactment of this Act, the Comptroller
6 General shall submit to the appropriate committees
7 of Congress a report on the study required by para-
8 graph (1), including the findings, conclusions, and
9 recommendations of the Comptroller General.

10 **Subtitle B—Essential Air Service**

11 **SEC. 3201. ESSENTIAL AIR SERVICE.**

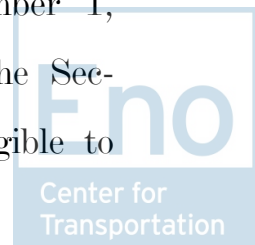
12 (a) AUTHORIZATION EXTENSION.—Section 41742(a)
13 is amended—

14 (1) in paragraph (2), by striking
15 “\$150,000,000” and all that follows through
16 “2018” and inserting “\$175,000,000 for each of fis-
17 cal years 2018 through 2021”; and

18 (2) by striking paragraph (3).

19 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
20 amended by striking clause (ii) and inserting the following:

21 “(ii) was determined, on or after Oc-
22 tober 1, 1988, and before December 1,
23 2012, under this subchapter by the Sec-
24 retary of Transportation to be eligible to



1 receive subsidized small community air
2 service under section 41736(a);”.

3 (c) SEASONAL SERVICE.—The Secretary of Trans-
4 portation may consider the flexibility of current oper-
5 ational dates and airport accessibility to meet local com-
6 munity needs when issuing requests for proposal of essen-
7 tial air service at seasonal airports.

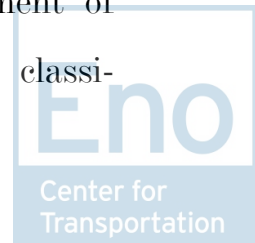
8 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
9 **MENT PROGRAM.**

10 (a) EXTENSION OF AUTHORIZATION.—Section
11 41743(e)(2) is amended by striking “\$6,000,000 for each
12 of fiscal years 2012 through 2017 and \$10,000,000 for
13 fiscal year 2018” and inserting “\$10,000,000 for each of
14 fiscal years 2018 through 2021”.

15 (b) ELIGIBILITY.—Section 41743(c)(1) is amended
16 to read as follows:

17 “(1) SIZE.—On the date of the most recent no-
18 tice of order soliciting community proposals issued
19 by the Secretary under this section, the airport serv-
20 ing the community or consortium—

21 “(A) was not larger than a small hub air-
22 port, as determined using the Department of
23 Transportation’s most recent published classi-
24 fication; and



1 “(B)(i) had insufficient air carrier service;
2 or
3 “(ii) had unreasonably high air
4 fares.”.

5 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

6 (a) IN GENERAL.—Section 41743(c)(4) is amend-
7 ed—

8 (1) by inserting “(B) SAME PROJECTS.—” be-
9 fore the second sentence and indenting appro-
10 priately;

11 (2) by inserting “(A) IN GENERAL.—” before
12 the first sentence and indenting appropriately;

13 (3) in subparagraph (B), as designated by this
14 subsection, by striking “No community” and insert-
15 ing “Except as provided in subparagraph (C)”; and

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

17 “(C) EXCEPTION.—The Secretary may
18 waive the limitation under subparagraph (B)
19 related to projects that are the same if the Sec-
20 retary determines that the community or con-
21 sortium spent little or no money on its previous
22 project or encountered industry or environ-
23 mental challenges, due to circumstances that
24 were reasonably beyond the control of the com-
25 munity or consortium.”.



1 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
2 41743(e)(1) is amended by adding at the end the fol-
3 lowing: “The Secretary may amend the scope of a grant
4 agreement at the request of the community or consortium
5 and any participating air carrier, and may limit the scope
6 of a grant agreement to only the elements using grant as-
7 sistance or to only the elements achieved, if the Secretary
8 determines that the amendment is reasonably consistent
9 with the original purpose of the project.”.

10 **SEC. 3204. WAIVERS.**

11 Section 41732 is amended by adding at the end the
12 following:

13 “(c) WAIVERS.—Notwithstanding section 41733(e),
14 upon request by an eligible place, the Secretary may waive,
15 in whole or in part, subsections (a) and (b) of this section
16 or subsections (a) through (c) of section 41734. A waiver
17 issued under this subsection shall remain in effect for a
18 limited period of time, as determined by the Secretary.”.

19 **TITLE IV—NEXTGEN AND FAA**
20 **ORGANIZATION**

21 **SEC. 4001. DEFINITIONS.**

22 In this title:

23 (1) ADMINISTRATION.—The term “Administra-
24 tion” means the Federal Aviation Administration.



1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (3) ADS-B.—The term “ADS-B” means auto-
5 matic dependent surveillance-broadcast.

6 (4) ADS-B OUT.—The term “ADS-B Out”
7 means automatic dependent surveillance-broadcast
8 with the ability to transmit information from the
9 aircraft to ground stations and to other equipped
10 aircraft.

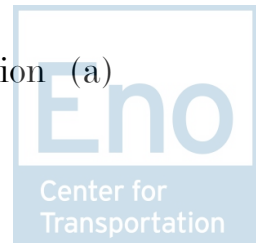
11 (5) NEXTGEN.—The term “NextGen” means
12 the Next Generation Air Transportation System.

13 **Subtitle A—NextGen Air**
14 **Transportation System**

15 **SEC. 4101. RETURN ON INVESTMENT REPORT.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, and annually thereafter
18 until the date that each NextGen program has a positive
19 return on investment, the Administrator shall submit to
20 the appropriate committees of Congress a report on the
21 status of each NextGen program, including the most re-
22 cent NextGen priority list under subsection (c).

23 (b) CONTENTS.—The report under subsection (a)
24 shall include, for each NextGen program—



1 (1) an estimate of the date the program will
2 have 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
6 or utilizing the program;

7 (3) an estimate of the completion date;

8 (4) an assessment of the long-term and near-
9 term 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 para-
23 graph (1); and



1 (3) prepare budget submissions to reflect the
2 current status of NextGen programs and projected
3 returns on investment for each NextGen program.

4 (d) DEFINITION OF RETURN ON INVESTMENT.—In
5 this section, the term “return on investment” means the
6 cost associated with technologies that are required by law
7 or policy as compared to the financial benefits derived
8 from such technologies by a government or a user of air-
9 space.

10 (e) REPEAL OF NEXTGEN PRIORITIES.—Section 202
11 of the FAA Modernization and Reform Act of 2012 (Pub-
12 lic Law 112–95; 49 U.S.C. 40101 note) and the item re-
13 lating to that section in the table of contents under section
14 1(b) of that Act are repealed.

15 **SEC. 4102. ENSURING FAA READINESS TO PROVIDE SEAM-**
16 **LESS OCEANIC OPERATIONS.**

17 Not later than September 30, 2018, the Adminis-
18 trator shall make a final investment decision regarding a
19 reduced oceanic separation capability that, if a positive
20 business case is provided, would result in operational use
21 by the end of 2020.

22 **SEC. 4103. ANNUAL NEXTGEN PERFORMANCE GOALS.**

23 (a) IN GENERAL.—This section may be cited as the
24 “NextGen Accountability Act”.



1 (b) NEXTGEN ANNUAL PERFORMANCE GOALS.—

2 Section 214 of the FAA Modernization and Reform Act
3 of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is
4 amended by adding at the end the following:

5 “(e) ANNUAL NEXTGEN PERFORMANCE GOALS.—

6 The Administrator shall establish annual NextGen per-
7 formance goals for each of the performance metrics set
8 forth in subsection (a) to meet the performance metric
9 baselines identified under subsection (b). Such goals shall
10 be established in consultation with public and private
11 NextGen stakeholders, including the NextGen Advisory
12 Committee.”.

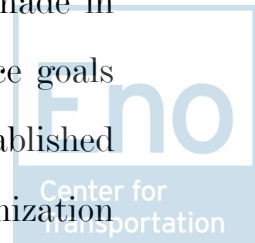
13 (c) NEXTGEN METRICS REPORT.—Section 710(e)(2)
14 of the Vision 100—Century of Aviation Reauthorization
15 Act (Public Law 108–176; 49 U.S.C. 40101 note) is
16 amended—

17 (1) in subparagraph (D), by striking “and” at
18 the end;

19 (2) in subparagraph (E), by striking the period
20 at the end and inserting “; and”; and

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

22 “(F) a description of the progress made in
23 meeting the annual NextGen performance goals
24 relative to the performance metrics established
25 under section 214 of the FAA Modernization



1 and Reform Act of 2012 (Public Law 112–95;
2 49 U.S.C. 40101 note).”.

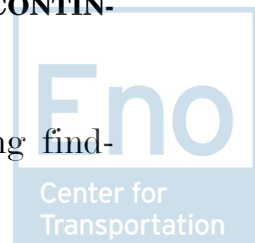
3 (d) CHIEF NEXTGEN OFFICER.—Section 106(s) is
4 amended—

5 (1) in paragraph (2)(B), by adding at the end
6 the following: “In evaluating the performance of the
7 Chief NextGen Officer for the purpose of awarding
8 a bonus under this subparagraph, the Administrator
9 shall consider the progress toward meeting the
10 NextGen performance goals established pursuant to
11 section 214(e) of the FAA Modernization and Re-
12 form Act of 2012 (Public Law 112–95; 49 U.S.C.
13 40101 note).”; and

14 (2) in paragraph (3), by adding at the end the
15 following: “The annual organizational performance
16 goals set forth in the agreement shall include quan-
17 tifiable NextGen airspace performance objectives re-
18 garding efficiency, productivity, capacity, and safety,
19 which shall be established in consultation with public
20 and private NextGen stakeholders, including the
21 NextGen Advisory Committee.”.

22 **SEC. 4104. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
23 **GENCY PLANS.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

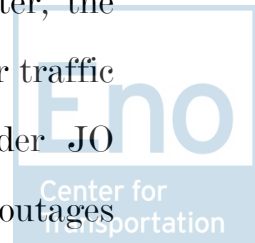


1 (1) On September 26, 2014, an Administration
2 contract employee deliberately started a fire that de-
3 stroyed critical equipment at the Administration’s
4 Chicago Air Route Traffic Control Center (referred
5 to in this section as the “Chicago Center”) in Au-
6 rora, Illinois.

7 (2) As a result of the damage, Chicago Center
8 was unable to control air traffic for more than 2
9 weeks, thousands of flights were delayed or cancelled
10 into and out of O’Hare International Airport and
11 Midway Airport in Chicago, and aviation stake-
12 holders and airlines reportedly lost over
13 \$350,000,000.

14 (3) According to the Office of the Inspector
15 General of the Department of Transportation, al-
16 though the Administration has taken steps to im-
17 prove the effectiveness of its operational contingency
18 plans since the incident at the Chicago Center, sig-
19 nificant work remains to be done.

20 (b) AIR TRAFFIC CONTROL OPERATIONAL CONTIN-
21 GENCY PLANS.—Not later than 1 year after the date of
22 enactment of this Act, and every 5 years thereafter, the
23 Administrator shall update the Administration’s air traffic
24 control operational contingency plans (FAA Order JO
25 1900.47E) to address potential air traffic facility outages.



1 that could have a major impact on the operation of the
2 national airspace system, including the most recent find-
3 ings and recommendations in the report under subsection
4 (d).

5 (c) UPDATES.—Not later than 60 days after the date
6 the air traffic control operational contingency plans are
7 updated under subsection (b), the Administrator shall sub-
8 mit to the appropriate committees of Congress a report
9 on the update, including any recommendations for ensur-
10 ing air traffic facility outages do not have a major impact
11 on the operation of the national airspace system.

12 (d) RESILIENCY RECOMMENDATIONS.—Not later
13 than 180 days after the date of enactment of this Act,
14 and periodically thereafter as the Administrator considers
15 appropriate, the Administrator shall convene NextGen
16 program officials to evaluate, expedite, and complete a re-
17 port on how planned NextGen capabilities can enhance the
18 resiliency and continuity of national airspace system oper-
19 ations and mitigate the impact of future air traffic control
20 disruptions.

21 **SEC. 4105. 2020 ADS-B OUT MANDATE PLAN.**

22 The Administrator, in collaboration with the NextGen
23 Advisory Committee, shall—

24 (1) not later than 90 days after the date of en-
25 actment of this Act—



1 (A) identify any known and potential bar-
2 riers to compliance with the 2020 ADS-B Out
3 mandate under section 91.225 of title 14, Code
4 of Federal Regulations;

5 (B) develop a plan to address the known
6 barriers identified in paragraph (1), including a
7 schedule for—

8 (i) periodically reevaluating the poten-
9 tial barriers identified in paragraph (1);
10 and

11 (ii) developing solutions and imple-
12 menting actions to address the known and
13 potential barriers; and

14 (C) submit the plan to the appropriate
15 committees of Congress; and

16 (2) not later than 90 days after the date the
17 plan is submitted under paragraph (1), submit to
18 the appropriate committees of Congress a report on
19 the progress made toward meeting the 2020 ADS-
20 B Out mandate.

21 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

22 (a) IN GENERAL.—To implement a more effective
23 international strategy for achieving NextGen interoper-
24 ability with foreign countries, the Administrator shall take
25 the following actions:



1 (1) Conduct a gap analysis to identify potential
2 risks to NextGen interoperability with other Air
3 Navigation Service Providers and establish a sched-
4 ule for periodically reevaluating such risks.

5 (2) Develop a plan that identifies and docu-
6 ments actions the Administrator will undertake to
7 mitigate such risks, using information from the gap
8 analysis as a basis for making management deci-
9 sions about how to allocate resources for such ac-
10 tions.

11 (b) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Administrator shall submit
13 to the appropriate committees of Congress a report on the
14 analysis conducted under paragraph (1) of subsection (a)
15 and on the actions the Administrator has taken under
16 paragraph (2) of such subsection.

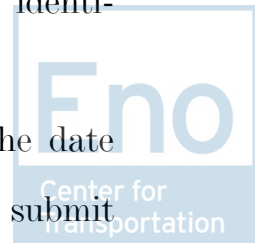
17 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

18 (a) IN GENERAL.—The Administrator shall—

19 (1) identify and analyze technical and oper-
20 ational maturity gaps in NextGen transition and im-
21 plementation plans; and

22 (2) develop a plan to mitigate the gaps identi-
23 fied in paragraph (1).

24 (b) REPORT.—Not later than 1 year 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 actions taken to carry out the plan required by subsection
3 (a)(2).

4 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
5 **IMPROVEMENTS.**

6 (a) IN GENERAL.—To help ensure that NextGen
7 operational improvements are fully implemented in the
8 midterm, the Administrator shall—

9 (1) collaborate with air carriers and other users
10 of the national airspace system (referred to in this
11 section as “NAS”) to develop and implement a sys-
12 tem to systematically track the use of existing per-
13 formance based navigation (referred to in this sec-
14 tion as “PBN”) procedures;

15 (2) identify and consider other key operational
16 improvements, including the identification of—

17 (A) additional metroplexes for PBN
18 projects;

19 (B) non-metroplex PBN procedures; and

20 (C) unused flight routes for decommis-
21 sioning;

22 (3) develop and implement guidelines for the
23 timely inclusion of appropriate stakeholders, includ-
24 ing airport representatives, in the planning and im-



1 plementation of NextGen operational improvement
2 efforts; and

3 (4) ensure that NextGen planning documents
4 inform stakeholders of how and when operational
5 improvements are expected to achieve NextGen na-
6 tional goals and strategic objectives.

7 (b) REPORTS.—Each year, as part of the submission
8 of the NextGen Integrated Work Plan, the Administrator
9 shall submit to the appropriate committees of Congress
10 a report on—

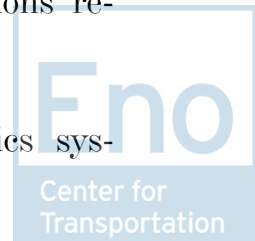
11 (1) the progress made toward implementing the
12 requirements under subsection (a); and

13 (2) the schedule and process that will be used
14 to implement PBN at additional airports, including
15 information on how the Administration will partner
16 and coordinate with private industry to ensure expeditious
17 implementation of PBN at additional air-
18 ports.

19 **SEC. 4109. SECURING AIRCRAFT AVIONICS SYSTEMS.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Aviation Administration shall consider, where appropriate,
22 revising Federal Aviation Administration regulations re-
23 garding airworthiness certification—

24 (1) to address cybersecurity for avionics sys-
25 tems, including software components; and



1 (2) to require that aircraft avionics systems
2 used for flight guidance or aircraft control be se-
3 cured against unauthorized access via passenger in-
4 flight entertainment systems through such means as
5 the Administrator determines appropriate to protect
6 the avionics systems from unauthorized external and
7 internal access.

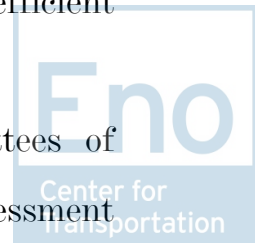
8 (b) CONSIDERATION.—In carrying out subsection (a),
9 the Administrator shall consider the recommendations of
10 the Aircraft Systems Information Security Protection
11 Working Group under section 2111 of the FAA Extension
12 Safety and Security Act of 2016 (Public Law 114–190;
13 130 Stat. 615).

14 **SEC. 4110. DEFINING NEXTGEN.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Comptroller General of the United States
17 shall—

18 (1) assess how the line items included in the
19 Administration’s NextGen budget request relate to
20 the goals and expected outcomes of NextGen, includ-
21 ing whether and how NextGen programs directly
22 contribute to a measurably safer and more efficient
23 air traffic control system; and

24 (2) submit to the appropriate committees of
25 Congress a report on the results of the assessment



1 under paragraph (1), including any recommenda-
2 tions for the removal of line items that do not di-
3 rectly contribute to a measurably safer and more ef-
4 ficient air traffic control system.

5 **SEC. 4111. HUMAN FACTORS.**

6 (a) IN GENERAL.—In order to avoid having to subse-
7 quently modify products and services developed as a part
8 of NextGen, the Administrator shall—

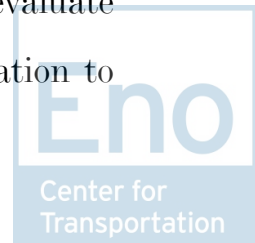
9 (1) recognize and incorporate, in early design
10 phases of all relevant NextGen programs, the human
11 factors and procedural and airspace implications of
12 stated goals and associated technical changes; and

13 (2) ensure that a human factors specialist, sep-
14 arate from the research and certification groups, is
15 directly involved with the NextGen approval process.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Administrator shall submit
18 to the appropriate committees of Congress a report on the
19 progress made toward implementing the requirements
20 under subsection (a).

21 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

22 (a) IN GENERAL.—The Administrator shall evaluate
23 the current acquisition practices of the Administration to
24 ensure that such practices—



1 (1) identify the current estimated costs for each
2 acquisition system, including all segments;

3 (2) separately identify cumulative amounts for
4 acquisition costs, technical refresh, and other en-
5 hancements in order to identify the total baselined
6 and re-baselined costs for each system; and

7 (3) account for the way funds are being used
8 when reporting to managers, Congress, and other
9 stakeholders.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, and biennially thereafter, the Ad-
12 ministrator shall submit to the appropriate committees of
13 Congress a report on the progress made toward imple-
14 menting the requirements under subsection (a).

15 **SEC. 4113. EQUIPAGE MANDATES.**

16 (a) IN GENERAL.—Before NextGen-related equipage
17 mandates are imposed on users of the national airspace
18 system, the Administrator, in collaboration with relevant
19 stakeholders, shall—

20 (1) provide a statement of estimated costs and
21 benefits based on mature and stable technical speci-
22 fications; and

23 (2) create a schedule for Administration
24 deliverables and investments by both the users and
25 the Administration, including for procedure and air-



1 space design, infrastructure deployment, and train-
2 ing.

3 **SEC. 4114. WORKFORCE.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Administrator shall—

6 (1) identify and assess barriers to attracting,
7 developing, training, and retaining a talented work-
8 force in the areas of systems engineering, architec-
9 ture, systems integration, digital communications,
10 and cybersecurity;

11 (2) develop a comprehensive plan to attract, de-
12 velop, train, and retain talented individuals in those
13 fields; and

14 (3) identify existing authorities available to the
15 Administrator, through personnel reform, to attract,
16 develop, and retain this talent.

17 (b) REPORT.—The Administrator shall submit to the
18 appropriate committees of Congress a report on the
19 progress made toward implementing the requirements
20 under subsection (a).

21 **SEC. 4115. PROGRAMMATIC RISK MANAGEMENT.**

22 (a) IN GENERAL.—To better inform the Administra-
23 tion's decisions regarding the prioritization of efforts and
24 allocation of resources for NextGen, the Administrator
25 shall—



1 (1) solicit input from specialists in probability
2 and statistics to identify and prioritize the pro-
3 grammatic and implementation risks to NextGen;
4 and

5 (2) develop a method to manage and mitigate
6 the risks identified in paragraph (1).

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Administrator shall submit
9 to the appropriate committees of Congress a report on the
10 progress made toward implementing the requirements
11 under subsection (a).

12 **SEC. 4116. PROGRAM MANAGEMENT.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Administrator, in collaboration with the
15 NextGen Advisory Committee and the National Academies
16 of Sciences, Engineering, and Medicine, shall—

17 (1) identify industry best practices regarding
18 highly integrated program management;

19 (2) determine whether, and identify how, the
20 Administration is applying the best practices identi-
21 fied in paragraph (1) in the management of
22 NextGen;

23 (3) identify, in detail, the lessons learned re-
24 garding the complex integration of NextGen pro-
25 grams into the national airspace system;



1 (4) identify and assess the key risks for the full
2 implementation of—

3 (A) multiple runway operations;

4 (B) performance based navigation;

5 (C) surface operations and data sharing;

6 and

7 (D) data communications;

8 (5) develop a detailed plan to mitigate the risks
9 identified under paragraph (4); and

10 (6) submit to the appropriate committees of
11 Congress a report on the activities under paragraphs
12 (1) through (5), including the plan.

13 **SEC. 4117. SYSTEM-WIDE IMPROVEMENTS.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Administrator shall sub-
16 mit to the appropriate committees of Congress a report
17 identifying any improvements and benefits to the national
18 airspace system, as a whole, as a result of—

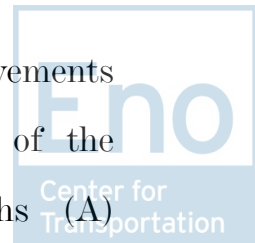
19 (1) multiple runway operations;

20 (2) performance based navigation;

21 (3) surface operations and data sharing; and

22 (4) data communications.

23 (b) CONSIDERATIONS.—In identifying improvements
24 and benefits under subsection (a) as a result of the
25 NextGen programs listed under subparagraphs (A)



1 through (D) of that subsection, the Administrator shall
2 consider, at a minimum—

3 (1) reduced overall delays in the national air-
4 space system;

5 (2) increased overall throughput in the national
6 airspace system;

7 (3) decreased overall emissions and fuel con-
8 sumption in the national airspace system; and

9 (4) improved safety in the national airspace
10 system.

11 **SEC. 4118. NEXTGEN RESEARCH.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Administrator shall submit to the appro-
14 priate committees of Congress a report specifying the top
15 5 priority research areas for the implementation and ad-
16 vancement of NextGen, including—

17 (1) an assessment of why the research areas are
18 a priority for the implementation and advancement
19 of NextGen;

20 (2) an identification of the other Federal agen-
21 cies and private organizations assisting the Adminis-
22 tration with the research; and

23 (3) an estimate of when the research will be
24 completed.



1 **SEC. 4119. ANNUAL REPORT ON NEXTGEN IMPLEMENTA-**
2 **TION.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, and not less frequently than
5 annually thereafter, the Administrator shall submit to the
6 appropriate committees of Congress a report on the imple-
7 mentation of NextGen at commercial service airports in
8 the United States.

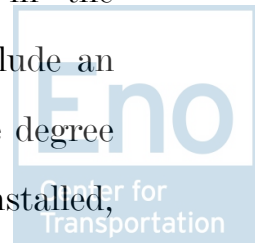
9 (b) ELEMENTS.—Each report required by subsection
10 (a) shall include the following:

11 (1) The number and percentage of commercial
12 service airports in the United States that have fully
13 implemented NextGen.

14 (2) The percentage completion of NextGen im-
15 plementation at each commercial service airport in
16 the United States.

17 (c) DEVELOPMENT OF STANDARD TO DETERMINE
18 PERCENTAGE IMPLEMENTATION OF NEXTGEN.—

19 (1) IN GENERAL.—The Administrator shall de-
20 velop a standard for determining under subsection
21 (b)(2) the percentage completion of NextGen imple-
22 mentation at commercial service airports in the
23 United States based on factors that may include an
24 accounting of efficiency benefits achieved, the degree
25 of NextGen technology and infrastructure installed,
26 and the extent of controller training on NextGen.



1 (2) INCLUSION IN REPORT.—The Administrator
2 shall include in the report submitted under sub-
3 section (a) the standard developed under paragraph
4 (1).

5 **Subtitle B—Administration**
6 **Organization and Employees**

7 **SEC. 4201. COST-SAVING INITIATIVES.**

8 (a) IN GENERAL.—To ensure that Administration
9 initiatives are being implemented in a timely and fiscally
10 responsible manner, the Administrator shall—

11 (1) identify and implement agencywide cost-sav-
12 ing initiatives; and

13 (2) develop appropriate schedules and metrics
14 to measure whether the initiatives are successful in
15 reducing costs.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Administrator shall submit
18 to the appropriate committees of Congress a report on the
19 progress made toward implementing the requirements
20 under subsection (a).

21 **SEC. 4202. FEDERAL AVIATION ADMINISTRATION PER-**
22 **FORMANCE MEASURES AND TARGETS.**

23 (a) PERFORMANCE MEASURES.—Not later than 180
24 days after the date of enactment of this Act, the Secretary
25 of Transportation shall establish performance measures



1 relating to the administration of the Administration,
2 which shall, at a minimum, include measures to assess—

3 (1) the reduction of delays in the completion of
4 projects; and

5 (2) the effectiveness of the Administration in
6 achieving the goals described in section 47171 of
7 title 49, United States Code.

8 (b) PERFORMANCE TARGETS.—Not later than 180
9 days after the date on which the Secretary establishes per-
10 formance measures in accordance with subsection (a), the
11 Secretary shall establish performance targets relating to
12 each of the measures described in that subsection.

13 (c) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Inspector General of the De-
15 partment of Transportation shall submit to the appro-
16 priate committees of Congress a report describing the
17 progress of the Secretary in meeting the performance tar-
18 gets established under subsection (b).

19 **SEC. 4203. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
20 **FURLOUGHS.**

21 (a) DEFINITION OF ESSENTIAL EMPLOYEE.—In this
22 section, the term “essential employee” means an employee
23 of the Administration who performs work involving the
24 safety of human life or the protection of property, as de-
25 termined by the Administrator.



1 (b) IN GENERAL.—In implementing spending reduc-
2 tions under Federal law, the Administrator may furlough
3 1 or more employees of the Administration, except an es-
4 sential employee, if the Administrator determines the fur-
5 lough is necessary to achieve the required spending reduc-
6 tions.

7 (c) TRANSFER OF BUDGETARY RESOURCES.—The
8 Administrator may transfer budgetary resources within
9 the Administration to carry out subsection (b), except that
10 the transfer may only be made to maintain essen-
11 tial employees.

12 **SEC. 4204. CONTROLLER CANDIDATE INTERVIEWS.**

13 (a) IN GENERAL.—Not later than 60 days after the
14 date of enactment of this Act, the Administrator shall re-
15 quire that an in-person interview be conducted with each
16 individual applying for an air traffic control specialist po-
17 sition before that individual may be hired to fill that posi-
18 tion.

19 (b) GUIDANCE.—Not later than 30 days after the
20 date of enactment of this Act, the Administrator shall es-
21 tablish guidelines regarding the in-person interview proc-
22 ess described in subsection (a).



1 **SEC. 4205. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
2 **FACILITIES IN THE NEW YORK CITY AND**
3 **NEWARK REGION.**

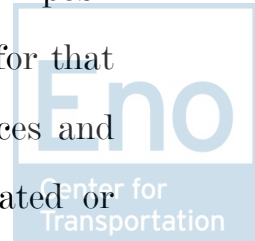
4 Not later than 90 days after the date of enactment
5 of this Act, the Administrator shall submit to the appro-
6 priate committees of Congress a report on the Administra-
7 tion's staffing and scheduling plans for air traffic control
8 facilities in the New York City and Newark region for the
9 1-year period beginning on such date of enactment.

10 **SEC. 4206. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
11 **PHILADELPHIA METROPOLITAN AREA AIR-**
12 **SPACE PROJECT.**

13 Not later than 90 days after the date of enactment
14 of this Act, the Administrator shall develop and publish
15 in the Federal Register a work plan for the New York/
16 New Jersey/Philadelphia Metropolitan Area Airspace
17 Project.

18 **SEC. 4207. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

19 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
20 LATED SUPPORT.—The Administrator shall provide air
21 traffic services and aviation safety support for aviation
22 events, including airshows and fly-ins, without the imposi-
23 tion or collection of any fee, tax, or other charge for that
24 purpose. Amounts for the provision of such services and
25 support shall be derived from amounts appropriated or
26 otherwise available for the Administration.



1 (b) DETERMINATION OF SERVICES AND SUPPORT TO
2 BE PROVIDED.—In determining the services and support
3 to be provided for an aviation event for purposes of sub-
4 section (a), the Administrator shall take into account the
5 following:

6 (1) The services and support required to meet
7 levels of activity at prior events, if any, similar to
8 the event.

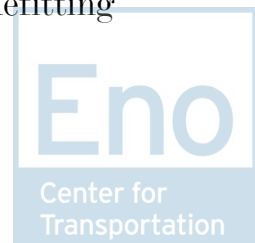
9 (2) The anticipated need for services and sup-
10 port at the event.

11 **SEC. 4208. ANNUAL REPORT ON INCLUSION OF DISABLED**
12 **VETERAN LEAVE IN PERSONNEL MANAGE-**
13 **MENT SYSTEM.**

14 Not later than 1 year after the date of enactment
15 of this Act, and not less frequently than annually there-
16 after until the date that is 5 years after the date of enact-
17 ment of this Act, the Administrator shall publish on a pub-
18 licly accessible Internet Web site a report on—

19 (1) the effect of section 40122(g)(4) of title 49,
20 United States Code, on the Administration's work-
21 force; and

22 (2) the number of disabled veterans benefitting
23 from that section.



1 **SEC. 4209. APPLICATION OF VETERANS' PREFERENCE TO**
2 **FEDERAL AVIATION ADMINISTRATION PER-**
3 **SONNEL MANAGEMENT SYSTEM.**

4 Section 40122(g)(2)(B) is amended—

5 (1) by inserting “3304(f),” before “3308-
6 3320”; and

7 (2) by inserting “3330a, 3330b, 3330c, and
8 3330d,” before “relating”.

9 **SEC. 4210. AIRCRAFT REGISTRY OFFICE.**

10 The Administrator of the Federal Aviation Adminis-
11 tration shall designate employees at the Aircraft Registry
12 Office in Oklahoma City, Oklahoma, as excepted employ-
13 ees in the event of a shutdown or emergency furlough to
14 ensure that the office remains open for the duration of
15 the lapse in Federal Government appropriations to the
16 Federal Aviation Administration.

17 **TITLE V—MISCELLANEOUS**

18 **SEC. 5001. OVERFLIGHTS OF NATIONAL PARKS.**

19 Section 40128 is amended—

20 (1) in subsection (a)(3), by striking “the” be-
21 fore “title 14”; and

22 (2) by amending subsection (f) to read as fol-
23 lows:

24 “(f) TRANSPORTATION ROUTES.—

25 “(1) IN GENERAL.—This section shall not apply
26 to any air tour operator while flying over or near



1 any Federal land managed by the Director of the
2 National Park Service, including Lake Mead Na-
3 tional Recreation Area, solely as a transportation
4 route, to conduct an air tour over the Grand Canyon
5 National Park.

6 “(2) EN ROUTE.—For purposes of this sub-
7 section, an air tour operator flying over the Hoover
8 Dam in the Lake Mead National Recreation Area en
9 route to the Grand Canyon National Park shall be
10 deemed to be flying solely as a transportation
11 route.”.

12 **SEC. 5002. AERONAUTICAL STUDIES FOR COMMERCIAL**
13 **SPACE LAUNCH SITE RUNWAYS.**

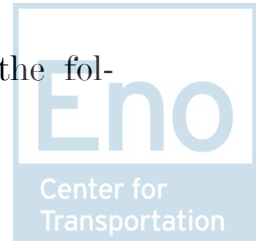
14 (a) IN GENERAL.—Section 44718(b)(1) is amend-
15 ed—

16 (1) in the matter preceding subparagraph (A),
17 by striking “air navigation facilities and equipment”
18 and inserting “air or space navigation facilities and
19 equipment”; and

20 (2) in subparagraph (A)—

21 (A) by redesignating clauses (v) and (vi) as
22 clauses (vi) and (vii), respectively; and

23 (B) by inserting after clause (iv) the fol-
24 lowing:



1 “(v) the impact on launch and reentry
2 for launch and reentry vehicles arriving or
3 departing from a launch site or reentry
4 site licensed by the Secretary;”.

5 (b) RULEMAKING.—Not later than 18 months after
6 the date of enactment of this Act, the Administrator of
7 the Federal Aviation Administration shall initiate a rule-
8 making to implement the amendments made by subsection
9 (a).

10 **SEC. 5003. COMPREHENSIVE AVIATION PREPAREDNESS**
11 **PLAN.**

12 (a) IN GENERAL.—No later than 1 year after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation and the Secretary of Health and Human Services,
15 in coordination with the Secretary of Homeland Security,
16 the Secretary of Labor, the Secretary of State, the Sec-
17 retary of Defense, and representatives of other Federal de-
18 partments and agencies, as necessary, shall develop a com-
19 prehensive national aviation communicable disease pre-
20 paredness plan.

21 (b) MINIMUM COMPONENTS.—The plan developed
22 under subsection (a) shall—

23 (1) be developed in consultation with other rel-
24 evant stakeholders, including State, local, tribal, and



1 territorial governments, air carriers, first respond-
2 ers, and the general public;

3 (2) provide for the development of a commu-
4 nications system or protocols for providing com-
5 prehensive, appropriate, and up-to-date information
6 regarding communicable disease threats and pre-
7 paredness between all relevant stakeholders;

8 (3) document the roles and responsibilities of
9 relevant Federal department and agencies, including
10 coordination requirements;

11 (4) provide guidance to air carriers, airports,
12 and other appropriate aviation stakeholders on how
13 to develop comprehensive communicable disease pre-
14 paredness plans for their respective organizations, in
15 accordance with the plan to be developed under sub-
16 section (a);

17 (5) be scalable and adaptable so that the plan
18 can be used to address the full range of commu-
19 nicable disease threats and incidents;

20 (6) provide information on communicable
21 threats and response training resources for all rel-
22 evant stakeholders, including Federal, State, local,
23 tribal, and territorial government employees, airport
24 officials, aviation industry employees and contrac-
25 tors, first responders, and health officials;



1 (7) develop protocols for the dissemination of
2 comprehensive, up-to-date, and appropriate informa-
3 tion to the traveling public concerning communicable
4 disease threats and preparedness;

5 (8) be updated periodically to incorporate les-
6 sons learned with supplemental information; and

7 (9) be provided to relevant government agencies
8 and stakeholders in writing, and electronically, and
9 accessible via the Internet.

10 (c) INTERAGENCY FRAMEWORK.—The plan devel-
11 oped under subsection (a) shall—

12 (1) be conducted under the existing interagency
13 framework for national level all hazards emergency
14 preparedness planning or another appropriate frame-
15 work; and

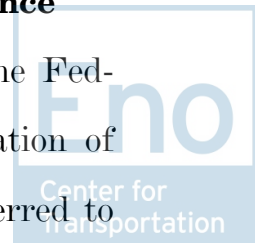
16 (2) be consistent with the obligations of the
17 United States under international agreements.

18 **SEC. 5004. ADVANCED MATERIALS CENTER OF EXCEL-**
19 **LENCE.**

20 (a) IN GENERAL.—Chapter 445 is amended by add-
21 ing at the end the following:

22 **“§ 44518. Advanced Materials Center of Excellence**

23 “(a) IN GENERAL.—The Administrator of the Fed-
24 eral Aviation Administration shall continue operation of
25 the Advanced Materials Center of Excellence (referred to



1 in this section as the ‘Center’) under its structure as in
2 effect on March 1, 2016, which shall focus on applied re-
3 search and training on the durability and maintainability
4 of advanced materials in transport airframe structures.

5 “(b) RESPONSIBILITIES.—The Center shall—

6 “(1) promote and facilitate collaboration among
7 academia, the Transportation Division of the Fed-
8 eral Aviation Administration, and the commercial
9 aircraft industry, including manufacturers, commer-
10 cial air carriers, and suppliers; and

11 “(2) establish goals set to advance technology,
12 improve engineering practices, and facilitate con-
13 tinuing education in relevant areas of study.

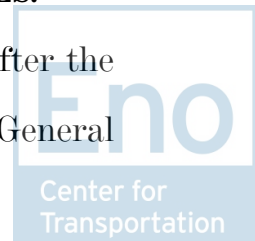
14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to the Administrator
16 \$500,000 for each of the fiscal years 2019 and 2021 to
17 carry out this section.”.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 chapter 445 is amended by adding at the end the fol-
20 lowing:

“44518. Advanced Materials Center of Excellence.”.

21 **SEC. 5005. INTERFERENCE WITH AIRLINE EMPLOYEES.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, the Comptroller General
24 of the United States shall—



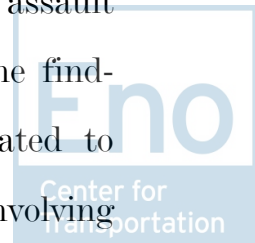
1 (1) complete a study of crimes of violence (as
2 defined in section 16 of title 18, United States
3 Code) committed against airline customer service
4 representatives while they are performing their du-
5 ties and on airport property; and

6 (2) submit the findings of the study, including
7 any recommendations, to the appropriate committees
8 of Congress.

9 (b) GAP ANALYSIS.—The study shall include a gap
10 analysis to determine if State and local laws and resources
11 are adequate to deter or otherwise address the crimes of
12 violence described in subsection (a) and recommendations
13 on how to address any identified gaps.

14 (c) AIR CARRIER EMPLOYEE ASSAULT PREVENTION
15 AND RESPONSE PLAN.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the completion of the study under subsection (a),
18 each air carrier operating under part 121 of title 14,
19 Code of Federal Regulations (in this section referred
20 to as a “part 121 air carrier”), shall submit to the
21 Administrator of the Federal Aviation Administra-
22 tion for review and acceptance an employee assault
23 prevention and response plan that reflects the find-
24 ings of the study under subsection (a) related to
25 trends in incidents of physical altercations involving



1 air carrier customer service representatives while
2 they are performing their duties and on airport
3 property.

4 (2) CONTENTS OF PLAN.—An employee assault
5 prevention and response plan submitted by a part
6 121 air carrier under paragraph (1) shall include the
7 following:

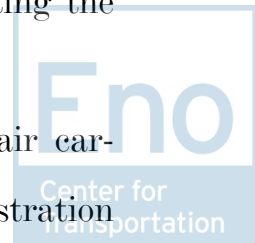
8 (A) Reporting protocols for air carrier cus-
9 tomer service agents who have been the victim
10 of physical altercations.

11 (B) Protocols for the notification of law
12 enforcement agents of an incident of a physical
13 altercation against an air carrier customer serv-
14 ice agent.

15 (C) Protocols for informing Federal law
16 enforcement agents in a case in which an indi-
17 vidual is alleged to have violated section 46503
18 of title 49, United States Code.

19 (3) CONSULTATIONS WITH LABOR ORGANIZA-
20 TIONS.—In developing the plan required by para-
21 graph (1), a part 121 air carrier shall consult with
22 the appropriate labor organizations representing the
23 customer service agents of the air carrier.

24 (d) EMPLOYEE TRAINING.—Each part 121 air car-
25 rier shall submit to the Federal Aviation Administration



1 a plan for training all employees, including management,
2 on the plan required under subsection (c)(1) that includes
3 training on de-escalating hostile situations, written proto-
4 cols on dealing with hostile situations, and reporting of
5 incidents of violence.

6 **SEC. 5006. SECONDARY COCKPIT BARRIERS.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Saracini Aviation Safety Act of 2018”.

9 (b) **REQUIREMENT.**—Not later than 1 year after the
10 date of the enactment of this Act, the Administrator of
11 the Federal Aviation Administration shall issue an order
12 requiring installation of a secondary cockpit barrier on
13 each new aircraft that is manufactured for delivery to a
14 passenger air carrier in the United States operating under
15 the provisions of part 121 of title 14, Code of Federal
16 Regulations.

17 **SEC. 5007. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
18 **FIELD PAVEMENT TECHNOLOGIES.**

19 Using amounts made available under section
20 48102(a) of title 49, United States Code, the Adminis-
21 trator of the Federal Aviation Administration shall carry
22 out a program for the research and development of air-
23 craft pavement technologies under which the Adminis-
24 trator makes grants to, and enters into cooperative agree-



1 ments with, institutions of higher education and nonprofit
2 organizations that—

3 (1) research concrete and asphalt airfield pave-
4 ment technologies that extend the life of airfield
5 pavements;

6 (2) develop and conduct training;

7 (3) provide for demonstration projects; and

8 (4) promote the latest airfield pavement tech-
9 nologies to aid in the development of safer, more
10 cost effective, and more durable airfield pavements.

11 **SEC. 5008. INCREASE IN DURATION OF GENERAL AVIATION**
12 **AIRCRAFT REGISTRATION.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator of the Federal Aviation Ad-
15 ministration shall initiate a rulemaking to increase the du-
16 ration of aircraft registrations for noncommercial general
17 aviation aircraft to 5 years.

18 **SEC. 5009. MODIFICATION OF LIMITATION OF LIABILITY**
19 **RELATING TO AIRCRAFT.**

20 Section 44112(b) is amended—

21 (1) by striking “on land or water”; and

22 (2) by inserting “operational” before “control”.



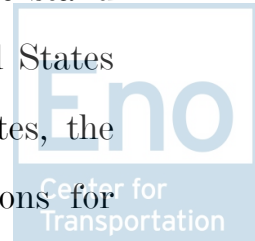
1 **SEC. 5010. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
2 **OF ILLEGAL DRUGS SEIZED AT INTER-**
3 **NATIONAL AIRPORTS IN THE UNITED STATES.**

4 (a) IN GENERAL.—The Comptroller General of the
5 United States shall conduct a study of illegal drugs, in-
6 cluding heroin, fentanyl, and cocaine, seized by Federal
7 authorities at international airports in the United States.

8 (b) ELEMENTS.—In conducting the study required by
9 subsection (a), the Comptroller General shall address, at
10 a minimum—

- 11 (1) the types and quantities of drugs seized;
- 12 (2) the origin of the drugs seized;
- 13 (3) the airport at which the drugs were seized;
- 14 (4) the manner in which the drugs were seized;
- 15 and
- 16 (5) the manner in which the drugs were trans-
17 ported.

18 (c) USE OF DATA; RECOMMENDATIONS FOR ADDI-
19 TIONAL DATA COLLECTION.—In conducting the study re-
20 quired by subsection (a), the Comptroller General shall
21 use all available data. If the Comptroller General deter-
22 mines that additional data is needed to fully understand
23 the extent to which illegal drugs enter the United States
24 through international airports in the United States, the
25 Comptroller General shall develop recommendations for
26 the collection of that data.



1 (d) SUBMISSION TO CONGRESS.—Not later than 180
2 days after the date of enactment of this Act, the Comp-
3 troller General shall submit to the appropriate committees
4 of Congress a report on the study conducted under sub-
5 section (a) that includes any recommendations developed
6 under subsection (c).

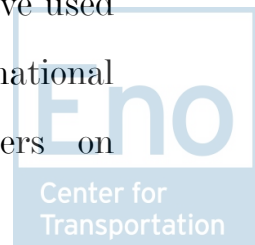
7 **SEC. 5011. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
8 **VIEW OF UNMANNED AIRCRAFT SYSTEMS.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall submit to the appropriate com-
12 mittees of Congress a report examining law enforcement
13 challenges posed by the use of unmanned aircraft systems
14 for illegal drug trafficking.

15 (b) CONTENTS.—The report submitted under sub-
16 section (a) shall examine how unmanned aircraft systems
17 are being used to transport illegal drugs across the inter-
18 national borders of the United States, including—

19 (1) how international drug traffickers have used
20 unmanned aircraft systems to fly packages of illegal
21 drugs into the United States;

22 (2) how international drug traffickers have used
23 unmanned aircraft systems to survey international
24 borders, providing intelligence to smugglers on



1 vulnerabilities in the border security efforts of the
2 United States; and

3 (3) other ways in which international drug traf-
4 fickers have used unmanned aircraft systems to as-
5 sist their efforts to smuggle illegal drugs into the
6 United States.

7 **SEC. 5012. SENSE OF CONGRESS ON PREVENTING THE**
8 **TRANSPORTATION OF DISEASE-CARRYING**
9 **MOSQUITOES AND OTHER INSECTS ON COM-**
10 **MERCIAL AIRCRAFT.**

11 It is the sense of Congress that the Secretary of
12 Transportation and the Secretary of Agriculture should,
13 in coordination and consultation with the World Health
14 Organization, develop a framework and guidance for the
15 use of safe, effective, and nontoxic means of preventing
16 the transportation of disease-carrying mosquitoes and
17 other insects on commercial aircraft.

18 **SEC. 5013. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
19 **AND TURBINE-POWERED MULTIENGINE AIR-**
20 **CRAFT.**

21 The Secretary of Transportation shall revise such
22 regulations as may be necessary to ensure that multi-year
23 lessees and owners of large and turbine-powered multien-
24 gine aircraft are treated equally for purposes of joint own-
25 ership policies of the Federal Aviation Administration.



1 **SEC. 5014. STUDENT OUTREACH REPORT.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration shall submit to the appropriate committees
5 of Congress a report that describes the Administration's
6 existing outreach efforts, such as the STEM Aviation and
7 Space Education Outreach Program, to elementary and
8 secondary students who are interested in careers in
9 science, technology, engineering, art, and mathematics—

10 (1) to prepare and inspire such students for
11 aeronautical careers; and

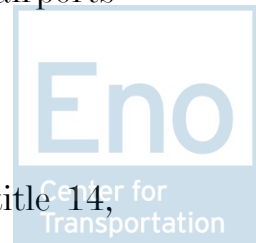
12 (2) to mitigate an anticipated shortage of pilots
13 and other aviation professionals.

14 **SEC. 5015. AUTHORIZATION OF CERTAIN FLIGHTS BY**
15 **STAGE 2 AIRCRAFT.**

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

24 (1) the airport—

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



1 (B) has a runway that—

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

4 (ii) is load bearing with a pavement
5 classification number of not less than 38;
6 and

7 (C) has a maintenance facility with a
8 maintenance certificate issued under part 145
9 of such title; and

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

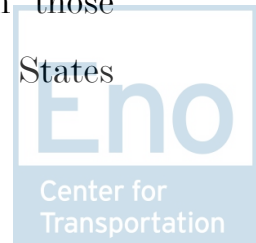
13 (b) TERMINATION.—The pilot program shall termi-
14 nate on the earlier of—

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

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

19 (c) DEFINITIONS.—In this section:

20 (1) MEDIUM HUB AIRPORT; NONHUB AIR-
21 PORT.—The terms “medium hub airport” and
22 “nonhub airport” have the meanings given those
23 terms in section 40102 of title 49, United States
24 Code.



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

6 **SEC. 5016. RULEMAKING ON OVERLAND SUPERSONIC**
7 **FLIGHT.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall publish in the Federal Register a notice of
11 proposed rulemaking that—

12 (1) permits the development, testing, manufac-
13 turing, and operation of civil supersonic aircraft in
14 the United States;

15 (2) specifies a noise standard for sonic boom
16 over the United States that—

17 (A) is economically reasonable and techno-
18 logically practicable;

19 (B) is informed by noise levels that are tol-
20 erated in the United States for non-aviation
21 purposes; and

22 (C) will foster employment in aircraft and
23 aircraft engine manufacturing in the United
24 States; and



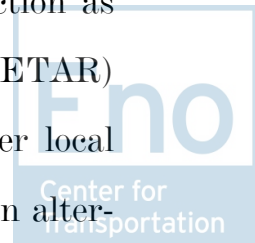
1 (3) specifies a noise standard for landing and
2 take-off of civil supersonic aircraft that is no more
3 stringent than large subsonic aircraft in use for
4 transporting passengers in the United States on
5 January 1, 2017.

6 (b) FINAL RULE.—Not later than 18 months after
7 the date of publication of the notice under subsection (a),
8 the Secretary shall publish the final rule in the Federal
9 Register.

10 (c) CONTINGENT REPEAL OF RULE.—If the Sec-
11 retary has not published the final rule in under subsection
12 (b) by the date that is 36 months after the date of the
13 enactment of this Act, section 91.817 of title 14, Code
14 of Federal Regulations, shall have no force or effect on
15 or after that date.

16 **SEC. 5017. TERMINAL AERODROME FORECAST.**

17 (a) TERMINAL AERODROME FORECAST.—The Ad-
18 ministrators of the Federal Aviation Administration shall
19 permit an air carrier operation under part 121 of title 14,
20 Code of Federal Regulations, to operate to a destination
21 determined to be under visual flight rules without a Ter-
22 minal Aerodrome Forecast (referred to in this section as
23 “TAF”) or Meteorological Aerodrome Report (METAR)
24 if a current Area Forecast, supplemented by other local
25 weather observations or reports, is available, and an alter-



1 nate airport that has an available TAF and weather report
2 is specified. The air carrier shall have approved procedures
3 for dispatch and enroute weather evaluation and shall op-
4 erate under instrument flight rules enroute to the destina-
5 tion.

6 (b) LIMITATION.—Without a written finding of neces-
7 sity, based on objective and historical evidence of immi-
8 nent threat to safety, the Administrator shall not promul-
9 gate any operation specification, policy, or guidance docu-
10 ment that is more restrictive than, or requires procedures
11 that are not expressly stated in, the regulations.

12 **SEC. 5018. TECHNICAL AND CONFORMING AMENDMENTS.**

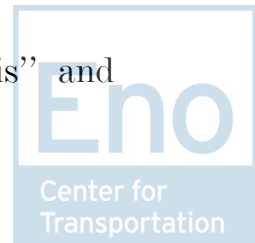
13 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
14 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
15 by striking “47176” and inserting “47175”.

16 (b) WEIGHING MAIL.—Section 41907 is amended by
17 striking “and –administrative” and inserting “and admin-
18 istrative”.

19 (c) FLIGHT ATTENDANT CERTIFICATION.—Section
20 44728 is amended—

21 (1) in subsection (c), by striking “chapter” and
22 inserting “title”; and

23 (2) in subsection (d)(3), by striking “is” and
24 inserting “be”.



1 (d) SCHEDULE OF FEES.—Section 45301(a)(1) is
2 amended by striking “United States government” and in-
3 serting “United States Government”.

4 (e) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
5 is amended by striking “(18 U.S.C. App.)” and inserting
6 “(18 U.S.C. App.)”.

7 (f) ALLOWABLE COST STANDARDS.—Section
8 47110(b)(2) is amended—

9 (1) in subparagraph (B), by striking
10 “compatability” and inserting “compatibility”; and

11 (2) in subparagraph (D)(i), by striking “cli-
12 matic” and inserting “climatic”.

13 (g) DEFINITION OF QUALIFIED HUBZONE SMALL
14 BUSINESS CONCERN.—Section 47113(a)(3) is amended
15 by striking “(15 U.S.C. 632(o))” and inserting “(15
16 U.S.C. 632(p))”.

17 (h) DISCRETIONARY FUND.—Section 47115, as
18 amended by section 1006 of this Act, is further amend-
19 ed—

20 (1) by striking subsection (i); and

21 (2) by redesignating subsection (j) as sub-
22 section (i).

23 (i) SPECIAL APPORTIONMENT CATEGORIES.—Section
24 47117(e)(1)(B) is amended by striking “at least” and in-
25 serting “At least”.



1 (j) SOLICITATION AND CONSIDERATION OF COM-
2 MENTS.—Section 47171(l) is amended by striking “4371”
3 and inserting “4321”.

4 (k) OPERATIONS AND MAINTENANCE.—Section
5 48104 is amended by striking “(a) AUTHORIZATION OF
6 APPROPRIATIONS.—the” and inserting “The”.

7 **SEC. 5019. AVIATION WEATHER OBSERVATIONS.**

8 The Administrator of the Federal Aviation Adminis-
9 tration shall use the National Airspace Data Interchange
10 Network of the Federal Aviation Administration to publish
11 weather observation data provided by—

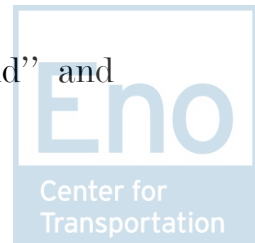
12 (a) weather stations of the National Weather Service
13 that are approved by the Federal Aviation Administration
14 as air traffic control facilities and are located in a non-
15 contiguous State; and

16 (b) modular automated weather stations located in a
17 noncontiguous State.

18 **SEC. 5020. ROLE OF NATIONAL ADVISORY COMMITTEE ON**
19 **TRAVEL AND TOURISM INFRASTRUCTURE.**

20 Section 1431(d) of the Fixing America’s Surface
21 Transportation Act (Public Law 114–94; 49 U.S.C. 301
22 note) is amended—

23 (1) in paragraph (7), by striking “; and” and
24 inserting a semicolon;



1 (2) in paragraph (8), by striking the period at
2 the end and inserting “; and”; and

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

4 “(9) consider the effect of the domestic and
5 international aviation market on travel and tourism
6 in the United States.”.

7 **SEC. 5021. SENSE OF CONGRESS REGARDING WOMEN IN**
8 **AVIATION.**

9 It is the sense of Congress that the aviation industry
10 should explore all opportunities to encourage and support
11 female students and aviators to pursue a career in avia-
12 tion, including by providing—

13 (1) pilot training;

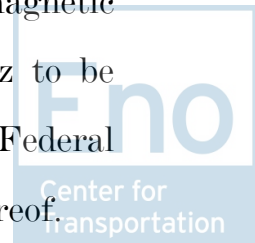
14 (2) science, technology, engineering, and mathe-
15 matics education; and

16 (3) mentorship programs.

17 **SEC. 5022. SPECTRUM AVAILABILITY.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

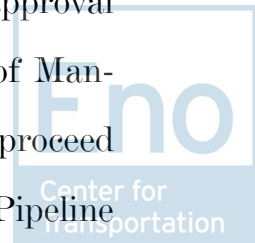
20 (1) The Spectrum Pipeline Act of 2015 (47
21 U.S.C. 921 note) requires the Secretary of Com-
22 merce to identify 30 megahertz of electromagnetic
23 spectrum below the frequency of 3 gigahertz to be
24 reallocated to non-Federal use, to shared Federal
25 and non-Federal use, or to a combination thereof.



1 (2) The Spectrum Pipeline Act of 2015 (47
2 U.S.C. 921 note) authorized the Director of the Of-
3 fice of Management and Budget to use amounts
4 made available through the Spectrum Relocation
5 Fund to make payments to Federal entities for re-
6 search and development, engineering studies, eco-
7 nomic analyses, and other activities intended to im-
8 prove the efficiency and effectiveness of Federal
9 spectrum use in order to make such spectrum avail-
10 able for reallocation for non-Federal use, for shared
11 Federal and non-Federal use, or for a combination
12 thereof.

13 (3) The Federal Aviation Administration, in co-
14 ordination with the Department of Commerce, the
15 Department of Defense, and the Department of
16 Homeland Security, established the Spectrum Effi-
17 cient National Surveillance Radar (referred to in
18 this section as “SENSR”) Program to assess the
19 feasibility of consolidating certain long-range, short-
20 range, and weather radar systems in order to make
21 available the 1300–1350 megahertz band.

22 (4) The SENSR Program received approval
23 and approximately \$71,500,000 from Office of Man-
24 agement and Budget on June 2, 2017, to proceed
25 with Phase I of the SENSR Spectrum Pipeline



1 Plan, which will focus on requirements and concept
2 development as well as documenting expected costs
3 and information for all impacted Federal spectrum
4 systems.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the SENSR Program of the Federal Aviation
7 Administration should continue its assessment of the fea-
8 sibility of making the 1300–1350 megahertz band of elec-
9 tromagnetic spectrum available for non-Federal use.

10 **SEC. 5023. REPORT ON ILLEGAL CHARTER FLIGHTS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall submit to the appropriate committees
14 of Congress an analysis of reports filed during the 10-year
15 period preceding such date of enactment through the ille-
16 gal charter hotline of the Federal Aviation Administration
17 and other sources that includes—

18 (1) what follow-up action the Federal Aviation
19 Administration takes when a report of illegal charter
20 operations is received;

21 (2) how the Federal Aviation Administration
22 decides to allocate resources;

23 (3) challenges the Federal Aviation Administra-
24 tion faces in identifying illegal operators; and



1 (4) recommendations for improving the efforts
2 of the Federal Aviation Administration to combat il-
3 legal charter carrier operations.

4 **SEC. 5024. FEDERAL AUTHORITY OVER INTERSTATE**
5 **TRANSPORTATION.**

6 Section 14501(c) is amended—

7 (1) in paragraph (2), by striking “Paragraph
8 (1)” and inserting “Paragraphs (1) and (6)”;

9 (2) in paragraph (3)(A), by striking “Para-
10 graph (1)” and inserting “Paragraphs (1) and (6)”;
11 and

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

13 “(6) ADDITIONAL LIMITATIONS.—

14 “(A) IN GENERAL.—A State, a political
15 subdivision of a State, or a political authority
16 composed of 2 or more States may not enact or
17 enforce a law, regulation, or other provision
18 having the force and effect of law relating to
19 meal or rest breaks applicable to employees
20 whose hours of service are subject to regulation
21 by the Secretary under section 31502.

22 “(B) SAVINGS PROVISION.—Nothing in
23 this paragraph may be construed to limit the
24 provisions under paragraph (1).”.

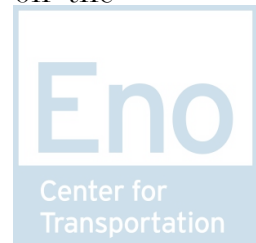


1 **SEC. 5025. STATE TAXATION.**

2 (a) IN GENERAL.—Section 40116(d)(2)(A) is amend-
3 ed by adding at the end the following:

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

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



1 **TITLE VI—TRANSPORTATION**
2 **SECURITY**

3 **SEC. 6001. SHORT TITLE.**

4 This title may be cited as the “TSA Modernization
5 Act”.

6 **SEC. 6002. DEFINITIONS.**

7 In this title:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the TSA.

10 (2) APPROPRIATE COMMITTEES OF CON-
11 GRESS.—The term “appropriate committees of Con-
12 gress” means—

13 (A) the Committee on Commerce, Science,
14 and Transportation of the Senate;

15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate; and

17 (C) the Committee on Homeland Security
18 of the House of Representatives

19 (3) ASAC.—The term “ASAC” means the
20 Aviation Security Advisory Committee established
21 under section 44946 of title 49, United States Code.

22 (4) EXPLOSIVE DETECTION CANINE TEAM.—

23 The term “explosives detection canine team” means
24 a canine and a canine handler that are trained to



1 detect explosives and other threats as defined by the
2 Secretary.

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Homeland Security.

5 (6) TSA.—The term “TSA” means the Trans-
6 portation Security Administration.

7 **Subtitle A—Organization and**
8 **Authorizations**

9 **SEC. 6101. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 114(w) is amended to read as follows:

11 “(w) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Transportation
13 Security Administration for salaries, operations, and
14 maintenance of the Administration—

15 “(1) \$7,849,247,000 for fiscal year 2019;

16 “(2) \$7,888,494,000 for fiscal year 2020; and

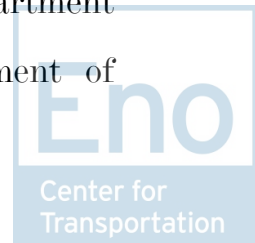
17 “(3) \$7,917,936,000 for fiscal year 2021.”.

18 **SEC. 6102. ADMINISTRATOR OF THE TRANSPORTATION SE-**

19 **CURITY ADMINISTRATION; 5-YEAR TERM.**

20 (a) IN GENERAL.—Section 114, as amended by sec-
21 tion 6101, is further amended—

22 (1) in subsection (a), by striking “Department
23 of Transportation” and inserting “Department of
24 Homeland Security”;



1 (2) by amending subsection (b) to read as fol-
2 lows:

3 “(b) LEADERSHIP.—

4 “(1) HEAD OF TRANSPORTATION SECURITY AD-
5 MINISTRATION.—

6 “(A) APPOINTMENT.—The head of the Ad-
7 ministration shall be the Administrator of the
8 Transportation Security Administration (re-
9 ferred to in this section as the ‘Administrator’).
10 The Administrator shall be appointed by the
11 President, by and with the advice and consent
12 of the Senate.

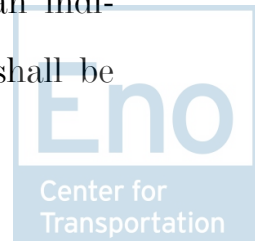
13 “(B) QUALIFICATIONS.—The Adminis-
14 trator must—

15 “(i) be a citizen of the United States;
16 and

17 “(ii) have experience in a field directly
18 related to transportation or security.

19 “(C) TERM.—Effective with respect to any
20 individual appointment by the President, by and
21 with the advice and consent of the Senate, after
22 August 1, 2017, the term of office of an indi-
23 vidual appointed as the Administrator shall be
24 5 years.

25 “(2) DEPUTY ADMINISTRATOR.—



1 “(A) APPOINTMENT.—There is established
2 in the Transportation Security Administration a
3 Deputy Administrator, who shall assist the Ad-
4 ministrator in the management of the Trans-
5 portation Security Administration. The Deputy
6 Administrator shall be appointed by the Presi-
7 dent.

8 “(B) VACANCY.—The Deputy Adminis-
9 trator shall be Acting Administrator during the
10 absence or incapacity of the Administrator or
11 during a vacancy in the office of Administrator.

12 “(C) QUALIFICATIONS.—The Deputy Ad-
13 ministrator must—

14 “(i) be a citizen of the United States;
15 and

16 “(ii) have experience in a field directly
17 related to transportation or security.

18 “(3) CHIEF COUNSEL.—

19 “(A) APPOINTMENT.—There is established
20 in the Transportation Security Administration a
21 Chief Counsel, who shall advise the Adminis-
22 trator and other senior officials on all legal
23 matters relating to the responsibilities, func-
24 tions, and management of the Transportation
25 Security Administration. The Chief Counsel



1 shall be appointed by the President. The Chief
2 Counsel shall be Acting Deputy Administrator
3 during the absence or incapacity of the Deputy
4 Administrator or during a vacancy in the office
5 of the Deputy Administrator.

6 “(B) QUALIFICATIONS.—The Chief Coun-
7 sel must be a citizen of the United States.”;

8 (3) in subsections (c), (e) through (n), (p), (q),
9 and (r), by striking “Under Secretary” each place it
10 appears and inserting “Administrator”; and

11 (4) by amending subsection (d) to read as fol-
12 lows:

13 “(d) FUNCTIONS.—The Administrator shall be re-
14 sponsible for—

15 “(1) carrying out chapter 449, relating to civil
16 aviation security, and related research and develop-
17 ment activities;

18 “(2) security in land-based transportation, in-
19 cluding railroad, highway, pipeline, public transpor-
20 tation, and over-the-road bus; and

21 “(3) supporting the Coast Guard with maritime
22 security.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
24 Section 114, as amended by subsection (a), is further
25 amended—



1 (1) in subsection (g)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A), by striking “Subject to the di-
5 rection and control of the Secretary” and
6 inserting “Subject to the direction and
7 control of the Secretary of Homeland Se-
8 curity”; and

9 (ii) in subparagraph (D), by inserting
10 “of Homeland Security” after “Secretary”;
11 and

12 (B) in paragraph (3), by inserting “of
13 Homeland Security” after “Secretary”;

14 (2) in subsection (j)(1)(D), by inserting “of
15 Homeland Security” after “Secretary”;

16 (3) in subsection (k), by striking “functions
17 transferred, on or after the date of enactment of the
18 Aviation and Transportation Security Act,” and in-
19 serting “functions assigned”;

20 (4) in subsection (l)(4)(B), by striking “Admin-
21 istrator under subparagraph (A)” and inserting
22 “Administrator of the Federal Aviation Administra-
23 tion under subparagraph (A)”;



1 (5) in subsection (n), by striking “Department
2 of Transportation” and inserting “Department of
3 Homeland Security”;

4 (6) in subsection (o), by striking “Department
5 of Transportation” and inserting “Department of
6 Homeland Security”;

7 (7) in subsection (p)(4), by striking “Secretary
8 of Transportation” and inserting “Secretary of
9 Homeland Security”;

10 (8) in subsection (s)—

11 (A) in paragraph (3)(B), by inserting “)”
12 after “Act of 2007”; and

13 (B) in paragraph (4)—

14 (i) in the heading, by striking “SUB-
15 MISSIONS OF PLANS TO CONGRESS” and
16 inserting “SUBMISSION OF PLANS”;

17 (ii) by striking subparagraph (A);

18 (iii) by redesignating subparagraphs
19 (B) through (E) as subparagraphs (A)
20 through (D), respectively;

21 (iv) in subparagraph (A), as redesign-
22 nated—

23 (I) in the heading, by striking
24 “SUBSEQUENT VERSIONS” and insert-
25 ing “IN GENERAL”; and



1 (II) by striking “After December
2 31, 2015, the” and inserting “The”;
3 and

4 (v) in subparagraph (B)(ii)(III)(cc),
5 as redesignated, by striking “for the De-
6 partment” and inserting “for the Depart-
7 ment of Homeland Security”;

8 (9) by redesignating subsections (u), (v), and
9 (w) as subsections (t), (u), and (v), respectively;

10 (10) in subsection (t), as redesignated—

11 (A) in paragraph (1)—

12 (i) by striking subparagraph (D); and

13 (ii) by redesignating subparagraph
14 (E) as subparagraph (D);

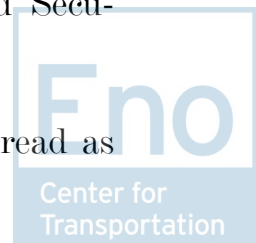
15 (B) in paragraph (2), by inserting “of
16 Homeland Security” after “Plan, the Sec-
17 retary”;

18 (C) in paragraph (4)(B)—

19 (i) by inserting “of Homeland Secu-
20 rity” after “agency within the Depart-
21 ment”; and

22 (ii) by inserting “of Homeland Secu-
23 rity” after “Secretary”;

24 (D) by amending paragraph (6) to read as
25 follows:



1 “(6) ANNUAL REPORT ON PLAN.—The Sec-
2 retary of Homeland Security shall annually submit
3 to the appropriate congressional committees a report
4 containing the Plan.”; and

5 (E) in paragraphs (7) and (8), by inserting
6 “of Homeland Security” after “Secretary”; and
7 (11) in subsection (u), as redesignated—

8 (A) in paragraph (1)—

9 (i) in subparagraph (B), by inserting
10 “or the Administrator” after “Secretary of
11 Homeland Security”; and

12 (ii) in subparagraph (C)(ii), by strik-
13 ing “Secretary’s designee” and inserting
14 “Secretary of Defense’s designee”;

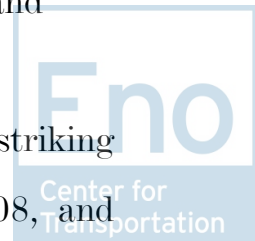
15 (B) in subparagraphs (B), (C), (D), and
16 (E) of paragraph (3), by inserting “of Home-
17 land Security” after “Secretary” each place it
18 appears;

19 (C) in paragraph (4)(A), by inserting “of
20 Homeland Security” after “Secretary”;

21 (D) in paragraph (5), by inserting “of
22 Homeland Security” after “Secretary”; and

23 (E) in paragraph (7)—

24 (i) in subparagraph (A), by striking
25 “Not later than December 31, 2008, and



1 annually thereafter, the Secretary” and in-
2 serting “The Secretary of Homeland Secu-
3 rity”; and

4 (ii) by striking subparagraph (D).

5 (c) EXECUTIVE SCHEDULE.—

6 (1) ADMINISTRATOR OF THE TSA.—

7 (A) POSITIONS AT LEVEL II.—Section
8 5313 of title 5, United States Code, is amended
9 by inserting after the item relating to the
10 Under Secretary of Homeland Security for
11 Management the following:

12 “Administrator of the Transportation Security Ad-
13 ministration.”.

14 (B) BONUS ELIGIBILITY.—Section
15 101(c)(2) of the Aviation and Transportation
16 Security Act (5 U.S.C. 5313 note) is amend-
17 ed—

18 (i) by striking “Under Secretary” and
19 inserting “Administrator of the Transpor-
20 tation Security Administration”;

21 (ii) by striking “on the Secretary’s”
22 and inserting “on the Secretary of Home-
23 land Security’s”; and

24 (iii) by striking “Under Secretary’s”
25 and inserting “Administrator’s”.



1 (2) DEPUTY ADMINISTRATOR OF THE TSA.—

2 Section 5315 of title 5, United States Code, is
3 amended by inserting after the item relating to the
4 Deputy Administrator, Federal Aviation Administra-
5 tion the following:

6 “Deputy Administrator, Transportation Security Ad-
7 ministration.”.

8 (3) CHIEF COUNSEL OF THE TSA.—Section
9 5315 of title 5, United States Code, is amended by
10 inserting after the item relating to the Deputy Ad-
11 ministrator, Federal Aviation Administration the fol-
12 lowing:

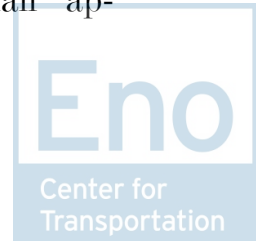
13 “Chief Counsel, Transportation Security Administra-
14 tion.”.

15 **SEC. 6103. TRANSPORTATION SECURITY ADMINISTRATION**
16 **ORGANIZATION.**

17 Section 114, as amended by sections 6101 and 6102,
18 is further amended by adding at the end the following:

19 “(w) LEADERSHIP AND ORGANIZATION.—

20 “(1) IN GENERAL.—For each of the areas de-
21 scribed in paragraph (2), the Administrator of the
22 Transportation Security Administration shall ap-
23 point at least 1 individual who shall—



1 “(A) report directly to the Administrator
2 or the Administrator’s designated direct report;
3 and

4 “(B) be responsible and accountable for
5 that area.

6 “(2) AREAS DESCRIBED.—The areas described
7 in this paragraph are as follows:

8 “(A) Aviation security operations and
9 training, including risk-based, adaptive security
10 focused on airport checkpoint and baggage
11 screening operations, workforce training and
12 development programs, and other specialized
13 programs designed to secure air transportation.

14 “(B) Surface transportation security oper-
15 ations and training, including risk-based, adapt-
16 ive security focused on accomplishing security
17 systems assessments, reviewing and prioritizing
18 projects for appropriated surface transportation
19 security grants, operator compliance with vol-
20 untary industry standards, workforce training
21 and development programs, and other special-
22 ized programs designed to secure surface trans-
23 portation.

24 “(C) Air cargo security operations, includ-
25 ing risk-based, adaptive security focused on air

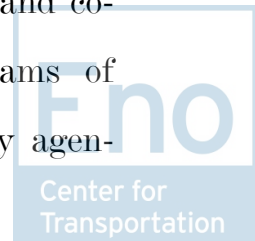


1 cargo operations, inspections, and other special-
2 ized programs designed to secure cargo.

3 “(D) Industry engagement and planning,
4 including the development, interpretation, pro-
5 motion, and oversight of a unified effort regard-
6 ing risk-based, risk-reducing security policies
7 and plans (including strategic planning for fu-
8 ture contingencies and security challenges) be-
9 tween government and transportation stake-
10 holders, including airports, domestic and inter-
11 national airlines, general aviation, air cargo,
12 mass transit and passenger rail, freight rail,
13 pipeline, highway and motor carriers, and mari-
14 time.

15 “(E) International strategy and operations,
16 including agency efforts to work with inter-
17 national partners to secure the global transpor-
18 tation network.

19 “(F) Trusted and registered traveler pro-
20 grams, including the management and mar-
21 keting of the agency’s trusted traveler initia-
22 tives, including the PreCheck Program, and co-
23 ordination with trusted traveler programs of
24 other Department of Homeland Security agen-
25 cies and the private sector.

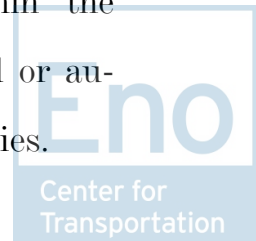


1 “(G) Technology acquisition and deploy-
2 ment, including the oversight, development,
3 testing, evaluation, acquisition, deployment, and
4 maintenance of security technology and other
5 acquisition programs.

6 “(H) Inspection and compliance, including
7 the integrity, efficiency and effectiveness of the
8 agency’s workforce, operations, and programs
9 through objective audits, covert testing, inspec-
10 tions, criminal investigations, and regulatory
11 compliance.

12 “(I) Civil rights, liberties, and traveler en-
13 gagement, including ensuring that agency em-
14 ployees and the traveling public are treated in
15 a fair and lawful manner consistent with Fed-
16 eral laws and regulations protecting privacy and
17 prohibiting discrimination and reprisal.

18 “(J) Legislative and public affairs, includ-
19 ing communication and engagement with inter-
20 nal and external audiences in a timely, accu-
21 rate, and transparent manner, and development
22 and implementation of strategies within the
23 agency to achieve congressional approval or au-
24 thorization of agency programs and policies.



1 “(3) NOTIFICATION.—The Administrator shall
2 transmit to the appropriate committees of Con-
3 gress—

4 “(A) not later than 180 days after the date
5 of enactment of the TSA Modernization Act, a
6 list of the names of the individuals appointed
7 under paragraph (1); and

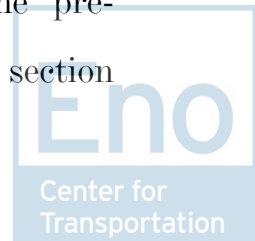
8 “(B) an update of the list not later than
9 5 days after any new individual is appointed
10 under paragraph (1).”.

11 **SEC. 6104. TSA LEAP PAY REFORM.**

12 (a) DEFINITION OF BASIC PAY.—Clause (ii) of sec-
13 tion 8331(3)(E) of title 5, United States Code, is amended
14 to read as follows:

15 “(ii) received after September 11,
16 2001, by a Federal air marshal or criminal
17 investigator (as defined in section
18 5545a(a)(2)) of the Transportation Secu-
19 rity Administration, subject to all restric-
20 tions and earning limitations imposed on
21 criminal investigators receiving such pay
22 under section 5545a, including the pre-
23 mium pay limitations under section
24 5547;”.

25 (b) EFFECTIVE DATE; APPLICABILITY.—



1 (1) IN GENERAL.—Subject to paragraph (2),
2 this section, and the amendments made by this sec-
3 tion, shall take effect on the first day of the first
4 pay period commencing on or after the date of en-
5 actment of this section.

6 (2) RETROACTIVE APPLICATION.—

7 (A) IN GENERAL.—Any availability pay re-
8 ceived for any pay period commencing before
9 the date of enactment of this Act by a Federal
10 air marshal or criminal investigator employed
11 by the Transportation Security Administration
12 shall be deemed basic pay under section
13 8331(3) of title 5, United States Code, if the
14 Transportation Security Administration treated
15 such pay as retirement-creditable basic pay, but
16 the Office of Personnel Management, based on
17 an interpretation of section 8331(3) of title 5,
18 United States Code, did not accept such pay as
19 retirement-creditable basic pay.

20 (B) IMPLEMENTATION.—Not later than 3
21 months after the date of enactment of this Act,
22 the Director of the Office of Personnel Manage-
23 ment shall commence taking such actions as are
24 necessary to implement the amendments made
25 by this section with respect to availability pay.



1 deemed to be basic pay under subparagraph
2 (A).

3 **SEC. 6105. TRANSMITTALS TO CONGRESS.**

4 With regard to each report, legislative proposal, or
5 other communication of the Executive Branch related to
6 the TSA and required to be submitted to Congress or the
7 appropriate committees of Congress, the Administrator
8 shall transmit such communication directly to the appro-
9 priate committees of Congress.

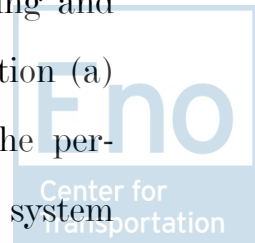
10 **Subtitle B—Security Technology**

11 **SEC. 6201. THIRD PARTY TESTING AND EVALUATION OF**
12 **SCREENING TECHNOLOGY.**

13 (a) IN GENERAL.—In carrying out the responsibil-
14 ities under section 114(f)(9), the Administrator shall de-
15 velop and implement, not later than 1 year after the date
16 of enactment of this Act, a program to enable a vendor
17 of related security screening technology to obtain testing
18 and verification, including as an alternative to the TSA's
19 test and evaluation process, by an appropriate third party,
20 of such technology before procurement or deployment.

21 (b) DETECTION TESTING.—

22 (1) IN GENERAL.—The third party testing and
23 verification program authorized under subsection (a)
24 shall include detection testing to evaluate the per-
25 formance of the security screening technology system



1 regarding the probability of detection, the prob-
2 ability of false alarm, and such other indicators that
3 the system is able to meet the TSA's mission needs.

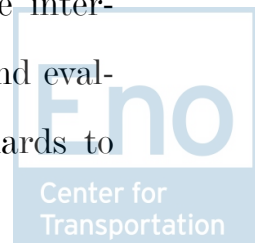
4 (2) RESULTS.—The results of the third party
5 detection testing under paragraph (1) shall be con-
6 sidered final if the results are approved by the Ad-
7 ministration in accordance with approval standards
8 developed by the Administrator.

9 (3) COORDINATION WITH FINAL TESTING.—To
10 the extent practicable, but without compromising the
11 integrity of the TSA test and evaluation process, the
12 Administrator shall coordinate the third party detec-
13 tion testing under paragraph (1) with any subse-
14 quent, final Federal Government testing.

15 (4) INTERNATIONAL STANDARDS.—To the ex-
16 tent practicable and permissible under law and con-
17 sidering the national security interests of the United
18 States, the Administrator shall—

19 (A) share detection testing information
20 and standards with appropriate international
21 partners; and

22 (B) coordinate with the appropriate inter-
23 national partners to align TSA testing and eval-
24 uation with relevant international standards to



1 maximize the capability to detect explosives and
2 other threats.

3 (c) OPERATIONAL TESTING.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the third party testing and verification program au-
6 thorized under subsection (a) shall include oper-
7 ational testing.

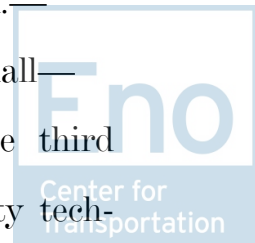
8 (2) LIMITATION.—Third party operational test-
9 ing under paragraph (1) may not exceed 1 year.

10 (d) ALTERNATIVE.—Third party testing under sub-
11 section (a) shall replace as an alternative, at the discretion
12 of the Administrator, the testing at the TSA Systems Inte-
13 gration Facility, including operational testing for—

- 14 (1) health and safety factors;
- 15 (2) operator interface;
- 16 (3) human factors;
- 17 (4) environmental factors;
- 18 (5) throughput;
- 19 (6) reliability, maintainability, and availability
- 20 factors; and
- 21 (7) interoperability.

22 (e) TESTING AND VERIFICATION FRAMEWORK.—

23 (1) IN GENERAL.—The Administrator shall—
24 (A) establish a framework for the third
25 party testing and for verifying a security tech-



1 nology is operationally effective and able to
2 meet the TSA's mission needs before it may
3 enter or re-enter, as applicable, the operational
4 context at an airport or other transportation fa-
5 cility;

6 (B) use phased implementation to allow
7 the TSA and the third party to establish best
8 practices; and

9 (C) oversee the third party testing and
10 evaluation framework.

11 (2) RECOMMENDATIONS.—The Administrator
12 shall request ASAC's Security Technology Sub-
13 committee, in consultation with representatives of
14 the security manufacturers industry, to develop and
15 submit to the Administrator recommendations for
16 the third party testing and verification framework.

17 (f) FIELD TESTING.—The Administrator shall
18 prioritize the field testing and evaluation, including by
19 third parties, of security technology and equipment at air-
20 ports and on site at security technology manufacturers
21 whenever possible as an alternative to the TSA Systems
22 Integration Facility.



1 **SEC. 6202. RECIPROCAL RECOGNITION OF SECURITY**
2 **STANDARDS.**

3 (a) IN GENERAL.—The Administrator, in coordina-
4 tion with appropriate international aviation security au-
5 thorities, shall develop a validation process for the recip-
6 rocal recognition of security equipment technology approv-
7 als among international security partners or recognized
8 certification authorities for deployment.

9 (b) REQUIREMENT.—The validation process shall en-
10 sure that the certification by each participating inter-
11 national security partner or recognized certification au-
12 thority complies with detection, qualification, and informa-
13 tion security, including cybersecurity, standards of the
14 TSA, the Department of Homeland Security, and the Na-
15 tional Institute of Standards and Technology.

16 **SEC. 6203. TRANSPORTATION SECURITY LABORATORY.**

17 (a) IN GENERAL.—The Secretary, acting through the
18 Administrator, shall administer the Transportation Secu-
19 rity Laboratory.

20 (b) PERIODIC REVIEWS.—The Administrator shall
21 review the screening technology test and evaluation proc-
22 ess conducted at the Transportation Security Laboratory
23 to improve the coordination, collaboration, and commu-
24 nication between the Transportation Security Laboratory
25 and the Office of Acquisition Program Management at the
26 TSA to identify factors contributing to acquisition ineffi-



1 ciencies, develop strategies to reduce acquisition inefficien-
2 cies, facilitate more expeditious initiation and completion
3 of testing, and identify how laboratory practices can better
4 support acquisition decisions.

5 **SEC. 6204. INNOVATION TASK FORCE.**

6 (a) IN GENERAL.—The Administrator shall establish
7 an innovation task force—

8 (1) to cultivate innovations in aviation security;

9 (2) to develop and recommend how to prioritize
10 and streamline requirements for new approaches to
11 aviation security;

12 (3) to accelerate the development and introduc-
13 tion of new innovative aviation security technologies
14 and improvements to aviation security operations;
15 and

16 (4) to provide industry with access to the air-
17 port environment during the technology development
18 and assessment process to demonstrate the tech-
19 nology and to collect data to understand and refine
20 technical operations 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 aviation security, in-
25 cluding—



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

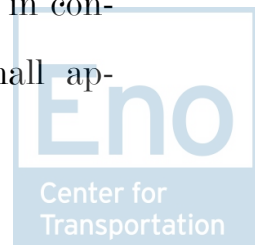
7 (C) by enabling a small business with an
8 innovative technology or emerging security ca-
9 pability, but less than adequate resources, to
10 participate in such a demonstration;

11 (2) conduct at least quarterly collaboration
12 meetings with industry, including air carriers, air-
13 port operators, and other aviation security stake-
14 holders to highlight and discuss best practices on in-
15 novative security operations and technology evalua-
16 tion and deployment; and

17 (3) submit to the appropriate committees of
18 Congress an annual report on the effectiveness of
19 key performance data from task force-sponsored
20 projects and checkpoint enhancements.

21 (c) COMPOSITION.—

22 (1) APPOINTMENT.—The Administrator, in con-
23 sultation with the Chairperson of ASAC shall ap-
24 point 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 Secu-
9 rity;

10 (C) any other component of the Depart-
11 ment of Homeland Security that the Adminis-
12 trator considers appropriate; and

13 (D) such industry representatives as the
14 Administrator considers appropriate.

15 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to require the acquisition or deploy-
17 ment of an innovative technology, emerging security capa-
18 bility, or process identified, developed, or recommended
19 under this section.

20 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-
21 visory Committee Act (5 U.S.C. App.) shall not apply to
22 the task force established under this section.



1 **SEC. 6205. 5-YEAR TECHNOLOGY INVESTMENT PLAN UP-**
2 **DATE.**

3 Section 1611(g) of the Homeland Security Act of
4 2002 (6 U.S.C. 563(g)) is amended—

5 (1) by striking the matter preceding paragraph
6 (1) and inserting “The Administrator shall, in col-
7 laboration with relevant industry and government
8 stakeholders, annually submit to Congress in an ap-
9 pendix to the budget request and publish in an un-
10 classified format in the public domain—”;

11 (2) in paragraph (1), by striking “; and” and
12 inserting a semicolon;

13 (3) in paragraph (2), by striking the period and
14 inserting “; and”; and

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

16 “(3) information about acquisitions completed
17 during the fiscal year preceding the fiscal year dur-
18 ing which the report is submitted.”.

19 **SEC. 6206. BIOMETRICS EXPANSION.**

20 Not later than 270 days after the date of enactment
21 of this Act, the Administrator, in coordination with the
22 Commissioner of Customs and Border Protection, shall—

23 (1) assess the operational and security impact
24 of using biometric technology to identify passengers;

25 (2) assess the effects on privacy of the expan-
26 sion of the use of biometric technology under para-



1 graph (1), including methods to mitigate any risks
2 to privacy identified by the Administrator related to
3 the active or passive collection of biometric data;

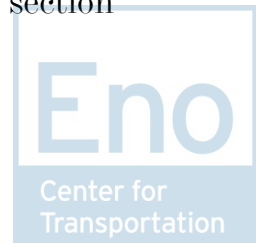
4 (3) facilitate, if appropriate, the deployment of
5 such biometric technology at checkpoints, screening
6 lanes, bag drop and boarding areas, and other areas
7 where such deployment would enhance security and
8 facilitate passenger movement;

9 (4) submit to the appropriate committees of
10 Congress a report on the assessments under para-
11 graph (1) and (2) and deployment under paragraph
12 (3); and

13 (5) if practicable, publish the assessment re-
14 quired by paragraph (2) on a publicly accessible
15 Internet website of the TSA.

16 **SEC. 6207. PILOT PROGRAM FOR AUTOMATED EXIT LANE**
17 **TECHNOLOGY.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this Act, the Administrator shall es-
20 tablish a pilot program to implement and evaluate the use
21 of automated exit lane technology at small hub airports
22 and nonhub airports (as those terms are defined in section
23 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
5 the pilot program under this section shall not exceed 85
6 percent of the total cost of the program.

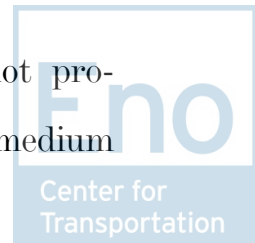
7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out the pilot pro-
9 gram under this section \$15,000,000 for each of fiscal
10 years 2019 through 2021.

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 appro-
14 priate committees of Congress a report on the pilot pro-
15 gram, including—

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
22 the participating airports; and

23 (3) the feasibility of expanding the pilot pro-
24 gram to additional airports, including to medium
25 and large hub airports.



1 **SEC. 6208. 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. 6209. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date of enactment of this Act, the Administrator shall
9 make available to the public information on wait times at
10 each airport security checkpoint.

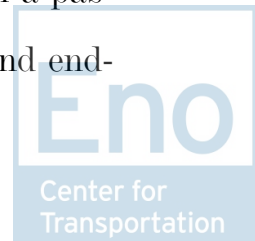
11 (b) REQUIREMENTS.—The information described in
12 subsection (a) shall be provided in real time via technology
13 and published—

14 (1) online; and

15 (2) in physical locations at the applicable air-
16 port terminal.

17 (c) CONSIDERATIONS.—The Administrator shall
18 make the information described in subsection (a) available
19 to the public in a manner that does not increase public
20 area security risks.

21 (d) DEFINITION OF WAIT TIME.—In this section, the
22 term “wait time” means the period beginning when a pas-
23 senger enters a queue for a screening checkpoint and end-
24 ing when that passenger exited the checkpoint.



1 **SEC. 6210. GAO REPORT ON UNIVERSAL DEPLOYMENT OF**
2 **ADVANCED IMAGING TECHNOLOGIES.**

3 (a) STUDY.—The Comptroller General of the United
4 States shall conduct a study of the cost to the TSA or
5 an airport to redesign, if necessary, airport security areas
6 to fully deploy advanced imaging technologies at each air-
7 port at which security screening operations are conducted
8 or overseen by the TSA.

9 (b) COST ANALYSIS.—As a part of the study con-
10 ducted under subsection (a), the Comptroller General shall
11 identify the costs that would be incurred by the TSA or
12 the airport—

13 (1) to purchase the equipment and other assets
14 necessary to deploy advanced imaging technologies
15 at the airport;

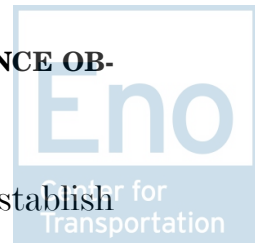
16 (2) to install such equipment, including any re-
17 lated variant, and assets in the airport; and

18 (3) to maintain such equipment and assets.

19 (c) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Comptroller General shall
21 submit to the appropriate committees of Congress a report
22 on the findings of the study under subsection (a).

23 **SEC. 6211. TESTING AND VERIFICATION PERFORMANCE OB-**
24 **JECTIVES.**

25 (a) IN GENERAL.—The Administrator shall establish
26 performance objectives for the testing and verification of



1 security technology, including testing and verification con-
2 ducted by third parties under section 6201, to ensure that
3 progress is made, at a minimum, toward—

4 (1) reducing time for each phase of testing
5 while maintaining security (including testing for de-
6 tection testing, operational testing, testing and
7 verification framework, and field testing);

8 (2) eliminating testing and verification delays;
9 and

10 (3) increasing accountability.

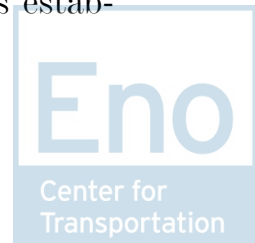
11 (b) PERFORMANCE METRICS.—

12 (1) IN GENERAL.—In carrying out subsection
13 (a), the Administrator shall establish and continually
14 track performance metrics for each type of security
15 technology submitted for testing and verification, in-
16 cluding testing and verification conducted by third
17 parties under section 6201.

18 (2) MEASURING PROGRESS TOWARD GOALS.—

19 The Administrator shall use the metrics established
20 and tracked under paragraph (1) to generate data
21 on an ongoing basis and to measure progress toward
22 the achievement of the performance objectives estab-
23 lished under subsection (a).

24 (3) REPORT REQUIRED.—



1 (A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this Act, the Ad-
3 ministrator shall submit to the appropriate
4 committees of Congress a report assessing the
5 extent to which the performance objectives es-
6 tablished under subsection (a), as measured by
7 the performance metrics established and
8 tracked under paragraph (1), have been met.

9 (B) ELEMENTS.—The report required by
10 subparagraph (A) shall include—

11 (i) a list of the performance metrics
12 established under paragraph (1), including
13 the length of time for each phase of testing
14 and verification for each type of security
15 technology; and

16 (ii) a comparison of the progress
17 achieved for testing and verification of se-
18 curity technology conducted by the TSA
19 and the testing and verification of security
20 technology conducted by third parties.

21 (C) PROPRIETARY INFORMATION.—The re-
22 port required by subparagraph (A) shall—

23 (i) not include identifying information
24 regarding an individual or entity or equip-
25 ment; and



1 (ii) protect proprietary information.

2 **SEC. 6212. COMPUTED TOMOGRAPHY PILOT PROGRAM.**

3 Not later than 90 days after the date of enactment
4 of this Act, the Administrator shall carry out a pilot pro-
5 gram to test the use of screening equipment using com-
6 puted tomography technology to screen baggage at pas-
7 senger screening checkpoints at airports.

8 **SEC. 6213. NUCLEAR MATERIAL AND EXPLOSIVE DETEC-**
9 **TION TECHNOLOGY.**

10 The Secretary, in coordination with the Director of
11 the National Institute of Standards and Technology and
12 the head of each relevant Federal department or agency
13 researching nuclear material detection systems or explo-
14 sive detection systems, shall research, facilitate, and, to
15 the extent practicable, deploy next generation tech-
16 nologies, including active neutron interrogation, to detect
17 nuclear material and explosives in transportation systems
18 and transportation facilities.

19 **Subtitle C—Public Area Security**

20 **SEC. 6301. THIRD PARTY CANINES.**

21 (a) IN GENERAL.—Not later than 120 days after the
22 date of enactment of this Act, to enhance the efficiency
23 and efficacy of transportation security by increasing the
24 supply of canine teams for use by the TSA and transpor-
25 tation stakeholders, the Administrator shall develop and



1 issue standards that a third party explosives detection ca-
2 nine must satisfy to be certified for the screening of indi-
3 viduals and property, including detection of explosive va-
4 pors among individuals and articles of property, in public
5 areas of an airport under section 44901 of title 49, United
6 States Code.

7 (b) AUGMENTING PUBLIC AREA SECURITY.—

8 (1) IN GENERAL.—The Administrator shall de-
9 velop guidance on the coordination of development
10 and deployment of explosives detection canine teams
11 for use by transportation stakeholders to enhance
12 public area security at transportation hubs, includ-
13 ing airports.

14 (2) CONSULTATION.—In developing the guid-
15 ance under paragraph (1), the Administrator shall
16 consult with such transportation stakeholders, ca-
17 nine providers, law enforcement, and transportation
18 security providers as the Administrator considers
19 relevant.

20 (c) AGREEMENT.—Subject to subsections (d), (e),
21 and (f), not later than 180 days after the date of enact-
22 ment of this Act, the Administrator shall enter into an
23 agreement with at least 1 third party to test and certify
24 the capabilities of canines in accordance with the stand-
25 ards under subsection (a).



1 (d) EXPEDITED DEPLOYMENT.—In entering into an
2 agreement under subsection (c), the Administrator shall
3 use—

4 (1) the other transaction authority under sec-
5 tion 114(m) of title 49, United States Code; or

6 (2) such other authority of the Administrator
7 as the Administrator considers appropriate to expe-
8 dite the deployment of additional canine teams.

9 (e) PROCESS.—Before entering into an agreement
10 under subsection (c), the Administrator shall—

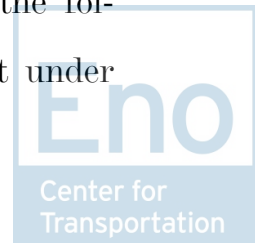
11 (1) evaluate and verify the third party's ability
12 to effectively evaluate the capabilities of canines;

13 (2) designate at least 3 evaluation centers to
14 which vendors may send canines for testing and cer-
15 tification by the third party; and

16 (3) periodically assess the program at evalua-
17 tion centers to ensure the proficiency of the canines
18 beyond the initial testing and certification by the
19 third party.

20 (f) CONSULTATION.—To determine best practices for
21 the use of third parties to test and certify the capabilities
22 of canines, the Administrator shall consult with the fol-
23 lowing persons before entering into an agreement under
24 subsection (c):

25 (1) The Secretary of State.



1 (2) The Secretary of Defense.

2 (3) Non-profit organizations that train, certify,
3 and provide the services of canines for various pur-
4 poses.

5 (4) Institutions of higher education with re-
6 search programs related to use of canines for the
7 screening of individuals and property, including de-
8 tection of explosive vapors among individuals and ar-
9 ticles of property.

10 (g) THIRD PARTY EXPLOSIVES DETECTION CANINE
11 PROVIDER LIST.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator shall develop and maintain a list of the names
15 of each third party from which the TSA procures ex-
16 plosive detection canines, including for each such
17 third party the relevant contractual period of per-
18 formance.

19 (2) DISTRIBUTION.—The Administrator shall
20 make the list under paragraph (1) available to ap-
21 propriate transportation stakeholders in such form
22 and manner as the Administrator prescribes.

23 (h) OVERSIGHT.—The Administrator shall establish
24 a process to ensure appropriate oversight of the certifi-
25 cation program and compliance with the standards under



1 subsection (a), including periodic audits of participating
2 third parties.

3 (i) AUTHORIZATION.—

4 (1) TSA.—The Administrator shall develop and
5 implement a process for the TSA to procure third
6 party explosives detection canines certified under
7 this section.

8 (2) AVIATION STAKEHOLDERS.—

9 (A) IN GENERAL.—The Administrator
10 shall authorize an aviation stakeholder, under
11 the oversight of and in coordination with the
12 Federal Security Director at an applicable air-
13 port, to contract with, procure or purchase, and
14 deploy one or more third party explosives detec-
15 tion canines certified under this section to aug-
16 ment public area security at that airport.

17 (B) APPLICABLE LARGE HUB AIRPORTS.—

18 (i) IN GENERAL.—Notwithstanding
19 any law to the contrary and subject to the
20 other provisions of this paragraph, an ap-
21 plicable large hub airport may provide a
22 certified canine described in subparagraph
23 (A) on an in-kind basis to the TSA to be
24 deployed as a passenger screening canine
25 at that airport unless the applicable large



1 hub airport consents to the use of that cer-
2 tified canine elsewhere.

3 (ii) NONDEPLOYABLE CANINES.—Any
4 certified canine provided to the TSA under
5 clause (i) that does not complete training
6 for deployment under that clause shall be
7 the responsibility of the large hub airport
8 unless the TSA agrees to a different out-
9 come.

10 (C) HANDLERS.—Not later than 30 days
11 before an applicable large hub airport begins
12 training a certified canine under subparagraph
13 (B), the airport shall notify the TSA of such
14 training and the Administrator shall assign a
15 TSA canine handler to participate in the train-
16 ing with that canine, as appropriate.

17 (D) LIMITATION.—The Administrator may
18 not reduce the staffing allocation model for an
19 applicable large hub airport based on that air-
20 port's provision of a certified canine under this
21 paragraph.

22 (j) DEFINITIONS.—In this section:

23 (1) APPLICABLE LARGE HUB AIRPORT.—The
24 term “applicable large hub airport” means a large
25 hub airport (as defined in section 40102 of title 49,



1 United States Code) that has less than 100 percent
2 of the allocated passenger screening canine teams
3 staffed by the TSA.

4 (2) AVIATION STAKEHOLDER.—The term “avia-
5 tion stakeholder” includes an airport, airport oper-
6 ator, and air carrier.

7 **SEC. 6302. TRACKING AND MONITORING OF CANINE TRAIN-**
8 **ING AND TESTING.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator shall use, to the extent prac-
11 ticable, a digital monitoring system for all training, test-
12 ing, and validation or certification of public and private
13 canine assets utilized or funded by the TSA to facilitate
14 improved review, data analysis, and record keeping of ca-
15 nine testing performance and program administration.

16 **SEC. 6303. VIPR TEAM STATISTICS.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of enactment of this Act, and annually thereafter,
19 the Administrator shall notify the appropriate committees
20 of Congress of the number of VIPR teams available for
21 deployment at transportation facilities, including—

22 (1) the number of VIPR team operations that
23 include explosive detection canine teams; and

24 (2) the distribution of VIPR team operations
25 deployed across different modes of transportation.



1 (b) ANNEX.—The notification under subsection (a)
2 may contain a classified annex.

3 (c) DEFINITION OF VIPR TEAM.—In this section,
4 the term “VIPR” means a Visible Intermodal Prevention
5 and Response team authorized under section 1303 of the
6 National Transit Systems Security Act of 2007 (6 U.S.C.
7 1112).

8 **SEC. 6304. PUBLIC AREA BEST PRACTICES.**

9 (a) IN GENERAL.—The Administrator shall, in ac-
10 cordance with law and as received or developed, periodi-
11 cally submit information, on any best practices developed
12 by the TSA or appropriate transportation stakeholders re-
13 lated to protecting the public spaces of transportation in-
14 frastructure from emerging threats, to the following:

15 (1) Federal Security Directors at airports.

16 (2) Appropriate security directors for other
17 modes of transportation.

18 (3) Other appropriate transportation security
19 stakeholders.

20 (b) INFORMATION SHARING.—The Administrator
21 shall, in accordance with law—

22 (1) in coordination with the Office of the Direc-
23 tor of National Intelligence and industry partners,
24 implement improvements to the Air Domain Intel-
25 ligence and Analysis Center to encourage increased



1 participation from stakeholders and enhance govern-
2 ment and industry security information sharing on
3 transportation security threats, including on
4 cybersecurity threat awareness;

5 (2) expand and improve the City and Airport
6 Threat Assessment or similar program to public and
7 private stakeholders to capture, quantify, commu-
8 nicate, and apply applicable intelligence to inform
9 transportation infrastructure mitigation measures,
10 such as—

11 (A) quantifying levels of risk by airport
12 that can be used to determine risk-based secu-
13 rity mitigation measures at each location;

14 (B) determining random and surge em-
15 ployee inspection operations based on changing
16 levels of risk; and

17 (C) targeting any high-risk employee
18 groups and specific points of risk within the
19 airport perimeter for such mitigation measures
20 as random inspections;

21 (3) continue to disseminate Transportation In-
22 telligence Notes, tear-lines, and related intelligence
23 products to appropriate transportation security
24 stakeholders on a regular basis; and



1 (4) continue to conduct both regular routine
2 and threat-specific classified briefings between the
3 TSA and appropriate transportation sector stake-
4 holders on an individual or group basis to provide
5 greater information sharing between public and pri-
6 vate sectors.

7 (c) MASS NOTIFICATION.—The Administrator shall
8 encourage security stakeholders to utilize mass notifica-
9 tion systems, including the Integrated Public Alert Warn-
10 ing System of the Federal Emergency Management Agen-
11 cy and social media platforms, to disseminate information
12 to transportation community employees, travelers, and the
13 general public, as appropriate.

14 (d) PUBLIC AWARENESS PROGRAMS.—The Sec-
15 retary, in coordination with the Administrator, shall ex-
16 pand public programs of the Department of Homeland Se-
17 curity and the TSA that increase security threat aware-
18 ness, education, and training to include transportation
19 network public area employees, including airport and
20 transportation vendors, local hotels, cab and limousine
21 companies, ridesharing companies, cleaning companies,
22 gas station attendants, cargo operators, and general avia-
23 tion members.

24 (e) AVIATION EMPLOYEE VETTING.—The Adminis-
25 trator shall allow an air carrier, airport, or airport oper-



1 ator, in addition to any background check required for ini-
2 tial employment, to utilize the Federal Bureau of Inves-
3 tigation's Rap Back Service and other vetting tools as ap-
4 propriate, including the No-Fly and Selectee lists, to get
5 immediate notification of any criminal activity relating to
6 an employee with access to an airport or its perimeter,
7 regardless of whether the employee is seeking access to
8 a public or secured area of the airport.

9 **SEC. 6305. LAW ENFORCEMENT OFFICER REIMBURSEMENT**
10 **PROGRAM.**

11 (a) IN GENERAL.—In accordance with section
12 44903(c)(1) of title 49, United States Code, the Adminis-
13 trator shall increase the number of awards, and the total
14 funding amount of each award, under the Law Enforce-
15 ment Officer Reimbursement Program—

16 (1) to increase the presence of law enforcement
17 officers in the public areas of airports, including
18 baggage claim, ticket counters, and nearby roads;

19 (2) to increase the presence of law enforcement
20 officers at screening checkpoints;

21 (3) to reduce the response times of law enforce-
22 ment officers during security incidents; and

23 (4) to provide visible deterrents to potential ter-
24 rorists.



1 (b) COOPERATION BY ADMINISTRATOR.—In carrying
2 out subsection (a), the Administrator shall use the author-
3 ity provided to the Administrator under section 114(m)
4 of title 49, United States Code, that is the same authority
5 as is provided to the Administrator of the Federal Aviation
6 Administration under section 106(m) of that title.

7 (c) ADMINISTRATIVE BURDENS.—The Administrator
8 shall review the regulations and compliance policies related
9 to the Law Enforcement Officer Reimbursement Program
10 and, if necessary, revise such regulations and policies to
11 reduce any administrative burdens on applicants or recipi-
12 ents of such awards.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out section
15 44901(h) of title 49, United States Code, \$55,000,000 for
16 each of fiscal years 2019 through 2021.

17 **Subtitle D—Passenger and Cargo** 18 **Security**

19 **SEC. 6401. PRECHECK PROGRAM.**

20 (a) IN GENERAL.—Section 44919 is amended to read
21 as follows:

22 **“§ 44919. PreCheck Program**

23 “(a) IN GENERAL.—The Administrator of the Trans-
24 portation Security Administration shall continue to ad-
25 minister the PreCheck Program in accordance with section



1 109(a)(3) of the Aviation and Transportation Security Act
2 (49 U.S.C. 114 note).

3 “(b) EXPANSION.—Not later than 180 days after the
4 date of enactment of the TSA Modernization Act, the Ad-
5 ministrator shall enter into an agreement, using other
6 transaction authority under section 114(m) of this title,
7 with at least 2 private sector entities to increase the meth-
8 ods and capabilities available for the public to enroll in
9 the PreCheck Program.

10 “(c) MINIMUM CAPABILITY REQUIREMENTS.—At
11 least 1 agreement under subsection (b) shall include the
12 following capabilities:

13 “(1) Start-to-finish secure online or mobile en-
14 rollment capability.

15 “(2) Vetting of an applicant by means other
16 than biometrics, such as a risk assessment, if—

17 “(A) such means—

18 “(i) are evaluated and certified by the
19 Secretary of Homeland Security;

20 “(ii) meet the definition of a qualified
21 anti-terrorism technology under section
22 865 of the Homeland Security Act of 2002
23 (6 U.S.C. 444); and

24 “(iii) are determined by the Adminis-
25 trator to provide a risk assessment that is



1 as effective as a fingerprint-based criminal
2 history records check conducted through
3 the Federal Bureau of Investigation with
4 respect to identifying individuals who are
5 not qualified to participate in the
6 PreCheck Program due to disqualifying
7 criminal history; and

8 “(B) with regard to private sector risk as-
9 sessments, the Secretary has certified that rea-
10 sonable procedures are in place with regard to
11 the accuracy, relevancy, and proper utilization
12 of information employed in such risk assess-
13 ments.

14 “(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At
15 least 1 agreement under subsection (b) shall include the
16 following capabilities:

17 “(1) Start-to-finish secure online or mobile en-
18 rollment capability.

19 “(2) Vetting of an applicant by means of bio-
20 metrics if the collection—

21 “(A) is comparable with the appropriate
22 and applicable standards developed by the Na-
23 tional Institute of Standards and Technology;

24 “(B) protects privacy and data security,
25 including that any personally identifiable infor-



1 mation is collected, retained, used, and shared
2 in a manner consistent with section 552a of
3 title 5, United States Code (commonly known
4 as ‘Privacy Act of 1974’), and with agency reg-
5 ulations; and

6 “(C) is evaluated and certified by the Sec-
7 retary of Homeland Security.

8 “(e) TARGET ENROLLMENT.—Subject to subsections
9 (b), (c), and (d), the Administrator shall take actions to
10 expand the total number of individuals enrolled in the
11 PreCheck Program as follows:

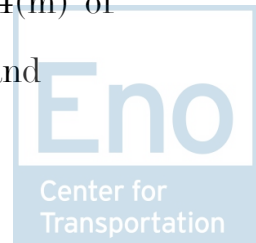
12 “(1) 7,000,000 passengers before October 1,
13 2019.

14 “(2) 10,000,000 passengers before October 1,
15 2020.

16 “(3) 15,000,000 passengers before October 1,
17 2021.

18 “(f) MARKETING OF PRECHECK PROGRAM.—Not
19 later than 90 days after the date of enactment of the TSA
20 Modernization Act, the Administrator shall—

21 “(1) enter into at least 2 agreements, using
22 other transaction authority under section 114(m) of
23 this title, to market the PreCheck Program; and



1 “(2) implement a long-term strategy for
2 partnering with the private sector to encourage en-
3 rollment in such program.

4 “(g) IDENTITY VERIFICATION ENHANCEMENT.—The
5 Administrator shall—

6 “(1) coordinate with the heads of appropriate
7 components of the Department to leverage Depart-
8 ment-held data and technologies to verify the iden-
9 tity and citizenship of individuals enrolling in the
10 PreCheck Program;

11 “(2) partner with the private sector to use bio-
12 metrics and authentication standards, such as rel-
13 evant standards developed by the National Institute
14 of Standards and Technology, to facilitate enroll-
15 ment in the program; and

16 “(3) consider leveraging the existing resources
17 and abilities of airports to collect fingerprints for
18 use in background checks to expedite identity
19 verification.

20 “(h) PRECHECK PROGRAM LANES OPERATION.—
21 The Administrator shall—

22 “(1) ensure that PreCheck Program screening
23 lanes are open and available during peak and high-
24 volume travel times at appropriate airports to indi-
25 viduals enrolled in the PreCheck Program; and

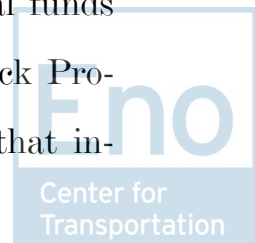


1 “(2) make every practicable effort to provide
2 expedited screening at standard screening lanes dur-
3 ing times when PreCheck Program screening lanes
4 are closed to individuals enrolled in the program in
5 order to maintain operational efficiency.

6 “(i) VETTING FOR PRECHECK PROGRAM PARTICI-
7 PANTS.—The Administrator shall initiate an assessment
8 to identify any security vulnerabilities in the vetting proc-
9 ess for the PreCheck Program, including determining
10 whether subjecting PreCheck Program participants to re-
11 current fingerprint-based criminal history records checks,
12 in addition to recurrent checks against the terrorist
13 watchlist, could be done in a cost-effective manner to
14 strengthen the security of the PreCheck Program.

15 “(j) ASSURANCE OF SEPARATE PROGRAM.—In car-
16 rying out this section, the Administrator shall ensure that
17 the additional private sector application capabilities under
18 subsections (b), (c), and (d) are undertaken in addition
19 to any other related TSA program, initiative, or procure-
20 ment, including the Universal Enrollment Services pro-
21 gram.

22 “(k) EXPENDITURE OF FUNDS.—Any Federal funds
23 expended by the Administrator to expand PreCheck Pro-
24 gram enrollment shall be expended in a manner that in-
25 cludes the requirements of this section.”.



1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) REPEAL.—Subtitle A of title III of the FAA
3 Extension, Safety, and Security Act of 2016 (49
4 U.S.C. 44901 note) and the items relating to that
5 subtitle in the table of contents of that Act are re-
6 pealed.

7 (2) TABLE OF CONTENTS.—The table of con-
8 tents of chapter 449 is amended by amending the
9 item relating to section 44919 to read as follows:

“44919. PreCheck Program.”.

10 (3) SCREENING PASSENGERS AND PROPERTY.—

11 Section 44901(a) is amended by striking “44919
12 or”.

13 **SEC. 6402. TRUSTED TRAVELER PROGRAMS; COLLABORA-**
14 **TION.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Administrator, in consultation with the
17 Commissioner of U.S. Customs and Border Protection,
18 shall—

19 (1) review each trusted traveler program ad-
20 ministered by U.S. Customs and Border Protection
21 and the PreCheck Program;

22 (2) identify any improvements that can be made
23 to such programs—

24 (A) to streamline and integrate the re-
25 quirements and operations of such programs to



1 reduce administrative burdens, including appli-
2 cations for inclusion and determining whether a
3 valid credential can satisfy the requirements for
4 another credential;

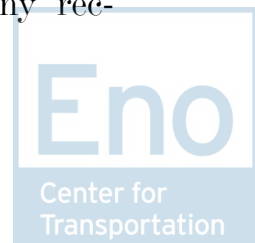
5 (B) to increase information and data shar-
6 ing across such programs; and

7 (C) to allow the public to access and link
8 to the applications for enrollment in all of such
9 programs from 1 online portal;

10 (3) identify any law, including regulations, pol-
11 icy, or procedure that may unnecessarily inhibit col-
12 laboration among Department of Homeland Security
13 agencies regarding such programs or implementation
14 of the improvements identified under paragraph (2);

15 (4) recommend any legislative, administrative,
16 or other actions that can be taken to eliminate any
17 unnecessary barriers to collaboration or implementa-
18 tion identified in paragraph (3); and

19 (5) submit to the appropriate committees of
20 Congress a report on the review, including any un-
21 necessary barriers to collaboration or implementa-
22 tion identified under paragraph (3), and any rec-
23 ommendations under paragraph (4).



1 **SEC. 6403. PASSENGER SECURITY FEE.**

2 Section 44940(c) is amended by adding at the end
3 the following:

4 “(3) **OFFSETTING COLLECTIONS.**—Beginning
5 on October 1, 2027, fees collected under subsection
6 (a)(1) for any fiscal year shall be credited as offset-
7 ting collections to appropriations made for aviation
8 security measures carried out by the Transportation
9 Security Administration, to remain available until
10 expended.”.

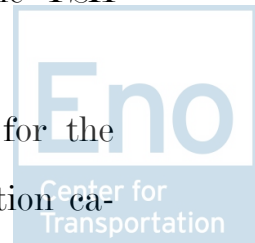
11 **SEC. 6404. THIRD PARTY CANINE TEAMS FOR AIR CARGO**
12 **SECURITY.**

13 Section 1307 of the Implementing Recommendations
14 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is
15 amended by adding at the end the following:

16 “(h) **THIRD PARTY CANINE TEAMS FOR AIR CARGO**
17 **SECURITY.**—

18 “(1) **IN GENERAL.**—In order to enhance the
19 screening of air cargo and ensure that third party
20 explosives detection canine assets are leveraged for
21 such purpose, the Administrator shall, not later than
22 180 days after the date of enactment of the TSA
23 Modernization Act—

24 “(A) develop and issue standards for the
25 use of such third party explosives detection ca-



1 nine assets for the primary screening of air
2 cargo;

3 “(B) develop a process to identify qualified
4 non-Federal entities that will certify canine as-
5 sets that meet the standards established by the
6 Administrator under subparagraph (A);

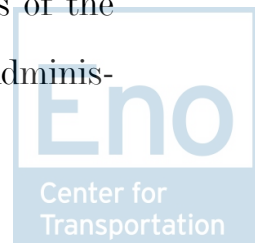
7 “(C) ensure that entities qualified to cer-
8 tify canine assets shall be independent from en-
9 tities that will train and provide canines to end
10 users of such canine assets;

11 “(D) establish a system of Transportation
12 Security Administration audits of the process
13 developed under subparagraph (B); and

14 “(E) provide that canines certified for the
15 primary screening of air cargo can be used by
16 air carriers, foreign air carriers, freight for-
17 warders, and shippers.

18 “(2) IMPLEMENTATION.—Beginning on the
19 date that the development of the process under para-
20 graph (1)(B) is complete, the Administrator shall—

21 “(A) facilitate the deployment of such as-
22 sets that meet the certification standards of the
23 Administration, as determined by the Adminis-
24 trator;



1 “(B) make such standards available to
2 vendors seeking to train and deploy third party
3 explosives detection canine assets; and

4 “(C) ensure that all costs for the training
5 and certification of canines, and for the use of
6 supplied canines, are borne by private industry
7 and not the Federal Government.

8 “(3) DEFINITIONS.—In this subsection:

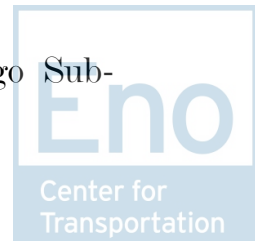
9 “(A) AIR CARRIER.—The term ‘air carrier’
10 has the meaning given the term in section
11 40102 of title 49, United States Code.

12 “(B) FOREIGN AIR CARRIER.—The term
13 ‘foreign air carrier’ has the meaning given the
14 term in section 40102 of title 49, United States
15 Code.

16 “(C) THIRD PARTY EXPLOSIVES DETEC-
17 TION CANINE ASSET.—The term ‘third party
18 explosives detection canine asset’ means any ex-
19 plosives detection canine or handler not owned
20 or employed, respectively, by the Transportation
21 Security Administration.”.

22 **SEC. 6405. KNOWN SHIPPER PROGRAM REVIEW.**

23 The Administrator shall direct the Air Cargo Sub-
24 committee of ASAC—



1 (1) to conduct a comprehensive review and se-
2 curity assessment of the Known Shipper Program;

3 (2) to recommend whether the Known Shipper
4 Program should be modified or eliminated consid-
5 ering the full implementation of 100 percent screen-
6 ing under section 44901(g) of title 49, United States
7 Code; and

8 (3) to report its findings and recommendations
9 to the Administrator.

10 **SEC. 6406. SCREENING PARTNERSHIP PROGRAM UPDATES.**

11 (a) SECURITY SCREENING OPT-OUT PROGRAM.—

12 Section 44920 is amended—

13 (1) in the heading by striking “**Security**
14 **screening opt-out program**” and inserting
15 “**Screening partnership program**”;

16 (2) by amending subsection (a) to read as fol-
17 lows:

18 “(a) IN GENERAL.—An operator of an airport, air-
19 port terminal, or airport security checkpoint may submit
20 to the Administrator of the Transportation Security Ad-
21 ministration an application to carry out the screening of
22 passengers and property at the airport under section
23 44901 by personnel of a qualified private screening com-
24 pany pursuant to a contract with the Transportation Se-
25 curity Administration.”;



1 (3) in subsection (b)—

2 (A) by amending paragraph (1) to read as
3 follows:

4 “(1) IN GENERAL.—Not later than 30 days
5 after the date of receipt of an application submitted
6 by an operator of an airport, airport terminal, or
7 airport security checkpoint under subsection (a), the
8 Administrator shall approve or deny the applica-
9 tion.”; and

10 (B) in paragraphs (2) and (3), by striking
11 “Under Secretary” each place it appears and
12 inserting “Administrator”;

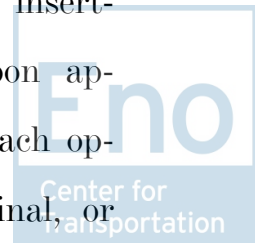
13 (4) in subsection (d)—

14 (A) in the heading, by striking “STAND-
15 ARDS” inserting “SELECTION OF CONTRACTS
16 AND STANDARDS”;

17 (B) by redesignating paragraph (2) as
18 paragraph (3);

19 (C) in paragraph (1)—

20 (i) by striking “The Under Secretary
21 may enter” and all that follows through
22 “certifies to Congress that—” and insert-
23 ing “The Administrator shall, upon ap-
24 proval of the application, provide each op-
25 erator of an airport, airport terminal, or



1 airport security checkpoint with a list of
2 qualified private screening companies.”;
3 and

4 (ii) by inserting before subparagraphs
5 (A) and (B) the following:

6 “(2) CONTRACTS.—Not later than 90 days
7 after the selection of a qualified private screening
8 company by the operator, the Administrator shall
9 enter into a contract with such company for the pro-
10 vision of screening at the airport, airport terminal,
11 or airport security checkpoint if—”; and

12 (D) in paragraph (2), as redesignated—

13 (i) in subparagraph (A), by striking “;
14 and” and inserting a semicolon;

15 (ii) in subparagraph (B)—

16 (I) by striking “Under Sec-
17 retary” and inserting “Adminis-
18 trator”; and

19 (II) by striking the period at the
20 end and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(C) the selected qualified private screen-
24 ing company offered contract price is equal to
25 or less than the cost to the Federal Government



1 to provide screening services at the airport, air-
2 port terminal, or airport security checkpoint.”;
3 and

4 (E) in paragraph (3), as redesignated—

5 (i) by striking “paragraph (1)(B)”
6 and inserting “paragraph (2)(B)”; and

7 (ii) by striking “Under Secretary”
8 each place it appears and inserting “Ad-
9 ministrator”;

10 (5) in subsection (e)—

11 (A) in the heading, by striking
12 “SCREENED” and inserting “SCREENING”;

13 (B) by striking the period at the end and
14 inserting “; and”;

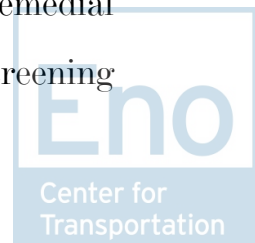
15 (C) by striking “The Under Secretary
16 shall” and inserting “The Administrator shall—
17 ”;

18 (D) by inserting “(1)” before “provide
19 Federal Government” and indenting appro-
20 priately; and

21 (E) by adding at the end the following:

22 “(2) undertake covert testing and remedial
23 training support for employees of private screening
24 companies providing screening at airports.”;

25 (6) in subsection (f)—



1 (A) in the heading, by inserting “OR SUS-
2 PENSION” after “TERMINATION”;

3 (B) by striking “terminate” and inserting
4 “suspend or terminate, as appropriate,”; and

5 (C) by striking “Under Secretary” each
6 place it appears and inserting “Administrator”;
7 and

8 (7) by striking subsection (h).

9 (b) APPLICATIONS SUBMITTED BEFORE THE DATE
10 OF ENACTMENT.—Not later than 30 days after the date
11 of enactment of this Act, the Administrator shall approve
12 or deny, in accordance with section 44920(b) of title 49,
13 United States Code, as amended by this Act, each applica-
14 tion submitted before the date of enactment of this Act,
15 by an airport operator under subsection (a) of that sec-
16 tion, that is awaiting such a determination.

17 **SEC. 6407. SCREENING PERFORMANCE ASSESSMENTS.**

18 Subject to part 1520 of title 49, Code of Federal Reg-
19 ulations, the Administrator shall quarterly make available
20 to the airport director of an airport—

21 (1) an assessment of the screening performance
22 of that airport compared to the mean average per-
23 formance of all airports in the equivalent airport
24 category for screening performance data; and



1 (2) a briefing on the results of performance
2 data reports, including—

3 (A) a scorecard of objective metrics devel-
4 oped by the Office of Security Operations to
5 measure screening performance, such as results
6 of annual proficiency reviews and covert testing,
7 at the appropriate level of classification; and

8 (B) other performance data, including—

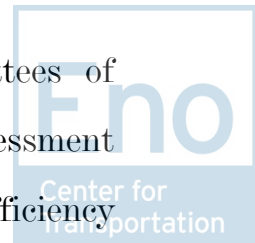
9 (i) passenger throughput;
10 (ii) wait times; and
11 (iii) employee attrition, absenteeism,
12 injury rates, and any other human capital
13 measures collected by TSA.

14 **SEC. 6408. TSA ACADEMY REVIEW.**

15 (a) REVIEW.—Not later than 270 days after the date
16 of enactment of this Act, the Comptroller General of the
17 United States shall—

18 (1) conduct an assessment of the efficiency and
19 effectiveness of the new-hire TSA Academy at train-
20 ing airport security personnel compared to when
21 such training of transportation security officers was
22 conducted at local airports; and

23 (2) submit to the appropriate committees of
24 Congress a report on the findings of the assessment
25 and any recommendations to maximize the efficiency



1 and effectiveness of training for airport security per-
2 sonnel.

3 (b) CONTENTS.—The assessment shall—

4 (1) include a cost-benefit analysis of training
5 new Transportation Security Officer and Screening
6 Partnership Program contractor hires at the TSA
7 Academy compared to when such training of trans-
8 portation security officers was conducted at local
9 airports;

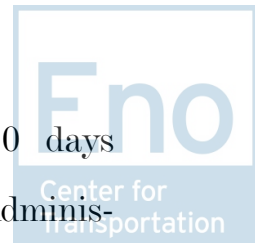
10 (2) examine the impact on performance, profes-
11 sionalism, and retention rates of Transportation Se-
12 curity Officer and Screening Partnership Program
13 contractor employees since the new training proto-
14 cols at the TSA Academy have been put in place
15 compared to when training was conducted at local
16 airports; and

17 (3) examine whether new hire training at the
18 TSA Academy has had any impact on the airports
19 and companies that participate in the Screening
20 Partnership Program.

21 **SEC. 6409. IMPROVEMENTS FOR SCREENING OF DISABLED**
22 **PASSENGERS.**

23 (a) REVISED TRAINING.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Adminis-



1 trator, in consultation with nationally-recognized vet-
2 erans and disability organizations, shall revise the
3 training requirements for Transportation Security
4 Officers related to the screening of disabled pas-
5 sengers, including disabled passengers who partici-
6 pate in the PreCheck program.

7 (2) TRAINING SPECIFICATIONS.—In revising the
8 training requirements under paragraph (1), the Ad-
9 ministrator shall address the proper screening, and
10 any particular sensitivities related to the screening,
11 of a disabled passenger traveling with—

12 (A) a medical device, including an indwell-
13 ing medical device;

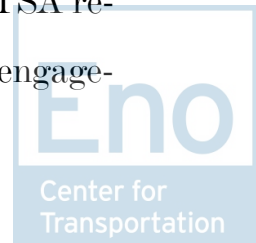
14 (B) a prosthetic;

15 (C) a wheelchair, walker, scooter, or other
16 mobility device; or

17 (D) a service animal.

18 (3) TRAINING FREQUENCY.—The Administrator
19 shall implement the revised training under para-
20 graph (1) during initial and recurrent training of all
21 Transportation Security Officers.

22 (b) BEST PRACTICES.—The individual at the TSA re-
23 sponsible for civil rights, liberties, and traveler engage-
24 ment shall—



1 (1) record each complaint from a disabled pas-
2 senger regarding the screening practice of the TSA;

3 (2) identify the most frequent concerns raised,
4 or accommodations requested, in the complaints;

5 (3) determine the best practices for addressing
6 the concerns and requests identified in paragraph
7 (2); and

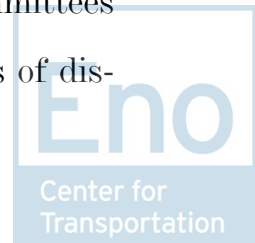
8 (4) recommend appropriate training based on
9 such best practices.

10 (c) SIGNAGE.—At each category X airport, the TSA
11 shall place signage at each security checkpoint that—

12 (1) specifies how to contact the appropriate
13 TSA employee at the airport designated to address
14 complaints of screening mistreatment based on dis-
15 ability; and

16 (2) describes how to receive assistance from
17 that individual or other qualified personnel at the se-
18 curity screening checkpoint.

19 (d) REPORTS TO CONGRESS.—Not later than Sep-
20 tember 30 of the first full fiscal year after the date of
21 enactment of this Act, and each fiscal year thereafter, the
22 Administrator shall submit to the appropriate committees
23 of Congress a report on the checkpoint experiences of dis-
24 abled passengers, including the following:



1 (1) The number and most frequent types of dis-
2 ability-related complaints received.

3 (2) The best practices recommended under sub-
4 section (b) to address the top areas of concern.

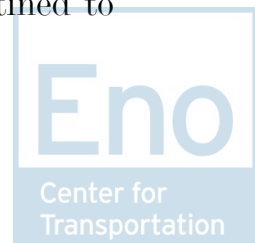
5 (3) The estimated wait times for assist requests
6 for disabled passengers, including disabled pas-
7 sengers who participate in the PreCheck program.

8 **SEC. 6410. AIR CARGO ADVANCE SCREENING PROGRAM.**

9 (a) IN GENERAL.—The Commissioner of U.S. Cus-
10 toms and Border Protection and the Administrator, con-
11 sistent with the requirements of the Trade Act of 2002
12 (Public Law 107–210) shall—

13 (1) establish an air cargo advance screening
14 program (referred to in this section as the “ACAS
15 Program”) for the collection of advance electronic
16 information from air carriers and other persons
17 within the supply chain regarding cargo being trans-
18 ported to the United States by air;

19 (2) under such program, require that such in-
20 formation be transmitted by such air carriers and
21 other persons at the earliest point practicable prior
22 to loading of such cargo onto an aircraft destined to
23 or transiting through the United States;



1 (3) establish appropriate communications sys-
2 tems with freight forwarders, shippers, and air car-
3 riers;

4 (4) establish a system that will allow freight
5 forwarders, shippers, and air carriers to provide
6 shipment level data for air cargo, departing from
7 any location that is inbound to the United States;
8 and

9 (5) identify opportunities in which the informa-
10 tion furnished in compliance with the ACAS Pro-
11 gram could be used by the Administrator.

12 (b) INSPECTION OF HIGH-RISK CARGO.—Under the
13 ACAS Program, the Commissioner of U.S. Customs and
14 Border Protection and the Administrator shall ensure that
15 all cargo that has been identified as high-risk is in-
16 spected—

17 (1) prior to the loading of such cargo onto air-
18 craft at the last point of departure, or

19 (2) at an earlier point in the supply chain, be-
20 fore departing for the United States.

21 (c) CONSULTATION.—In carrying out the ACAS Pro-
22 gram, the Commissioner of U.S. Customs and Border Pro-
23 tection and the Administrator shall consult with relevant
24 stakeholders, as appropriate, to ensure that an operation-
25 ally feasible and practical approach to—



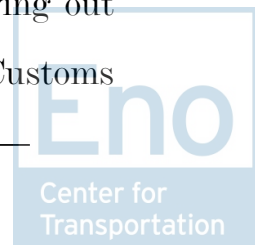
1 (1) the collection of advance information with
2 respect to cargo on aircraft departing for the United
3 States is applied, and

4 (2) the inspection of high-risk cargo, recognizes
5 the significant differences among air cargo business
6 models and modes of transportation.

7 (d) ANALYSIS.—The Commissioner of U.S. Customs
8 and Border Protection and the Administrator may analyze
9 the information described in subsection (a) in the Depart-
10 ment of Homeland Security’s automated targeting system
11 and integrate such information with other intelligence to
12 enhance the accuracy of the risk assessment process under
13 the ACAS Program.

14 (e) NO DUPLICATION.—The Commissioner of U.S.
15 Customs and Border Protection and the Administrator
16 shall carry out this section in a manner that, after the
17 ACAS Program is fully in effect, ensures, to the greatest
18 extent practicable, that the ACAS Program does not dupli-
19 cate other Department of Homeland Security programs or
20 requirements relating to the submission of air cargo data
21 or the inspection of high-risk cargo.

22 (f) CONSIDERATION OF INDUSTRY.—In carrying out
23 the ACAS Program, the Commissioner of U.S. Customs
24 and Border Protection and the Administrator shall—



1 (1) consider the content and timeliness of the
2 available data may vary among entities in the air
3 cargo industry and among countries, and explore
4 procedures to accommodate such variations while
5 maximizing the contribution of such data to the risk
6 assessment process under the ACAS Program;

7 (2) test the business processes, technologies,
8 and operational procedures required to provide ad-
9 vance information with respect to cargo on aircraft
10 departing for the United States and carry out re-
11 lated inspection of high-risk cargo, while ensuring
12 delays and other negative impacts on vital supply
13 chains are minimized; and

14 (3) consider the cost, benefit, and feasibility be-
15 fore establishing any set time period for submission
16 of certain elements of the data for air cargo under
17 this section in line with the regulatory guidelines
18 specified in Executive Order 13563 or any successor
19 Executive order or regulation.

20 (g) GUIDANCE.—The Commissioner of U.S. Customs
21 and Border Protection and the Administrator shall provide
22 guidance for participants in the ACAS Program regarding
23 the requirements for participation, including requirements
24 for transmitting shipment level data.



1 (h) USE OF DATA.—The Commissioner of U.S. Cus-
2 toms and Border Protection and the Administrator shall
3 use the data provided under the ACAS Program for tar-
4 geting shipments for screening and aviation security pur-
5 poses only.

6 (i) FINAL RULE.—Not later than 180 days after the
7 date of enactment of this Act, the Commissioner of U.S.
8 Customs and Border Protection, in coordination with the
9 Administrator, shall issue a final regulation to implement
10 the ACAS Program to include the electronic transmission
11 to U.S. Customs and Border Protection of data elements
12 for targeting cargo, including appropriate security ele-
13 ments of shipment level data.

14 (j) REPORT.—Not later than 180 days after the date
15 of the commencement of the ACAS Program, the Commis-
16 sioner of U.S. Customs and Border Protection and the Ad-
17 ministrator shall submit to the appropriate Committees of
18 Congress a report detailing the operational implementa-
19 tion of providing advance information under the ACAS
20 Program and the value of such information in targeting
21 cargo.

22 **SEC. 6411. GENERAL AVIATION AIRPORTS.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “Securing General Aviation and Charter Air Carrier Serv-
25 ice Act”.



1 (b) ADVANCED PASSENGER PRESCREENING SYS-
2 TEM.—Not later than 120 days after the date of enact-
3 ment of this Act, the Administrator shall submit to the
4 appropriate committees of Congress a report on the status
5 of the deployment of the advanced passenger prescreening
6 system, and access thereto for certain aircraft charter op-
7 erators, as required by section 44903(j)(2)(E) of title 49,
8 United States Code, including—

9 (1) the reasons for the delay in deploying the
10 system; and

11 (2) a detailed schedule of actions necessary for
12 the deployment of the system.

13 (c) SCREENING SERVICES OTHER THAN IN PRIMARY
14 PASSENGER TERMINALS.—

15 (1) IN GENERAL.—Subject to the provisions of
16 this subsection, the Administrator may provide
17 screening services to a charter air carrier in an area
18 other than the primary passenger terminal of an ap-
19 plicable airport.

20 (2) REQUESTS.—A request for screening serv-
21 ices under paragraph (1) shall be made at such
22 time, in such form, and in such manner as the Ad-
23 ministrator may require, except that the request
24 shall be made to the Federal Security Director for



1 the applicable airport at which the screening services
2 are requested.

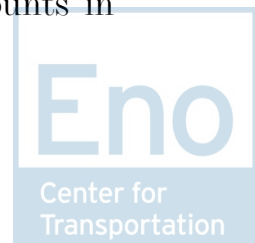
3 (3) AVAILABILITY.—A Federal Security Direc-
4 tor may provide requested screening services under
5 this section if the Federal Security Director deter-
6 mines such screening services are available.

7 (4) AGREEMENTS.—

8 (A) LIMITATION.—No screening services
9 may be provided under this section unless a
10 charter air carrier agrees in writing to com-
11 pensate the TSA for all reasonable costs, in-
12 cluding overtime, of providing the screening
13 services.

14 (B) PAYMENTS.—Notwithstanding section
15 3302 of title 31, United States Code, payment
16 received under subparagraph (A) shall be cred-
17 ited to the account that was used to cover the
18 cost of providing the screening services.
19 Amounts so credited shall be merged with
20 amounts in that account, and shall be available
21 for the same purposes, and subject to the same
22 conditions and limitations, as other amounts in
23 that account.

24 (5) DEFINITIONS.—In this subsection:



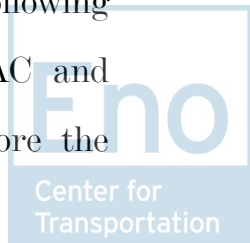
1 (A) APPLICABLE AIRPORT.—The term
2 “applicable airport” means an airport that—

3 (i) is not a commercial service airport;
4 and
5 (ii) is receiving screening services for
6 scheduled passenger aircraft.

7 (B) CHARTER AIR CARRIER.—The term
8 “charter air carrier” has the meaning given the
9 term in section 40102 of title 49, United States
10 Code.

11 (C) SCREENING SERVICES.—The term
12 “screening services” means the screening of
13 passengers and property similar to the screen-
14 ing of passengers and property described in sec-
15 tion 44901 of title 49, United States Code.

16 (d) REPORT.—Not later than 120 days after the date
17 of enactment of this Act, the Administrator, in consulta-
18 tion with the ASAC, shall, consistent with the require-
19 ments of paragraphs (6) and (7) of section 44946(b) of
20 title 49, United States Code, submit to the appropriate
21 Committees of Congress an implementation plan, includ-
22 ing an implementation schedule, for any of the following
23 recommendations that were adopted by the ASAC and
24 with which the Administrator has concurred before the
25 date of the enactment of this Act:



1 (1) The recommendation regarding general
2 aviation access to Ronald Reagan Washington Na-
3 tional Airport, as adopted on February 17, 2015.

4 (2) The recommendation regarding the vetting
5 of persons seeking flight training in the United
6 States, as adopted on July 28, 2016.

7 (3) Any other such recommendations relevant
8 to the security of general aviation adopted before the
9 date of the enactment of this Act.

10 (e) DESIGNATED STAFFING.—The Administrator
11 may designate 1 or more full-time employees of the TSA
12 to liaise with, and respond to issues raised by, general
13 aviation stakeholders.

14 (f) SECURITY ENHANCEMENTS.—Not later than 1
15 year after the date of enactment of this Act, the Adminis-
16 trator, in consultation with the ASAC, shall submit to the
17 appropriate committees of Congress a report on the feasi-
18 bility of requiring a security threat assessment before an
19 individual could obtain training from a private flight
20 school to operate an aircraft having a maximum certifi-
21 cated takeoff weight of more than 12,500 pounds.



1 **Subtitle E—Foreign Airport**
2 **Security**

3 **SEC. 6501. LAST POINT OF DEPARTURE AIRPORTS; SECU-**
4 **RITY DIRECTIVES.**

5 (a) NOTICE AND CONSULTATION.—

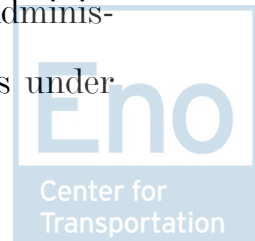
6 (1) IN GENERAL.—The Administrator shall, to
7 the maximum extent practicable, consult and notify
8 the following stakeholders prior to making changes
9 to security standards via security directives and
10 emergency amendments for last points of departure:

11 (A) Trade association representatives, for
12 affected air carriers and airports, who hold the
13 appropriate security clearances.

14 (B) The head of each relevant Federal de-
15 partment or agency, including the Adminis-
16 trator of the Federal Aviation Administration.

17 (2) TRANSMITTAL TO CONGRESS.—Not later
18 than 3 days after the date that the Administrator
19 issues a security directive or emergency amendment
20 for a last point of departure, the Administrator shall
21 transmit to the appropriate committees of Congress
22 a description of the extent to which the Adminis-
23 trator consulted and notified the stakeholders under
24 paragraph (1).

25 (b) GAO REPORT.—



1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Comptroller
3 General of the United States shall review the effec-
4 tiveness of the TSA process to update, consolidate,
5 or revoke security directives, emergency amend-
6 ments, and other policies related to international
7 aviation security at last point of departure airports
8 and submit to the appropriate committees of Con-
9 gress and the Administrator a report on the findings
10 and recommendations.

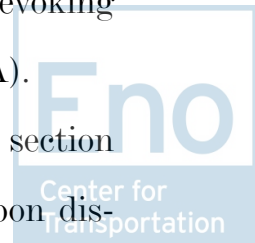
11 (2) CONTENTS.—In conducting the review
12 under paragraph (1), the Comptroller General
13 shall—

14 (A) review current security directives,
15 emergency amendments, and any other policies
16 related to international aviation security at last
17 point of departure airports;

18 (B) review the extent of intra-agency and
19 interagency coordination, stakeholder outreach,
20 coordination, and feedback; and

21 (C) review TSA’s process and criteria for,
22 and implementation of, updating or revoking
23 the policies described in subparagraph (A).

24 (c) RESCREENING.—Subject to section
25 44901(d)(4)(c) of title 49, United States Code, upon dis-



1 covery of specific threat intelligence, the Administrator
2 shall immediately direct TSA personnel to rescreen pas-
3 sengers and baggage arriving from an airport outside the
4 United States and identify enhanced measures that should
5 be implemented at that airport.

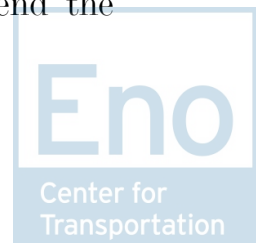
6 (d) NOTIFICATION TO CONGRESS.—Not later than 1
7 day after the date that the Administrator determines that
8 a foreign air carrier is in violation of part 1546 of title
9 49, Code of Federal Regulations, or any other applicable
10 security requirement, the Administrator shall notify the
11 appropriate committees of Congress.

12 (e) DECISIONS NOT SUBJECT TO JUDICIAL RE-
13 VIEW.—Notwithstanding any other provision of law, any
14 decision of the Administrator under subsection (a)(1) re-
15 lating to consultation or notification shall not be subject
16 to judicial review.

17 **SEC. 6502. TRACKING SECURITY SCREENING EQUIPMENT**
18 **FROM LAST POINT OF DEPARTURE AIR-**
19 **PORTS.**

20 (a) DONATION OF SCREENING EQUIPMENT TO PRO-
21 TECT THE UNITED STATES.—Chapter 449 is amended—

22 (1) in subchapter I, by adding at the end the
23 following:



1 **“§ 44929. Donation of screening equipment to protect**
2 **the United States**

3 “(a) IN GENERAL.—Subject to subsection (b), the
4 Administrator is authorized to donate security screening
5 equipment to a foreign last point of departure airport op-
6 erator if such equipment can be reasonably expected to
7 mitigate a specific vulnerability to the security of the
8 United States or United States citizens.

9 “(b) CONDITIONS.—Before donating any security
10 screening equipment to a foreign last point of departure
11 airport operator the Administrator shall—

12 “(1) ensure that the screening equipment has
13 been restored to commercially available settings;

14 “(2) ensure that no TSA-specific security
15 standards or algorithms exist on the screening
16 equipment; and

17 “(3) verify that the appropriate officials have
18 an adequate system—

19 “(A) to properly maintain and operate the
20 screening equipment; and

21 “(B) to document and track any removal
22 or disposal of the screening equipment to en-
23 sure the screening equipment does not come
24 into the possession of terrorists or otherwise
25 pose a risk to security.



1 “(c) REPORTS.—Not later than 30 days before any
2 donation of security screening equipment under subsection
3 (a), the Administrator shall provide to the Committee on
4 Commerce, Science, and Transportation and the Com-
5 mittee on Homeland Security and Governmental Affairs
6 of the Senate and the Committee on Homeland Security
7 of the House of Representatives a detailed written expla-
8 nation of the following:

9 “(1) The specific vulnerability to the United
10 States or United States citizens that will be miti-
11 gated by such donation.

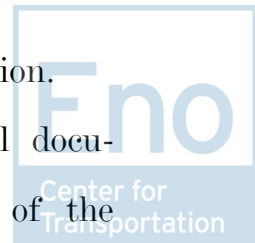
12 “(2) An explanation as to why the recipient of
13 such donation is unable or unwilling to purchase se-
14 curity screening equipment to mitigate such vulner-
15 ability.

16 “(3) An evacuation plan for sensitive tech-
17 nologies in case of emergency or instability in the
18 country to which such donation is being made.

19 “(4) How the Administrator will ensure the se-
20 curity screening equipment that is being donated is
21 used and maintained over the course of its life by
22 the recipient.

23 “(5) The total dollar value of such donation.

24 “(6) How the appropriate officials will docu-
25 ment and track any removal or disposal of the



1 screening equipment by the recipient to ensure the
2 screening equipment does not come into the posses-
3 sion of terrorists or otherwise pose a risk to secu-
4 rity.”; and

5 (2) in the table of contents, by inserting after
6 the item relating to section 44928 the following:

“44929. Donation of screening equipment to protect the United States.”.

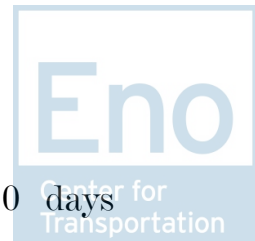
7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
8 Section 3204 of the Aviation Security Act of 2016 (49
9 U.S.C. 44901 note) and the item relating to that section
10 in the table of contents of that Act are repealed.

11 (c) RAISING INTERNATIONAL STANDARDS.—Not
12 later than 90 days after the date of enactment of this Act,
13 the Administrator shall collaborate with other aviation au-
14 thorities and the United States Ambassador or the Charge
15 d’Affaires to the United States Mission to the Inter-
16 national Civil Aviation Organization, as applicable, to ad-
17 vance a global standard for each international airport to
18 document and track the removal and disposal of any secu-
19 rity screening equipment to ensure the screening equip-
20 ment does not come into the possession of terrorists or
21 otherwise pose a risk to security.

22 **SEC. 6503. INTERNATIONAL SECURITY STANDARDS.**

23 (a) GLOBAL AVIATION SECURITY REVIEW.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Adminis-



1 trator, in coordination with the Commissioner of the
2 U.S. Customs and Border Protection, the Director
3 of the Office of International Engagement of the
4 Department of Homeland Security, and the Sec-
5 retary of State, shall conduct a global aviation secu-
6 rity review to improve aviation security standards,
7 including standards intended to mitigate
8 cybersecurity threats, across the global aviation sys-
9 tem.

10 (2) BEST PRACTICES.—The global aviation se-
11 curity review shall establish best practices regarding
12 the following:

13 (A) Collaborating with foreign partners to
14 improve global aviation security capabilities and
15 standards.

16 (B) Identifying foreign partners that—
17 (i) have not successfully implemented
18 security protocols from the International
19 Civil Aviation Organization or the Depart-
20 ment of Homeland Security; and

21 (ii) have not taken steps to implement
22 such security protocols;

23 (C) Improving the development, outreach,
24 and implementation process for security direc-



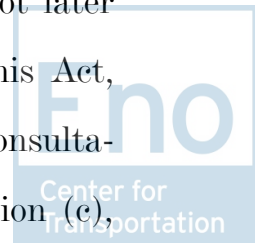
1 tives or emergency amendments issued to do-
2 mestic and foreign air carriers.

3 (D) Assessing the cybersecurity risk of se-
4 curity screening equipment.

5 (b) NOTIFICATION.—Not later than 90 days after the
6 date of enactment of this Act, the Administrator, in con-
7 sultation with the United States Ambassador to the Inter-
8 national Civil Aviation Organization, shall notify the Com-
9 mittee on Commerce, Science, and Transportation and the
10 Committee on Foreign Relations of the Senate, and the
11 Committee on Homeland Security and the Committee on
12 Foreign Affairs of the House of Representatives of the
13 progress of the review under subsection (a) and any pro-
14 posed international improvements to aviation security.

15 (c) ICAO.—Subject to subsection (a), the Adminis-
16 trator and Ambassador shall take such action at the Inter-
17 national Civil Aviation Organization as the Administrator
18 and Ambassador consider necessary to advance aviation
19 security improvement proposals, including if practicable,
20 introducing a resolution to raise minimum standards for
21 aviation security.

22 (d) BRIEFINGS TO CONGRESS.—Beginning not later
23 than 180 days after the date of enactment of this Act,
24 and periodically thereafter, the Administrator, in consulta-
25 tion with the Ambassador with respect to subsection (c),



1 shall brief the Committee on Commerce, Science, and
2 Transportation and the Committee on Foreign Relations
3 of the Senate, and the Committee on Homeland Security
4 and the Committee on Foreign Affairs of the House of
5 Representatives on the implementation of subsections (a)
6 and (b).

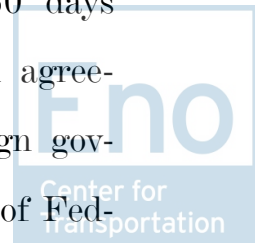
7 **Subtitle F—Cockpit and Cabin**
8 **Security**

9 **SEC. 6601. FEDERAL AIR MARSHAL SERVICE UPDATES.**

10 (a) STANDARDIZATION.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of enactment of this Act, the Administrator
13 shall develop a standard written agreement that
14 shall be the basis of all negotiations and agreements
15 that begin after the date of enactment of this Act
16 between the United States and foreign governments
17 or partners regarding the presence of Federal air
18 marshals on flights to and from the United States,
19 including deployment, technical assistance, and in-
20 formation sharing.

21 (2) WRITTEN AGREEMENTS.—Except as pro-
22 vided in paragraph (3), not later than 180 days
23 after the date of enactment of this Act, all agree-
24 ments between the United States and foreign gov-
25 ernments or partners regarding the presence of Fed-



1 eral air marshals on flights to and from the United
2 States shall be in writing and signed by the Admin-
3 istrator or other authorized United States Govern-
4 ment representative.

5 (3) EXCEPTION.—The Administrator may
6 schedule Federal air marshal service on flights oper-
7 ating to a foreign country with which no written
8 agreement is in effect if the Administrator deter-
9 mines that—

10 (A) such mission is necessary for aviation
11 security; and

12 (B) the requirements of paragraph (4)(B)
13 are met.

14 (4) NOTIFICATION TO CONGRESS.—

15 (A) WRITTEN AGREEMENTS.—Not later
16 than 30 days after the date that the Adminis-
17 trator enters into a written agreement under
18 this section, the Administrator shall transmit to
19 the appropriate committees of Congress a copy
20 of the agreement.

21 (B) NO WRITTEN AGREEMENTS.—The Ad-
22 ministrator shall submit to the appropriate
23 committees of Congress—

24 (i) not later than 30 days after the
25 date of enactment of this Act, a list of



1 each foreign government or partner that
2 does not have a written agreement under
3 this section, including an explanation for
4 why no written agreement exists and a jus-
5 tification for the determination that such a
6 mission is necessary for aviation security;
7 and

8 (ii) not later than 30 days after the
9 date that the Administrator makes a deter-
10 mination to schedule Federal air marshal
11 service on flights operating to a foreign
12 country with which no written agreement
13 is in effect under paragraph (3), the name
14 of the applicable foreign government or
15 partner, an explanation for why no written
16 agreement exists, and a justification for
17 the determination that such mission is nec-
18 essary for aviation security.

19 (b) MISSION SCHEDULING AUTOMATION.—The Ad-
20 ministrator shall endeavor to acquire automati-
21 zed capabilities or technologies for scheduling Federal air marshal
22 service missions based on current risk modeling.

23 (c) IMPROVING FEDERAL AIR MARSHAL SERVICE
24 DEPLOYMENTS.—



1 (1) AFTER-ACTION REPORTS.—The Adminis-
2 trator shall strengthen internal controls to ensure
3 that all after-action reports on Federal air marshal
4 service special mission coverage provided to stake-
5 holders include documentation of supervisory review
6 and approval, and mandatory narratives.

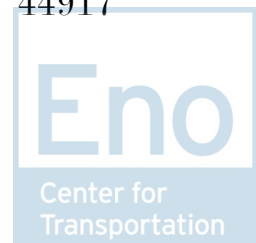
7 (2) STUDY.—The Administrator shall contract
8 with an independent entity to conduct a validation
9 and verification study of the risk analysis and risk-
10 based determinations guiding Federal air marshal
11 service deployment, including the use of risk-based
12 strategies under subsection (d).

13 (3) COST-BENEFIT ANALYSIS.—The Adminis-
14 trator shall conduct a cost-benefit analysis regarding
15 mitigation of aviation security threats through Fed-
16 eral air marshal service deployment.

17 (4) PERFORMANCE MEASURES.—The Adminis-
18 trator shall improve existing performance measures
19 to better determine the effectiveness of in-flight op-
20 erations in addressing the highest risk facing avia-
21 tion transportation.

22 (5) LONG DISTANCE FLIGHTS.—Section 44917
23 is amended—

24 (A) by striking subsection (b); and



1 (B) by redesignating subsections (c)
2 through (d) as subsections (b) through (c), re-
3 spectively.

4 (d) USE OF RISK-BASED STRATEGIES.—

5 (1) IN GENERAL.—Section 44917(a) is amend-
6 ed—

7 (A) in paragraph (7), by striking “and”
8 after the semicolon at the end;

9 (B) in paragraph (8), by striking the pe-
10 riod at the end and inserting a semicolon; and

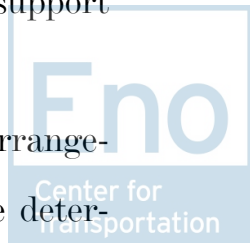
11 (C) by adding at the end the following:

12 “(9) shall require the Federal Air Marshal
13 Service to utilize a risk-based strategy when allo-
14 cating resources between international and domestic
15 flight coverage, including when initially setting its
16 annual target numbers of average daily international
17 and domestic flights to cover;

18 “(10) shall require the Federal Air Marshal
19 Service to utilize a risk-based strategy to support
20 domestic allocation decisions;

21 “(11) shall require the Federal Air Marshal
22 Service to utilize a risk-based strategy to support
23 international allocation decisions; and

24 “(12) shall ensure that the seating arrange-
25 ments of Federal air marshals on aircraft are deter-



1 mined in a manner that is risk-based and most capa-
2 ble of responding to current threats to aviation secu-
3 rity.”.

4 (2) REPORT.—Not later than 270 days after
5 the date of enactment of this Act, the Administrator
6 shall submit to the appropriate committees of Con-
7 gress a report on the Federal Air Marshal Service’s
8 compliance with the requirements under paragraphs
9 (9) through (12) of section 44917(a) of title 49,
10 United States Code, as added by this Act, and the
11 documented methodology used by the Federal Air
12 Marshal Service to conduct risk assessments in ac-
13 cordance with such paragraphs.

14 (3) IMPLEMENTATION DEADLINE.—Not later
15 than 180 days after the date of enactment of this
16 Act, the Administrator shall begin implementing the
17 requirements under paragraphs (9) through (12) of
18 section 44917(a), United States Code, as added by
19 this Act.

20 **SEC. 6602. CREW MEMBER SELF-DEFENSE TRAINING.**

21 The Administrator, in consultation with the Adminis-
22 trator of the Federal Aviation Administration, shall con-
23 tinue to carry out and encourage increased participation
24 by air carrier employees in the voluntary self-defense



1 training program under section 44918(b) of title 49,
2 United States Code.

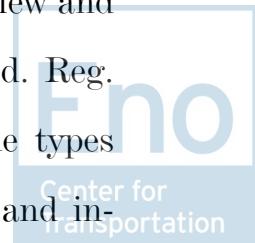
3 **SEC. 6603. FLIGHT DECK SAFETY AND SECURITY.**

4 (a) **THREAT ASSESSMENT.**—Not later than 90 days
5 after the date of enactment of this Act, the Administrator,
6 in consultation with the Administrator of the Federal
7 Aviation Administration, shall complete a detailed threat
8 assessment to identify any safety or security risks associ-
9 ated with unauthorized access to the flight decks on com-
10 mercial aircraft and any appropriate measures that should
11 be taken based on the risks.

12 (b) **RTCA REPORT.**—The Administrator, in coordi-
13 nation with the Administrator of the Federal Aviation Ad-
14 ministration, shall disseminate RTCA Document (DO-
15 329) Aircraft Secondary Barriers and Alternative Flight
16 Deck Security Procedure to aviation stakeholders, includ-
17 ing air carriers and flight crew, to convey effective meth-
18 ods and best practices to protect the flight deck.

19 **SEC. 6604. CARRIAGE OF WEAPONS, EXPLOSIVES, AND IN-**
20 **CENDIARIES BY INDIVIDUALS.**

21 (a) **INTERPRETIVE RULE.**—Subject to subsections
22 (b) and (c), the Administrator shall periodically review and
23 amend, as necessary, the interpretive rule (68 Fed. Reg.
24 7444) that provides guidance to the public on the types
25 of property considered to be weapons, explosives, and in-



1 cendaries prohibited under section 1540.111 of title 49,
2 Code of Federal Regulations.

3 (b) CONSIDERATIONS.—Before determining whether
4 to amend the interpretive rule to include or remove an
5 item from the prohibited list, the Administrator shall—

6 (1) research and evaluate—

7 (A) the impact, if any, the amendment
8 would have on security risks;

9 (B) the impact, if any, the amendment
10 would have on screening operations, including
11 effectiveness and efficiency; and

12 (C) whether the amendment is consistent
13 with international standards and guidance, in-
14 cluding of the International Civil Aviation Or-
15 ganization; and

16 (2) consult with appropriate aviation security
17 stakeholders, including ASAC.

18 (c) EXCEPTIONS.—Except for plastic or round bladed
19 butter knives, the Administrator may not amend the inter-
20 pretive rule described in subsection (a) to authorize any
21 knife to be permitted in an airport sterile area or in the
22 cabin of an aircraft.

23 (d) NOTIFICATION.—The Administrator shall—



1 (1) publish in the Federal Register any amend-
2 ment to the interpretive rule described in subsection
3 (a); and

4 (2) notify the appropriate committees of Con-
5 gress of the amendment not later than 3 days before
6 publication under paragraph (1).

7 **SEC. 6605. FEDERAL FLIGHT DECK OFFICER PROGRAM IM-**
8 **PROVEMENTS.**

9 (a) IMPROVED ACCESS TO TRAINING FACILITIES.—
10 Section 44921(c)(2)(C)(ii) is amended—

11 (1) by striking “The training of” and inserting
12 the following:

13 “(I) IN GENERAL.—The training
14 of”;

15 (2) in subclause (I), as designated, by striking
16 “approved by the Under Secretary”; and

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

18 “(II) ACCESS TO TRAINING FA-
19 CILITIES.—Not later than 180 days
20 after the date of enactment of the
21 TSA Modernization Act, the Adminis-
22 trator shall designate additional fire-
23 arms training facilities located in var-
24 ious regions of the United States for
25 Federal flight deck officers for recur-



1 rent and requalifying training relative
2 to the number of such facilities avail-
3 able on the day before such date of
4 enactment.”.

5 (b) FIREARMS REQUALIFICATION.—Section
6 44921(c)(2)(C) is amended—

7 (1) in clause (iii)—

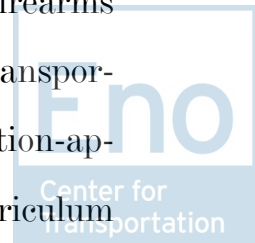
8 (A) by striking “The Under Secretary
9 shall” and inserting the following:

10 “(I) IN GENERAL.—The Admin-
11 istrator shall”;

12 (B) in subclause (I), as designated by sub-
13 paragraph (A), by striking “the Under Sec-
14 retary” and inserting “the Administrator”; and

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

16 “(II) USE OF FACILITIES FOR
17 REQUALIFICATION.—The Adminis-
18 trator shall allow a Federal flight
19 deck officer to requalify to carry a
20 firearm under the program through
21 training at a Transportation Security
22 Administration-approved firearms
23 training facility utilizing a Transpor-
24 tation Security Administration-ap-
25 proved contractor and a curriculum



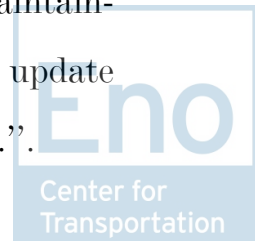
1 developed and approved by the Trans-
2 portation Security Administration.”;
3 and

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

5 “(iv) PERIODIC REVIEW.—The Ad-
6 ministrator shall periodically review re-
7 qualification training intervals and assess
8 whether it is appropriate and sufficient to
9 adjust the time between each requalifica-
10 tion training to facilitate continued partici-
11 pation in the program under this section
12 while still maintaining effectiveness of the
13 training, and update the training require-
14 ments as appropriate.”.

15 (c) TRAINING REVIEW.—Section 44921(c)(2) is
16 amended by adding at the end the following:

17 “(D) TRAINING REVIEW.—The Adminis-
18 trator shall periodically review training require-
19 ments for initial and recurrent training for
20 Federal flight deck officers and evaluate how
21 training requirements, including the length of
22 training, could be streamlined while maintain-
23 ing the effectiveness of the training, and update
24 the training requirements as appropriate.”.



1 (d) OTHER MEASURES TO FACILITATE TRAINING.—

2 Section 44921(e) is amended—

3 (1) by striking “Pilots participating” and in-
4 serting the following:

5 “(1) IN GENERAL.—Pilots participating”; and

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

7 “(2) FACILITATION OF TRAINING.—An air car-
8 rier shall permit a pilot seeking to be deputized as
9 a Federal flight deck officer or a Federal flight deck
10 officer to take a reasonable amount of leave to par-
11 ticipate in initial, recurrent, or requalification train-
12 ing, as applicable, for the program. Leave required
13 under this paragraph may be provided without com-
14 pensation.”.

15 (e) INTERNATIONAL HARMONIZATION.—Section
16 44921(f) is amended—

17 (1) in paragraphs (1) and (3), by striking
18 “Under Secretary” and inserting “Administrator”;
19 and

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

21 “(4) CONSISTENCY WITH FEDERAL AIR MAR-
22 SHAL PROGRAM.—The Administrator shall har-
23 monize, to the extent practicable, the policies relat-
24 ing to the carriage of firearms on flights in foreign
25 air transportation by Federal flight deck officers



1 with the policies of the Federal air marshal program
2 for carrying firearms on such flights and carrying
3 out the duties of a Federal flight deck officer, not-
4 withstanding Annex 17 of the International Civil
5 Aviation Organization.”.

6 (f) PHYSICAL STANDARDS.—Section 44921(d)(2) is
7 amended—

8 (1) by redesignating subparagraphs (A), (B),
9 and (C) as clauses (i), (ii), and (iii), respectively;

10 (2) in clause (ii), as redesignated, by striking
11 “Under Secretary’s” and inserting “Administra-
12 tor’s”;

13 (3) by striking “A pilot is” and inserting the
14 following:

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 in-
23 consistent with or more stringent than the re-
24 quirements of the Federal Aviation Administra-
25 tion for the issuance of the required airman



1 medical certificate under part 67 of title 14,
2 Code of Federal Regulations (or any cor-
3 responding similar 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
7 STATUS.—In accordance with any applicable Trans-
8 portation Security Administration appeals processes,
9 a 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
20 later than 3 months after the date of enactment
21 of this section, the Under Secretary” and in-
22 serting “The Administrator”;

23 (B) in paragraph (2), by striking “Begin-
24 ning 3 months after the date of enactment of
25 this section, the Under Secretary shall begin



1 the process of training and deputizing” and in-
2 serting “The Administrator shall train and dep-
3 utize”; and

4 (C) in paragraph (3)(N), by striking
5 “Under Secretary’s” and inserting “Adminis-
6 trator’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
11 inserting “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);
16 and

17 (B) by striking “APPLICABILITY.—” and
18 all that follows through “This section” and in-
19 serting “APPLICABILITY.—This section”;

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

21 “(l) DEFINITIONS.—In this section:

22 “(1) ADMINISTRATOR.—The term ‘Adminis-
23 trator’ means the Administrator of the Transpor-
24 tation Security Administration.



1 “(2) AIR TRANSPORTATION.—The term ‘air
2 transportation’ includes all-cargo air transportation.

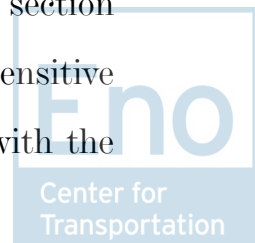
3 “(3) FIREARMS TRAINING FACILITY.—The term
4 ‘firearms training facility’ means a private or gov-
5 ernment-owned gun range approved by the Adminis-
6 trator to provide recurrent or requalification train-
7 ing, as applicable, for the program, utilizing a
8 Transportation Security Administration-approved
9 contractor and a curriculum developed and approved
10 by the Transportation Security Administration.

11 “(4) PILOT.—The term ‘pilot’ means an indi-
12 vidual who has final authority and responsibility for
13 the operation and safety of the flight or any other
14 flight deck crew member.”; and

15 (7) by striking “Under Secretary” each place it
16 appears and inserting “Administrator”.

17 (i) SENSITIVE SECURITY INFORMATION.—Not later
18 than 180 days after the date of enactment of this Act—

19 (1) the Secretary of Transportation shall revise
20 section 15.5(b)(11) of title 49, Code of Federal Reg-
21 ulations, to classify information about pilots depu-
22 tized as Federal flight deck officers under section
23 44921 of title 49, United States Code, as sensitive
24 security information in a manner consistent with the



1 classification of information about Federal air mar-
2 shals; and

3 (2) the Administrator shall revise section
4 1520.5(b)(11) of title 49, Code of Federal Regula-
5 tions, to classify information about pilots deputized
6 as Federal flight deck officers under section 44921
7 of title 49, United States Code, as sensitive security
8 information in a manner consistent with the classi-
9 fication of information about Federal air marshals.

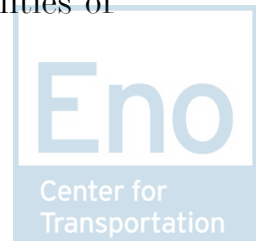
10 (j) REGULATIONS.—Not later than 180 days after
11 the date of enactment of this Act, the Administrator shall
12 prescribe such regulations as may be necessary to carry
13 out this section and the amendments made by this section.

14 **Subtitle G—Surface Transportation** 15 **Security**

16 **SEC. 6701. SURFACE TRANSPORTATION SECURITY ASSESS-** 17 **MENT AND IMPLEMENTATION OF RISK-** 18 **BASED STRATEGY.**

19 (a) SECURITY ASSESSMENT.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Administrator
22 shall complete an assessment of the vulnerabilities of
23 and risks to surface transportation systems.



1 (2) CONSIDERATIONS.—In conducting the secu-
2 rity assessment under paragraph (1), the Adminis-
3 trator shall, at a minimum—

4 (A) consider appropriate intelligence;

5 (B) consider security breaches and attacks
6 at domestic and international transportation fa-
7 cilities;

8 (C) consider the vulnerabilities and risks
9 associated with specific modes of surface trans-
10 portation;

11 (D) evaluate the vetting and security train-
12 ing of—

13 (i) employees in surface transpor-
14 tation; and

15 (ii) other individuals with access to
16 sensitive or secure areas of transportation
17 networks; and

18 (E) consider input from—

19 (i) representatives of different modes
20 of surface transportation;

21 (ii) subject to paragraph (3)—

22 (I) representatives of maritime
23 transportation;

24 (II) critical infrastructure enti-
25 ties; and



1 (III) the Transportation Systems
2 Sector Coordinating Council; and
3 (iii) the heads of other relevant Fed-
4 eral departments or agencies.

5 (3) MARITIME FACILITIES.—The Commandant
6 of the Coast Guard shall assess the vulnerabilities of
7 and risks to maritime facilities and ensure the adja-
8 cent security responsibilities of the Coast Guard and
9 TSA are coordinated.

10 (b) RISK-BASED SECURITY STRATEGY.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date the security assessment under sub-
13 section (a) is complete, the Administrator shall use
14 the results of the assessment—

15 (A) to develop and implement a cross-cut-
16 ting, risk-based security strategy that in-
17 cludes—

18 (i) all surface transportation modes;
19 (ii) to the extent the Transportation
20 Security Administration provides support
21 in maritime transportation security efforts,
22 maritime transportation;
23 (iii) a coordinated strategy with the
24 Commandant of the Coast Guard to ensure



1 adjacent security responsibilities are syn-
2 chronized;

3 (iv) a mitigating strategy that aligns
4 with each vulnerability and risk identified
5 in subsection (a);

6 (v) a planning process to inform re-
7 source allocation;

8 (vi) priorities, milestones, and per-
9 formance metrics to measure the effective-
10 ness of the risk-based security strategy;
11 and

12 (vii) processes for sharing relevant
13 and timely intelligence threat information
14 with appropriate stakeholders;

15 (B) to develop a management oversight
16 strategy that—

17 (i) identifies the parties responsible
18 for the implementation, management, and
19 oversight of the risk-based security strat-
20 egy; and

21 (ii) includes a plan for implementing
22 the risk-based security strategy; and

23 (C) to modify the risk-based budget and
24 resource allocations, in accordance with section



1 262(c), for the Transportation Security Admin-
2 istration.

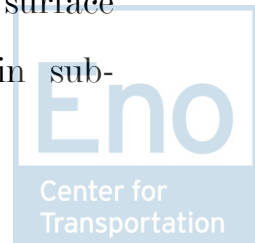
3 (2) COORDINATED APPROACH.—In developing
4 and implementing the risk-based security strategy
5 under paragraph (1), the Administrator shall—

6 (A) coordinate with the heads of other rel-
7 evant Federal departments or agencies, and
8 stakeholders, as appropriate—

9 (i) to evaluate existing surface trans-
10 portation security programs, policies, and
11 initiatives, including the explosives detec-
12 tion canine teams, for consistency with the
13 risk-based security strategy and, to the ex-
14 tent practicable, avoid any unnecessary du-
15 plication of effort;

16 (ii) to determine the extent to which
17 stakeholder security programs, policies,
18 and initiatives address the vulnerabilities
19 and risks to surface transportation systems
20 identified in subsection (a); and

21 (iii) subject to clause (ii), to mitigate
22 each vulnerability and risk to surface
23 transportation systems identified in sub-
24 section (a); and



1 (B) coordinate with the Commandant of
2 the Coast Guard to ensure there are no security
3 gaps between jurisdictional authorities.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date the security assessment under sub-
7 section (a) is complete, the Administrator shall sub-
8 mit to the appropriate committees of Congress and
9 the Inspector General of the Department a report
10 that—

11 (A) describes the process used to complete
12 the security assessment;

13 (B) describes the process used to develop
14 the risk-based security strategy;

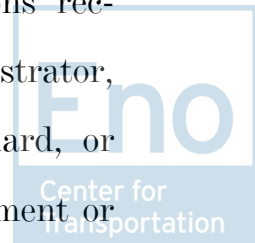
15 (C) describes the risk-based security strat-
16 egy;

17 (D) includes the management oversight
18 strategy;

19 (E) includes—

20 (i) the findings of the security assess-
21 ment;

22 (ii) a description of the actions rec-
23 ommended or taken by the Administrator,
24 the Commandant of the Coast Guard, or
25 the head of another Federal department or



1 agency to mitigate the vulnerabilities and
2 risks identified in subsection (a);

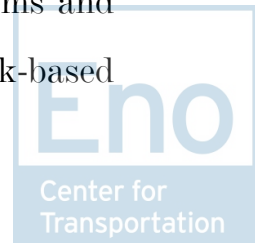
3 (iii) any recommendations for improv-
4 ing the coordinated approach to mitigating
5 vulnerabilities and risks to surface and
6 maritime transportation systems; and

7 (iv) any recommended changes to the
8 National Infrastructure Protection Plan,
9 the modal annexes to such plan, or rel-
10 evant surface or maritime transportation
11 security programs, policies, or initiatives;
12 and

13 (F) may contain a classified annex.

14 (2) PROTECTIONS.—In preparing the report,
15 the Administrator shall take appropriate actions to
16 safeguard information described by section 552(b) of
17 title 5, United States Code, or protected from disclo-
18 sure by any other law of the United States.

19 (d) UPDATES.—Not less frequently than semiannu-
20 ally, the Administrator shall report to or brief the appro-
21 priate committees of Congress on the vulnerabilities of and
22 risks to surface and maritime transportation systems and
23 how those vulnerabilities and risks affect the risk-based
24 security strategy.



1 **SEC. 6702. 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
7 describes a risk-based budget and resource allocation plan
8 for surface transportation sectors, within and across
9 modes, that—

10 (1) reflects the risk-based security strategy
11 under section 6701(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 sec-
16 tion 1105 of title 31, United States Code, the President
17 shall clearly distinguish the resources requested for sur-
18 face transportation security from the resources requested
19 for aviation 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 vet-
26 ting resources, for a nontransportation security pur-



1 pose or National Special Security Event (as defined
2 in section 2001 of Homeland Security Act of 2002
3 (6 U.S.C. 601)), the Secretary shall provide the no-
4 tification described in paragraph (2) to the appro-
5 priate committees of Congress.

6 (2) NOTIFICATION.—A notification described in
7 this paragraph shall include—

8 (A) the reason for and a justification of
9 the resource or personnel allocation;

10 (B) the expected end date of the resource
11 or personnel allocation; and

12 (C) the projected cost to the Transpor-
13 tation Security Administration of the personnel
14 or resource allocation.

15 (d) 5-YEAR CAPITAL INVESTMENT PLAN.—Not later
16 than 180 days after the date of enactment of this Act,
17 the Administrator shall submit to the Committee on Com-
18 merce, Science, and Transportation of the Senate and the
19 Committee on Homeland Security of the House of Rep-
20 resentatives a 5-year capital investment plan, consistent
21 with the 5-year technology investment plan under section
22 1611 of title XVI of the Homeland Security Act of 2002,
23 as amended by section 3 of the Transportation Security
24 Acquisition Reform Act (Public Law 113–245; 128 Stat.
25 2871).



1 **SEC. 6703. SURFACE TRANSPORTATION SECURITY MANAGE-**
2 **MENT AND INTERAGENCY COORDINATION**
3 **REVIEW.**

4 (a) REVIEW.—Not later than 1 year after the date
5 of enactment of this Act, the Comptroller General of the
6 United States shall—

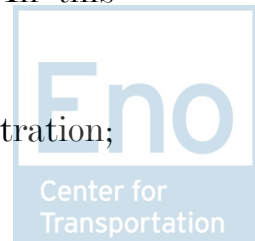
7 (1) review the staffing, budget, resource, and
8 personnel allocation, and management oversight
9 strategy of the Transportation Security Administra-
10 tion’s surface transportation security programs;

11 (2) review the coordination between relevant en-
12 tities of leadership, planning, policy, inspections, and
13 implementation of security programs relating to sur-
14 face and maritime transportation to reduce redun-
15 dancy and regulatory burden; and

16 (3) submit to the appropriate committees of
17 Congress a report on the findings of the reviews
18 under paragraphs (1) and (2), including any rec-
19 ommendations for improving coordination between
20 relevant entities and reducing redundancy and regu-
21 latory burden.

22 (b) DEFINITION OF RELEVANT ENTITIES.—In this
23 section, the term “relevant entities” means—

24 (1) the Transportation Security Administration;
25 (2) the Coast Guard;



1 (3) other Federal, State, or local departments
2 or agencies with jurisdiction over a mode of surface
3 or maritime transportation;

4 (4) critical infrastructure entities;

5 (5) the Transportation Systems Sector Coordinating Council; and

7 (6) relevant stakeholders.

8 **SEC. 6704. TRANSPARENCY.**

9 (a) REGULATIONS.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, and every
12 180 days thereafter, the Administrator shall publish
13 on a public website information regarding the status
14 of each regulation relating to surface transportation
15 security that is directed by law to be issued and that
16 has not been issued if not less than 2 years have
17 passed since the date of enactment of the law.

18 (2) CONTENTS.—The information published
19 under paragraph (1) shall include—

20 (A) an updated rulemaking schedule for
21 the outstanding regulation;

22 (B) current staff allocations;

23 (C) data collection or research relating to
24 the development of the rulemaking;



1 (D) current efforts, if any, with security
2 experts, advisory committees, and other stake-
3 holders; and

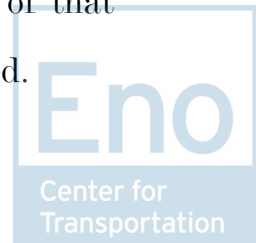
4 (E) other relevant details associated with
5 the development of the rulemaking that impact
6 the progress of the rulemaking.

7 (b) INSPECTOR GENERAL REVIEW.—Not later than
8 180 days after the date of enactment of this Act, and
9 every 2 years thereafter until all of the requirements under
10 titles XIII, XIV, and XV of the Implementing Rec-
11 ommendations of the 9/11 Commission Act of 2007 (6
12 U.S.C. 1111 et seq.) and under this title have been fully
13 implemented, the Inspector General of the Department
14 shall submit to the appropriate committees of Congress
15 a report that—

16 (1) identifies the requirements under such titles
17 of that Act and under this title that have not been
18 fully implemented;

19 (2) describes what, if any, additional action is
20 necessary; and

21 (3) includes recommendations regarding wheth-
22 er any of the requirements under such titles of that
23 Act or this title should be amended or repealed.



1 **SEC. 6705. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

2 (a) IN GENERAL.—If the Transportation Security
3 Administration deploys any counterterrorism personnel or
4 resource, such as explosive detection sweeps, random bag
5 inspections, or patrols by Visible Intermodal Prevention
6 and Response teams, to enhance security at a transpor-
7 tation system or transportation facility for a period of not
8 less than 180 consecutive days, the Administrator shall
9 provide sufficient notification to the system or facility op-
10 erator, as applicable, not less than 14 days prior to termi-
11 nating the deployment.

12 (b) EXCEPTION.—This section shall not apply if the
13 Administrator—

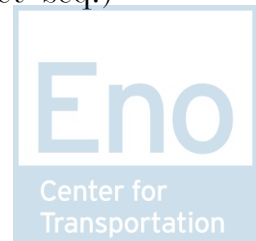
14 (1) determines there is an urgent security need
15 for the personnel or resource described in subsection

16 (a); and

17 (2) notifies the appropriate committees of Con-
18 gress of the determination under paragraph (1).

19 **SEC. 6706. SURFACE TRANSPORTATION SECURITY ADVI-**
20 **SORY COMMITTEE.**

21 (a) IN GENERAL.—Subtitle A of title IV of the
22 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.)
23 is amended by adding at the end the following:



1 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**
2 **SORY COMMITTEE.**

3 “(a) ESTABLISHMENT.—The Administrator of the
4 Transportation Security Administration (referred to in
5 this section as ‘Administrator’) shall establish within the
6 Transportation Security Administration the Surface
7 Transportation Security Advisory Committee (referred to
8 in this section as the ‘Advisory Committee’).

9 “(b) DUTIES.—

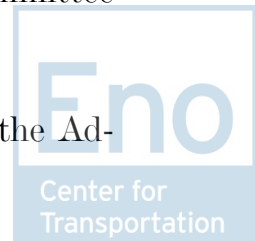
10 “(1) IN GENERAL.—The Advisory Committee
11 may advise, consult with, report to, and make rec-
12 ommendations to the Administrator on surface
13 transportation security matters, including the devel-
14 opment, refinement, and implementation of policies,
15 programs, initiatives, rulemakings, and security di-
16 rectives pertaining to surface transportation secu-
17 rity.

18 “(2) RISK-BASED SECURITY.—The Advisory
19 Committee shall consider risk-based security ap-
20 proaches in the performance of its duties.

21 “(c) MEMBERSHIP.—

22 “(1) COMPOSITION.—The Advisory Committee
23 shall be composed of—

24 “(A) voting members appointed by the Ad-
25 ministrator under paragraph (2); and



1 “(B) nonvoting members, serving in an ad-
2 visory capacity, who shall be designated by—

3 “(i) the Transportation Security Ad-
4 ministration;

5 “(ii) the Department of Transpor-
6 tation;

7 “(iii) the Coast Guard; and

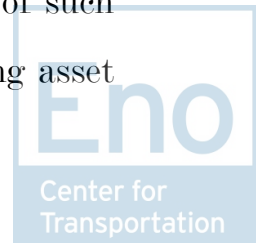
8 “(iv) such other Federal department
9 or agency as the Administrator considers
10 appropriate.

11 “(2) APPOINTMENT.—The Administrator shall
12 appoint voting members from among stakeholders
13 representing each mode of surface transportation,
14 such as passenger rail, freight rail, mass transit,
15 pipelines, highways, over-the-road bus, school bus in-
16 dustry, and trucking, including representatives
17 from—

18 “(A) associations representing such modes
19 of surface transportation;

20 “(B) labor organizations representing such
21 modes of surface transportation;

22 “(C) groups representing the users of such
23 modes of surface transportation, including asset
24 manufacturers, as appropriate;



1 “(D) relevant law enforcement, first re-
2 sponders, and security experts; and

3 “(E) such other groups as the Adminis-
4 trator considers appropriate.

5 “(3) CHAIRPERSON.—The Advisory Committee
6 shall select a chairperson from among its voting
7 members.

8 “(4) TERM OF OFFICE.—

9 “(A) TERMS.—

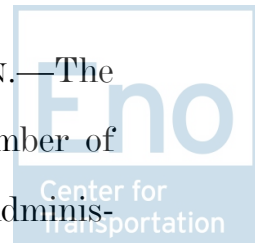
10 “(i) IN GENERAL.—The term of each
11 voting member of the Advisory Committee
12 shall be 2 years, but a voting member may
13 continue to serve until the Administrator
14 appoints a successor.

15 “(ii) REAPPOINTMENT.—A voting
16 member of the Advisory Committee may be
17 reappointed.

18 “(B) REMOVAL.—

19 “(i) IN GENERAL.—The Administrator
20 may review the participation of a member
21 of the Advisory Committee and remove
22 such member for cause at any time.

23 “(ii) ACCESS TO INFORMATION.—The
24 Administrator may remove any member of
25 the Advisory Committee that the Adminis-



1 trator determines should be restricted from
2 reviewing, discussing, or possessing classi-
3 fied information or sensitive security infor-
4 mation.

5 “(5) PROHIBITION ON COMPENSATION.—The
6 members of the Advisory Committee shall not re-
7 ceive any compensation from the Government by
8 reason of their service on the Advisory Committee.

9 “(6) MEETINGS.—

10 “(A) IN GENERAL.—The Administrator
11 shall require the Advisory Committee to meet at
12 least semiannually in person or through web
13 conferencing and may convene additional meet-
14 ings as necessary.

15 “(B) PUBLIC MEETINGS.—At least 1 of
16 the meetings of the Advisory Committee each
17 year shall be—

18 “(i) announced in the Federal Reg-
19 ister;

20 “(ii) announced on a public website;
21 and

22 “(iii) open to the public.

23 “(C) ATTENDANCE.—The Advisory Com-
24 mittee shall maintain a record of the persons
25 present at each meeting.



1 “(D) MINUTES.—

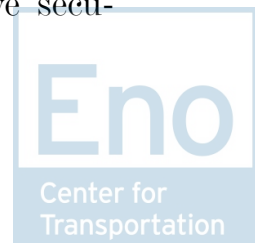
2 “(i) IN GENERAL.—Unless otherwise
3 prohibited by other Federal law, minutes
4 of the meetings shall be published on the
5 public website under subsection (e)(5).

6 “(ii) PROTECTION OF CLASSIFIED
7 AND SENSITIVE INFORMATION.—The Advi-
8 sory Committee may redact or summarize,
9 as necessary, minutes of the meetings to
10 protect classified or other sensitive infor-
11 mation in accordance with law.

12 “(7) VOTING MEMBER ACCESS TO CLASSIFIED
13 AND SENSITIVE SECURITY INFORMATION.—

14 “(A) DETERMINATIONS.—Not later than
15 60 days after the date on which a voting mem-
16 ber is appointed to the Advisory Committee and
17 before that voting member may be granted any
18 access to classified information or sensitive se-
19 curity information, the Administrator shall de-
20 termine if the voting member should be re-
21 stricted from reviewing, discussing, or pos-
22 sessing classified information or sensitive secu-
23 rity information.

24 “(B) ACCESS.—



1 “(i) SENSITIVE SECURITY INFORMA-
2 TION.—If a voting member is not re-
3 stricted from reviewing, discussing, or pos-
4 sessing sensitive security information
5 under subparagraph (A) and voluntarily
6 signs a nondisclosure agreement, the vot-
7 ing member may be granted access to sen-
8 sitive security information that is relevant
9 to the voting member’s service on the Advi-
10 sory Committee.

11 “(ii) CLASSIFIED INFORMATION.—Ac-
12 cess to classified materials shall be man-
13 aged in accordance with Executive Order
14 13526 of December 29, 2009 (75 Fed.
15 Reg. 707), or any subsequent cor-
16 responding Executive order.

17 “(C) PROTECTIONS.—

18 “(i) SENSITIVE SECURITY INFORMA-
19 TION.—Voting members shall protect sen-
20 sitive security information in accordance
21 with part 1520 of title 49, Code of Federal
22 Regulations.

23 “(ii) CLASSIFIED INFORMATION.—
24 Voting members shall protect classified in-
25 formation in accordance with the applica-



1 ble requirements for the particular level of
2 classification.

3 “(8) JOINT COMMITTEE MEETINGS.—The Advi-
4 sory Committee may meet with 1 or more of the fol-
5 lowing advisory committees to discuss multimodal
6 security issues and other security-related issues of
7 common concern:

8 “(A) Aviation Security Advisory Com-
9 mittee established under section 44946 of title
10 49, United States Code.

11 “(B) Maritime Security Advisory Com-
12 mittee established under section 70112 of title
13 46, United States Code.

14 “(C) Railroad Safety Advisory Committee
15 established by the Federal Railroad Administra-
16 tion.

17 “(9) SUBJECT MATTER EXPERTS.—The Advi-
18 sory Committee may request the assistance of sub-
19 ject matter experts with expertise related to the ju-
20 risdiction of the Advisory Committee.

21 “(d) REPORTS.—

22 “(1) PERIODIC REPORTS.—The Advisory Com-
23 mittee shall periodically submit reports to the Ad-
24 ministrator on matters requested by the Adminis-



1 trator or by a majority of the members of the Advi-
2 sory Committee.

3 “(2) ANNUAL REPORT.—

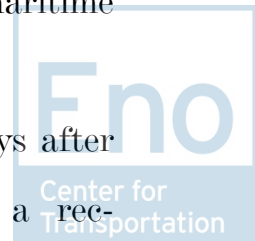
4 “(A) SUBMISSION.—The Advisory Com-
5 mittee shall submit to the Administrator and
6 the appropriate congressional committees an
7 annual report that provides information on the
8 activities, findings, and recommendations of the
9 Advisory Committee during the preceding year.

10 “(B) PUBLICATION.—Not later than 6
11 months after the date that the Administrator
12 receives an annual report under subparagraph
13 (A), the Administrator shall publish a public
14 version of the report, in accordance with section
15 552a(b) of title 5, United States Code.

16 “(e) ADMINISTRATION RESPONSE.—

17 “(1) CONSIDERATION.—The Administrator
18 shall consider the information, advice, and rec-
19 ommendations of the Advisory Committee in formu-
20 lating policies, programs, initiatives, rulemakings,
21 and security directives pertaining to surface trans-
22 portation security and to the support of maritime
23 transportation security efforts.

24 “(2) FEEDBACK.—Not later than 90 days after
25 the date that the Administrator receives a rec-



1 ommendation from the Advisory Committee under
2 subsection (d)(2), the Administrator shall submit to
3 the Advisory Committee written feedback on the rec-
4 ommendation, including—

5 “(A) if the Administrator agrees with the
6 recommendation, a plan describing the actions
7 that the Administrator has taken, will take, or
8 recommends that the head of another Federal
9 department or agency take to implement the
10 recommendation; or

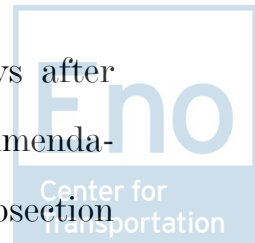
11 “(B) if the Administrator disagrees with
12 the recommendation, a justification for that de-
13 termination.

14 “(3) NOTICES.—Not later than 30 days after
15 the date the Administrator submits feedback under
16 paragraph (2), the Administrator shall—

17 “(A) notify the appropriate congressional
18 committees of the feedback, including the deter-
19 mination under subparagraph (A) or subpara-
20 graph (B) of that paragraph, as applicable; and

21 “(B) provide the appropriate congressional
22 committees with a briefing upon request.

23 “(4) UPDATES.—Not later than 90 days after
24 the date the Administrator receives a recommenda-
25 tion from the Advisory Committee under subsection



1 (d)(2) that the Administrator agrees with, and quar-
2 terly thereafter until the recommendation is fully im-
3 plemented, the Administrator shall submit a report
4 to the appropriate congressional committees or post
5 on the public website under paragraph (5) an update
6 on the status of the recommendation.

7 “(5) WEBSITE.—The Administrator shall main-
8 tain a public website that—

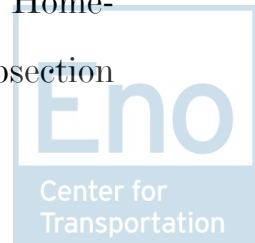
9 “(A) lists the members of the Advisory
10 Committee; and

11 “(B) provides the contact information for
12 the Advisory Committee.

13 “(f) NONAPPLICABILITY OF FACA.—The Federal
14 Advisory Committee Act (5 U.S.C. App.) shall not apply
15 to the Advisory Committee or any subcommittee estab-
16 lished under this section.”.

17 (b) ADVISORY COMMITTEE MEMBERS.—

18 (1) VOTING MEMBERS.—Not later than 180
19 days after the date of enactment of this Act, the Ad-
20 ministrator shall appoint the voting members of the
21 Surface Transportation Security Advisory Com-
22 mittee established under section 404 of the Home-
23 land Security Act of 2002, as added by subsection
24 (a) of this section.



1 (2) NONVOTING MEMBERS.—Not later than 90
2 days after the date of enactment of this Act, each
3 Federal Government department and agency with
4 regulatory authority over a mode of surface or mari-
5 time transportation, as the Administrator considers
6 appropriate, shall designate an appropriate rep-
7 resentative to serve as a nonvoting member of the
8 Surface Transportation Security Advisory Com-
9 mittee.

10 (c) TABLE OF CONTENTS.—The table of contents in
11 section 1(b) of the Homeland Security Act of 2002 (Public
12 Law 107–296; 116 Stat. 2135) is amended by inserting
13 after the item relating to section 403 the following:

“Sec. 404. Surface Transportation Security Advisory Committee.”.

14 **SEC. 6707. REVIEW OF THE EXPLOSIVES DETECTION CA-**
15 **NINE TEAM PROGRAM.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date that the Inspector General of the Department re-
18 ceives the report under section 6701(c), the Inspector
19 General of the Department shall—

20 (1) review the explosives detection canine team
21 program, including—

22 (A) the development by the Transportation
23 Security Administration of a deployment strat-
24 egy for explosives detection canine teams;



1 (B) the national explosives detection canine
2 team training program, including canine train-
3 ing, handler training, refresher training, and
4 updates to such training;

5 (C) the use of the canine assets during an
6 urgent security need, including the reallocation
7 of such program resources outside the transpor-
8 tation systems sector during an urgent security
9 need; and

10 (D) the monitoring and tracking of canine
11 assets; and

12 (2) submit to the appropriate committees of
13 Congress a report on the review, including any rec-
14 ommendations.

15 (b) CONSIDERATIONS.—In conducting the review of
16 the deployment strategy under subsection (a)(1)(A), the
17 Inspector General shall consider whether the Transpor-
18 tation Security Administration's method to analyze the
19 risk to transportation facilities and transportation systems
20 is appropriate.

21 **SEC. 6708. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
22 **TION CANINE TEAM PROGRAM.**

23 (a) IN GENERAL.—The Secretary, where appropriate,
24 shall encourage State, local, and tribal governments and
25 private owners of high-risk transportation facilities to



1 strengthen security through the use of explosives detection
2 canine teams.

3 (b) INCREASED CAPACITY.—

4 (1) IN GENERAL.—Before the date the Inspec-
5 tor General of the Department submits the report
6 under section 6707, the Administrator may increase
7 the number of State and local surface and maritime
8 transportation canines by not more than 70 explo-
9 sives detection canine teams.

10 (2) ADDITIONAL TEAMS.—Beginning on the
11 date the Inspector General of the Department sub-
12 mits the report under section 6707, the Secretary
13 may increase the State and local surface and mari-
14 time transportation canines up to 200 explosives de-
15 tection canine teams unless more are identified in
16 the risk-based security strategy under section 6701,
17 consistent with section 6702 or with the President's
18 most recent budget submitted under section 1105 of
19 title 31, United States Code.

20 (3) RECOMMENDATIONS.—Before initiating any
21 increase in the number of explosives detection teams
22 under paragraph (2), the Secretary shall consider
23 any recommendations in the report under section
24 6707 on the efficacy and management of the explo-
25 sives detection canine program.



1 (c) DEPLOYMENT.—The Secretary shall—

2 (1) use the additional explosives detection ca-
3 nine teams, as described in subsection (b)(1), as
4 part of the Department’s efforts to strengthen secu-
5 rity across the Nation’s surface and maritime trans-
6 portation networks;

7 (2) make available explosives detection canine
8 teams to all modes of transportation, subject to the
9 requirements under section 6705, to address specific
10 vulnerabilities or risks, on an as-needed basis and as
11 otherwise determined appropriate by the Secretary;
12 and

13 (3) consider specific needs and training require-
14 ments for explosives detection canine teams to be de-
15 ployed across the Nation’s surface and maritime
16 transportation networks, including in venues of mul-
17 tiple modes of transportation, as the Secretary con-
18 siders appropriate.

19 (d) AUTHORIZATION.—There are authorized to be ap-
20 propriated to the Secretary such sums as may be nec-
21 essary to carry out this section for each of fiscal years
22 2019 through 2021.



1 **SEC. 6709. STUDY ON SECURITY STANDARDS AND BEST**
2 **PRACTICES FOR PASSENGER TRANSPOR-**
3 **TATION SYSTEMS.**

4 (a) SECURITY STANDARDS AND BEST PRACTICES
5 FOR UNITED STATES AND FOREIGN PASSENGER TRANS-
6 PORTATION SYSTEMS.—The Comptroller General of the
7 United States shall conduct a study of how the Transpor-
8 tation Security Administration—

9 (1) identifies and compares—

10 (A) United States and foreign passenger
11 transportation security standards; and

12 (B) best practices for protecting passenger
13 transportation systems, including shared ter-
14 minal facilities, and cyber systems; and

15 (2) disseminates the findings under paragraph
16 (1) to stakeholders.

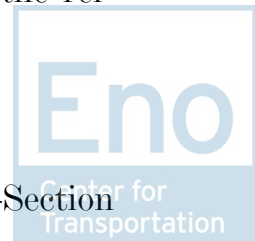
17 (b) REPORT.—Not later than 18 months after the
18 date of enactment of this Act, the Comptroller General
19 shall issue a report that contains—

20 (1) the findings of the study conducted under
21 subsection (a); and

22 (2) any recommendations for improving the rel-
23 evant processes or procedures.

24 **SEC. 6710. AMTRAK SECURITY UPGRADES.**

25 (a) RAILROAD SECURITY ASSISTANCE.—Section
26 1513(b) of the Implementing Recommendations of the 9/



1 11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amend-
2 ed—

3 (1) in paragraph (1), by striking the period at
4 the end and inserting “, including communications
5 interoperability where appropriate with relevant out-
6 side agencies and entities.”;

7 (2) in paragraph (5), by striking “security of”
8 and inserting “security and preparedness of”;

9 (3) in paragraph (7), by striking “security
10 threats” and inserting “security threats and pre-
11 paredness, including connectivity to the National
12 Terrorist Screening Center”; and

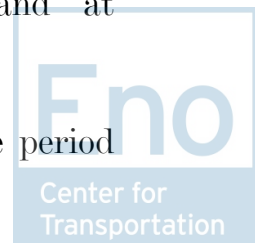
13 (4) in paragraph (9), by striking “and security
14 officers” and inserting “, security, and preparedness
15 officers”.

16 (b) SPECIFIC PROJECTS.—Section 1514(a)(3) of the
17 Implementing Recommendations of the 9/11 Commission
18 Act of 2007 (6 U.S.C. 1164(a)(3)) is amended—

19 (1) in subparagraph (D) by inserting “, or to
20 connect to the National Terrorism Screening Center
21 watchlist” after “Secretary”;

22 (2) in subparagraph (G), by striking “; and” at
23 the end and inserting a semicolon;

24 (3) in subparagraph (H) by striking the period
25 at the end and inserting a semicolon; and



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

2 “(I) for improvements to passenger
3 verification systems;

4 “(J) for improvements to employee and
5 contractor verification systems, including iden-
6 tity verification technology; or

7 “(K) for improvements to the security of
8 Amtrak computer systems, including
9 cybersecurity assessments and programs.”.

10 **SEC. 6711. PASSENGER RAIL VETTING.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date on which the Amtrak Board of Directors submits a
13 request to the Administrator, the Administrator shall
14 issue a decision on the use by Amtrak of the Transpor-
15 tation Security Administration’s Secure Flight Program
16 or a similar passenger vetting system to enhance pas-
17 senger rail security.

18 (b) STRATEGIC PLAN.—If the Administrator decides
19 to grant the request by Amtrak under subsection (a), the
20 decision shall include a strategic plan for working with rail
21 stakeholders to enhance passenger rail security by vetting
22 passengers using terrorist watch lists maintained by the
23 Federal Government or a similar passenger vetting system
24 maintained by the Transportation Security Administra-
25 tion.



1 (c) NOTICES.—The Administrator shall notify the ap-
2 propriate committees of Congress of any decision made
3 under subsection (a) and the details of the strategic plan
4 under subsection (b).

5 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to limit the Administrator’s au-
7 thority to set the access to, or terms and conditions of
8 using, the Secure Flight Program or a similar passenger
9 vetting system.

10 **SEC. 6712. STUDY ON SURFACE TRANSPORTATION INSPEC-**
11 **TORS.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall submit to the appropriate committees of Congress
15 a report that—

16 (1) identifies the roles and responsibilities of
17 surface transportation security inspectors authorized
18 under section 1304 of the Implementing Rec-
19 ommendations of the 9/11 Commission Act of 2007
20 (6 U.S.C. 1113);

21 (2) determines whether surface transportation
22 security inspectors—

23 (A) have appropriate qualifications to help
24 secure and inspect surface transportation sys-
25 tems; and



1 (B) have adequate experience and training
2 to perform the responsibilities identified under
3 paragraph (1);

4 (3) evaluates feedback from surface transpor-
5 tation industry stakeholders on the effectiveness of
6 surface transportation security inspectors and in-
7 spection programs to the overall security of the sur-
8 face transportation systems of such stakeholders;

9 (4) evaluates the consistency of surface trans-
10 portation inspections, recommendations, and regu-
11 latory enforcement, where applicable;

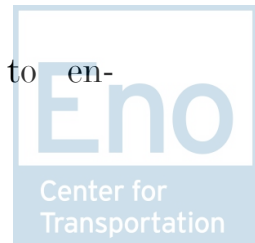
12 (5) identifies any duplication or redundancy be-
13 tween the Transportation Security Administration
14 and the Department of Transportation relating to
15 surface transportation security inspections or over-
16 sight; and

17 (6) provides recommendations, if any, relating
18 to—

19 (A) improvements to the surface transpor-
20 tation security inspectors program, including—

21 (i) changes in organizational and su-
22 pervisory structures;

23 (ii) coordination procedures to en-
24 hance consistency; and



1 (iii) effectiveness in inspection and
2 compliance activities; and

3 (B) whether each transportation mode
4 needs inspectors trained and qualified for that
5 specific mode.

6 **SEC. 6713. SECURITY AWARENESS PROGRAM.**

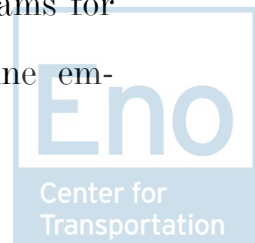
7 (a) ESTABLISHMENT.—The Administrator shall es-
8 tablish a program to promote surface transportation secu-
9 rity through the training of surface transportation opera-
10 tors and frontline employees on each of the skills identified
11 in subsection (c).

12 (b) APPLICATION.—The program established under
13 subsection (a) shall apply to all modes of surface transpor-
14 tation, including public transportation, rail, highway,
15 motor carrier, and pipeline.

16 (c) TRAINING.—The program established under sub-
17 section (a) shall cover, at a minimum, the skills necessary
18 to recognize, assess, and respond to suspicious items or
19 actions that could indicate a threat to transportation.

20 (d) ASSESSMENT.—

21 (1) IN GENERAL.—The Administrator shall con-
22 duct an assessment of current training programs for
23 surface transportation operators and frontline em-
24 ployees.



1 (2) CONTENTS.—The assessment shall iden-
2 tify—

3 (A) whether other training is being pro-
4 vided, either voluntarily or in response to other
5 Federal requirements; and

6 (B) whether there are any gaps in existing
7 training.

8 (e) UPDATES.—The Administrator shall ensure the
9 program established under subsection (a) is updated as
10 necessary to address changes in risk and terrorist methods
11 and to close any gaps identified in the assessment under
12 subsection (d).

13 (f) SUSPICIOUS ACTIVITY REPORTING.—

14 (1) IN GENERAL.—The Administrator shall
15 maintain a national telephone number for an indi-
16 vidual to use to report suspicious activity under this
17 section to the Administration.

18 (2) PROCEDURES.—The Administrator shall es-
19 tablish procedures for the Administration—

20 (A) to review and follow-up, as necessary,
21 on each report received under paragraph (1);
22 and

23 (B) to share, as necessary and in accord-
24 ance with law, the report with appropriate Fed-
25 eral, State, local, and tribal entities.

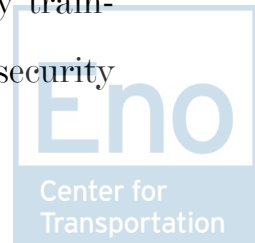


1 (3) RULE OF CONSTRUCTION.—Nothing in this
2 section may be construed to replace or affect in any
3 way the use of 9–1–1 services in an emergency.

4 (g) DEFINITION OF FRONTLINE EMPLOYEE.—In this
5 section, the term “frontline employee” includes—

6 (1) an employee of a public transportation
7 agency who is a transit vehicle driver or operator,
8 dispatcher, maintenance and maintenance support
9 employee, station attendant, customer service em-
10 ployee, security employee, or transit police, or any
11 other employee who has direct contact with riders on
12 a regular basis, and any other employee of a public
13 transportation agency that the Administrator deter-
14 mines should receive security training under this
15 section or that is receiving security training under
16 other law;

17 (2) over-the-road bus drivers, security per-
18 sonnel, dispatchers, maintenance and maintenance
19 support personnel, ticket agents, other terminal em-
20 ployees, and other employees of an over-the-road bus
21 operator or terminal owner or operator that the Ad-
22 ministrator determines should receive security train-
23 ing under this section or that is receiving security
24 training under other law; or



1 (3) security personnel, dispatchers, locomotive
2 engineers, conductors, trainmen, other onboard em-
3 ployees, maintenance and maintenance support per-
4 sonnel, bridge tenders, and any other employees of
5 railroad carriers that the Administrator determines
6 should receive security training under this section or
7 that is receiving security training under other law.

8 **SEC. 6714. VOLUNTARY USE OF CREDENTIALING.**

9 (a) IN GENERAL.—An individual who is subject to
10 credentialing or a background investigation may satisfy
11 that requirement by obtaining a valid transportation secu-
12 rity card issued under section 70105 of title 46, United
13 States Code.

14 (b) ISSUANCE OF CARDS.—The Secretary of Home-
15 land Security—

16 (1) shall expand the transportation security
17 card program, consistent with section 70105 of title
18 46, United States Code, to allow an individual who
19 is subject to credentialing or a background investiga-
20 tion to apply for a transportation security card; and

21 (2) may charge reasonable fees, in accordance
22 with section 520(a) of the Department of Homeland
23 Security Appropriations Act, 2004 (6 U.S.C.
24 469(a)), for providing the necessary credentialing
25 and background investigation.

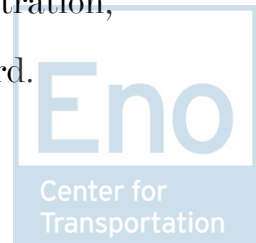


1 (c) VETTING.—The Administrator shall utilize, in ad-
2 dition to any background check required for initial issue,
3 the Federal Bureau of Investigation’s Rap Back Service
4 and other vetting tools as appropriate, including the No-
5 Fly and Selectee lists, to get immediate notification of any
6 criminal activity relating to any person with a valid trans-
7 portation security card.

8 (d) DEFINITION.—In this section, the term “indi-
9 vidual who is subject to credentialing or a background in-
10 vestigation” means an individual who—

11 (1) because of employment is regulated by the
12 Transportation Security Administration, Department
13 of Transportation, or Coast Guard and is required
14 to have a background records check to obtain a haz-
15 ardous materials endorsement on a commercial driv-
16 er’s license issued by a State under section 5103a of
17 title 49, United States Code; or

18 (2) is required to have a credential and back-
19 ground records check under section 2102(d)(2) of
20 the Homeland Security Act of 2002 (6 U.S.C.
21 622(d)(2)) at a facility with activities that are regu-
22 lated by the Transportation Security Administration,
23 Department of Transportation, or Coast Guard.



1 **SEC. 6715. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
2 **OF HAZMAT LICENSES.**

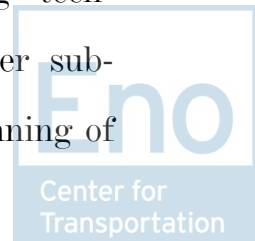
3 Section 5103a(d) is amended by adding at the end
4 the following:

5 “(3) TRANSPORTATION SECURITY CARDS.—An
6 individual who holds a valid transportation security
7 card issued by the Secretary of the department in
8 which the Coast Guard is operating under section
9 70105 of title 46 shall be deemed to have met the
10 background records check required under this sub-
11 section.”.

12 **SEC. 6716. CARGO CONTAINER SCANNING TECHNOLOGY**
13 **REVIEW.**

14 (a) DESIGNATIONS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, and not less fre-
17 quently than once every 5 years thereafter until the
18 date of full-scale implementation of 100 percent
19 screening of cargo containers and 100 percent scan-
20 ning of high-risk containers required under section
21 232 of the SAFE Port Act (6 U.S.C. 982), the Sec-
22 retary shall solicit proposals for scanning tech-
23 nologies, consistent with the standards under sub-
24 section (b)(8) of that section, to improve scanning of
25 cargo at domestic ports.



1 (2) EVALUATION.—In soliciting proposals under
2 paragraph (1), the Secretary shall establish meas-
3 ures to assess the performance of the proposed scan-
4 ning technologies, including—

5 (A) the rate of false positives;

6 (B) the delays in processing times; and

7 (C) the impact on the supply chain.

8 (b) PILOT PROGRAM.—

9 (1) ESTABLISHMENT.—The Secretary may es-
10 tablish a pilot program to determine the efficacy of
11 a scanning technology referred to in subsection (a).

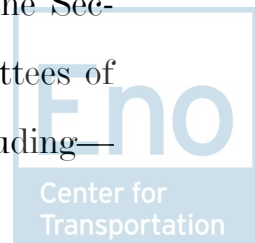
12 (2) APPLICATION PROCESS.—In carrying out
13 the pilot program under this subsection, the Sec-
14 retary shall—

15 (A) solicit applications from domestic
16 ports;

17 (B) select up to 4 domestic ports to par-
18 ticipate in the pilot program; and

19 (C) select ports with unique features and
20 differing levels of trade volume.

21 (3) REPORT.—Not later than 1 year after initi-
22 ating a pilot program under paragraph (1), the Sec-
23 retary shall submit to the appropriate committees of
24 Congress a report on the pilot program, including—



1 (A) an evaluation of the scanning tech-
2 nologies proposed to improve security at domes-
3 tic ports and to meet the full-scale implementa-
4 tion requirement;

5 (B) the costs to implement a pilot pro-
6 gram;

7 (C) the benefits of the proposed scanning
8 technologies;

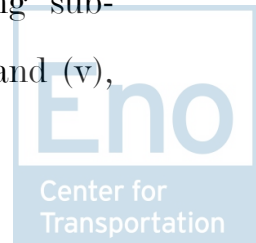
9 (D) the impact of the pilot program on the
10 supply chain; and

11 (E) recommendations for implementation
12 of advanced cargo scanning technologies at do-
13 mestic ports.

14 (4) SHARING PILOT PROGRAM TESTING RE-
15 SULTS.—The results of the pilot testing of advanced
16 cargo scanning technologies shall be shared, as ap-
17 propriate, with government agencies and private
18 stakeholders whose responsibilities encompass the se-
19 cure transport of cargo.

20 **SEC. 6717. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) TRANSPORTATION SECURITY ADMINISTRA-
22 TION.—Section 114 is amended by redesignating sub-
23 sections (u), (v), and (w) as subsections (t), (u), and (v),
24 respectively.



1 (b) TRANSPORTATION SECURITY STRATEGIC PLAN-
2 NING.—Section 114(s)(3)(B) is amended by striking
3 “2007” and inserting “2007”).

4 (c) CONGRESSIONAL OVERSIGHT OF SECURITY AS-
5 SURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—
6 Section 1203(b)(1)(B) of the Implementing Recommenda-
7 tions of the 9/11 Commission Act of 2007 (49 U.S.C. 114
8 note) is amended by striking “, under section 114(u)(7)
9 of title 49, United States Code, as added by this section,
10 or otherwise,”.

11 **Subtitle H—Conforming and**
12 **Miscellaneous Amendments**

13 **SEC. 6801. TITLE 49 AMENDMENTS.**

14 (a) DELETION OF DUTIES RELATED TO AVIATION
15 SECURITY.—Section 106(g) is amended to read as follows:

16 “(g) DUTIES AND POWERS OF ADMINISTRATOR.—
17 The Administrator shall carry out the following:

18 “(1) Duties and powers of the Secretary of
19 Transportation under subsection (f) of this section
20 related to aviation safety (except those related to
21 transportation, packaging, marking, or description of
22 hazardous material) and stated in the following:

23 “(A) Section 308(b).

24 “(B) Subsections (c) and (d) of section
25 1132.



1 “(C) Sections 40101(c), 40103(b),
2 40106(a), 40108, 40109(b), 40113(a),
3 40113(c), 40113(d), 40113(e), and 40114(a).

4 “(D) Chapter 445, except sections
5 44501(b), 44502(a)(2), 44502(a)(3),
6 44502(a)(4), 44503, 44506, 44509, 44510,
7 44514, and 44515.

8 “(E) Chapter 447, except sections 44717,
9 44718(a), 44718(b), 44719, 44720, 44721(b),
10 44722, and 44723.

11 “(F) Chapter 451.

12 “(G) Chapter 453.

13 “(H) Section 46104.

14 “(I) Subsections (d) and (h)(2) of section
15 46301 and sections 46303(c), 46304 through
16 46308, 46310, 46311, and 46313 through
17 46316.

18 “(J) Chapter 465.

19 “(K) Sections 47504(b) (related to flight
20 procedures), 47508(a), and 48107.

21 “(2) Additional duties and powers prescribed by
22 the Secretary of Transportation.”.

23 (b) TRANSPORTATION SECURITY OVERSIGHT
24 BOARD.—Section 115 is amended—



1 (1) in subsection (c)(1), by striking “Under
2 Secretary of Transportation for security” and insert-
3 ing “Administrator of the Transportation Security
4 Administration”; and

5 (2) in subsection (c)(6), by striking “Under
6 Secretary” and inserting “Administrator”.

7 (c) CHAPTER 401 AMENDMENTS.—Chapter 401 is
8 amended—

9 (1) in section 40109—

10 (A) in subsection (b), by striking “, 40119,
11 44901, 44903, 44906, and 44935–44937”; and

12 (B) in subsection (c), by striking “sections
13 44909 and” and inserting “sections 44909(a),
14 44909(b), and”;

15 (2) in section 40113—

16 (A) in subsection (a)—

17 (i) by striking “the Under Secretary
18 of Transportation for Security with respect
19 to security duties and powers designated to
20 be carried out by the Under Secretary or”
21 and inserting “the Administrator of the
22 Transportation Security Administration
23 with respect to security duties and powers
24 designated to be carried out by that Ad-
25 ministrator or”;



1 (ii) by striking “carried out by the
2 Administrator” and inserting “carried out
3 by that Administrator”; and

4 (iii) by striking “, Under Secretary, or
5 Administrator,” and inserting “, Adminis-
6 trator of the Transportation Security Ad-
7 ministration, or Administrator of the Fed-
8 eral Aviation Administration,”; and
9 (B) in subsection (d)—

10 (i) by striking “Under Secretary of
11 Transportation for Security or the”;

12 (ii) by striking “Transportation Secu-
13 rity Administration or Federal Aviation
14 Administration, as the case may be,” and
15 inserting “Federal Aviation Administra-
16 tion”; and

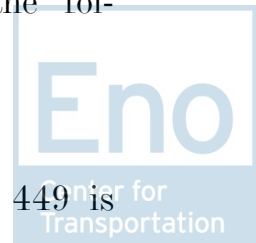
17 (iii) by striking “Under Secretary or
18 Administrator, as the case may be,” and
19 inserting “Administrator”;

20 (3) by striking section 40119; and

21 (4) in the table of contents, by striking the item
22 relating to section 40119 and inserting the fol-
23 lowing:

“40119. [Reserved].”.

24 (d) CHAPTER 449 AMENDMENTS.—Chapter 449 is
25 amended—



1 (1) in section 44901—

2 (A) in subsection (a)—

3 (i) by striking “Under Secretary of
4 Transportation for Security” and inserting
5 “Administrator of the Transportation Se-
6 curity Administration”; and

7 (ii) by striking “, United States
8 Code”;

9 (B) in subsection (c), by striking “but not
10 later than the 60th day following the date of
11 enactment of the Aviation and Transportation
12 Security Act”;

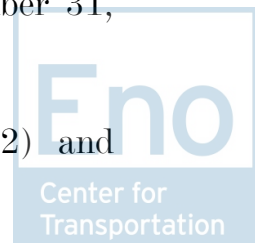
13 (C) in subsection (d)—

14 (i) in paragraph (1)—

15 (I) in the matter preceding sub-
16 paragraph (A), by striking “Under
17 Secretary of Transportation for Secu-
18 rity” and inserting “Administrator of
19 the Transportation Security Adminis-
20 tration”; and

21 (II) in subparagraph (A), by
22 striking “no later than December 31,
23 2002”;

24 (ii) by striking paragraphs (2) and
25 (3);



1 (iii) by redesignating paragraph (4) as
2 paragraph (2); and

3 (iv) in paragraph (2), as redesign-
4 nated—

5 (I) in subparagraph (A), by strik-
6 ing “Assistant Secretary (Transpor-
7 tation Security Administration)” and
8 inserting “Administrator of the
9 Transportation Security Administra-
10 tion”;

11 (II) in subparagraph (B), by
12 striking “Assistant Secretary” and in-
13 serting “Administrator of the Trans-
14 portation Security Administration”;
15 and

16 (III) in subparagraph (D)—

17 (aa) by striking “Assistant
18 Secretary” the first place it ap-
19 pears and inserting “Adminis-
20 trator of the Transportation Se-
21 curity Administration”; and

22 (bb) by striking “Assistant
23 Secretary” the second place it
24 appears and inserting “Adminis-
25 trator”;



1 (D) in subsection (e)—

2 (i) in that matter preceding para-
3 graph (1)—

4 (I) by striking “but not later
5 than the 60th day following the date
6 of enactment of the Aviation and
7 Transportation Security Act”; and

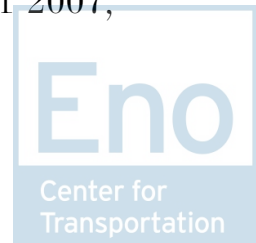
8 (II) by striking “Under Sec-
9 retary” and inserting “Administrator
10 of the Transportation Security Ad-
11 ministration”; and

12 (ii) in paragraph (4), by striking
13 “Under Secretary” and inserting “Admin-
14 istrator”;

15 (E) in subsection (f), by striking “after the
16 date of enactment of the Aviation and Trans-
17 portation Security Act”;

18 (F) in subsection (g)—

19 (i) in paragraph (1), by striking “Not
20 later than 3 years after the date of enact-
21 ment of the Implementing Recommenda-
22 tions of the 9/11 Commission Act of 2007,
23 the” and inserting “The”;



1 (ii) in paragraph (2), by striking “as
2 follows:” and all that follows and inserting
3 a period;

4 (iii) by amending paragraph (3) to
5 read as follows:

6 “(3) REGULATIONS.—The Secretary of Home-
7 land Security shall issue a final rule as a permanent
8 regulation to implement this subsection in accord-
9 ance with the provisions of chapter 5 of title 5.”;

10 (iv) by striking paragraph (4); and

11 (v) by redesignating paragraph (5) as
12 paragraph (4);

13 (G) in subsection (h)—

14 (i) in paragraph (1), by striking
15 “Under Secretary” and inserting “Admin-
16 istrator of the Transportation Security Ad-
17 ministration”; and

18 (ii) in paragraph (2)—

19 (I) by striking “Under Sec-
20 retary” the first place it appears and
21 inserting “Administrator of the
22 Transportation Security Administra-
23 tion”; and



1 (II) by striking “Under Sec-
2 retary” each place it appears and in-
3 serting “Administrator”;

4 (H) in subsection (i)—

5 (i) in the matter preceding paragraph
6 (1), by striking “Under Secretary” and in-
7 serting “Administrator of the Transpor-
8 tation Security Administration”; and

9 (ii) in paragraph (2), by striking
10 “Under Secretary” and inserting “Admin-
11 istrator”;

12 (I) in subsection (j)(1)—

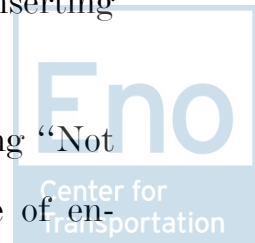
13 (i) in the matter preceding subpara-
14 graph (A), by striking “Before January 1,
15 2008, the” and inserting “The”; and

16 (ii) in subparagraph (A), by striking
17 “the date of enactment of this subsection”
18 and inserting “August 3, 2007”;

19 (J) in subsection (k)—

20 (i) in paragraph (1), by striking “Not
21 later than one year after the date of enact-
22 ment of this subsection, the” and inserting
23 “The”;

24 (ii) in paragraph (2), by striking “Not
25 later than 6 months after the date of en-



1 actment of this subsection, the” and in-
2 serting “The”; and

3 (iii) in paragraph (3), by striking
4 “Not later than 180 days after the date of
5 enactment of this subsection, the” in para-
6 graph (3) and inserting “The”; and

7 (K) in subsection (l)—

8 (i) in paragraph (2)—

9 (I) in the matter preceding sub-
10 paragraph (A), by striking “Begin-
11 ning June 1, 2012, the Assistant Sec-
12 retary of Homeland Security (Trans-
13 portation Security Administration)”
14 and inserting “The Administrator of
15 the Transportation Security Adminis-
16 tration”; and

17 (II) in subparagraph (B), by
18 striking “Assistant Secretary” and in-
19 serting “Administrator”;

20 (ii) in paragraph (3)—

21 (I) in subparagraph (A)—

22 (aa) by striking “Assistant
23 Secretary” the first place it ap-
24 pears and inserting “Adminis-



1 trator of the Transportation Se-
2 curity Administration”; and

3 (bb) by striking “Assistant
4 Secretary” the second place it
5 appears and inserting “Adminis-
6 trator”; and

7 (II) in subparagraph (B), by
8 striking “Assistant Secretary” and in-
9 serting “Administrator of the Trans-
10 portation Security Administration”;
11 and

12 (iii) in paragraph (4)—

13 (I) in subparagraph (A)—

14 (aa) by striking “60 days
15 after the deadline specified in
16 paragraph (2), and not later
17 than”;

18 (bb) by striking “Assistant
19 Secretary” the first place it ap-
20 pears and inserting “Adminis-
21 trator of the Transportation Se-
22 curity Administration”; and

23 (cc) by striking “Assistant
24 Secretary” the second place it



1 appears and inserting “Adminis-
2 trator”; and

3 (II) in subparagraph (B), by
4 striking “Assistant Secretary” each
5 place it appears and inserting “Ad-
6 ministrator of the Transportation Se-
7 curity Administration”;

8 (2) section 44902 is amended—

9 (A) in subsection (a), by striking “Under
10 Secretary of Transportation for Security” and
11 inserting “Administrator of the Transportation
12 Security Administration”; and

13 (B) in subsection (b), by striking “Under
14 Secretary” and inserting “Administrator of the
15 Transportation Security Administration”;

16 (3) section 44903 is amended—

17 (A) in subsection (a)—

18 (i) in the heading, by striking “DEFI-
19 NITION” and inserting “DEFINITIONS”;

20 (ii) by redesignating paragraphs (1)
21 through (3) as subparagraphs (A) through
22 (C), respectively;

23 (iii) in subparagraph (B), as redesign-
24 nated, by striking “Under Secretary of



1 Transportation for Security” and inserting
2 “Administrator”;

3 (iv) in the matter preceding subpara-
4 graph (A), as redesignated, by striking “In
5 this section, ‘law enforcement personnel’
6 means individuals—” and inserting “In
7 this section:”;

8 (v) by inserting before subparagraph
9 (A), the following:

10 “(2) LAW ENFORCEMENT PERSONNEL.—The
11 term ‘law enforcement personnel’ means individ-
12 uals—”; and

13 (vi) by inserting before paragraph (2),
14 as redesignated, the following:

15 “(1) ADMINISTRATOR.—The term ‘Adminis-
16 trator’ means the Administrator of the Transpor-
17 tation Security Administration.”;

18 (B) in subsection (d), by striking “Sec-
19 retary of Transportation” and inserting “Ad-
20 ministrator”;

21 (C) in subsection (g), by striking “Under
22 Secretary’s” each place it appears and inserting
23 “Administrator’s”;

24 (D) in subsection (h)—



1 (i) in paragraph (3), by striking “Sec-
2 retary” and inserting “Secretary of Home-
3 land Security”;

4 (ii) in paragraph (4)—

5 (I) in subparagraph (A), by strik-
6 ing “, as soon as practicable after the
7 date of enactment of this subsection,”;

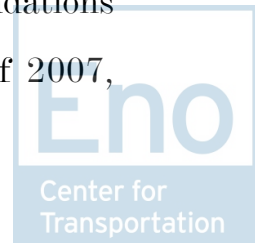
8 (II) in subparagraph (C), by
9 striking “section 44903(c)” and in-
10 serting “subsection (c)”; and

11 (III) in subparagraph (E), by
12 striking “, not later than March 31,
13 2005,”;

14 (iii) in paragraph (5), by striking
15 “Assistant Secretary of Homeland Security
16 (Transportation Security Administration)”
17 and inserting “Administrator”;

18 (iv) in paragraph (6)(A)—

19 (I) in the matter preceding clause
20 (i), by striking “Not later than 18
21 months after the date of enactment of
22 the Implementing Recommendations
23 of the 9/11 Commission Act of 2007,
24 the” and inserting “The”; and



1 (II) in clause (i), by striking
2 “section” and inserting “paragraph”;
3 and

4 (v) in paragraph (6)(C), by striking
5 “Secretary” and inserting “Secretary of
6 Homeland Security”;

7 (E) in subsection (i)(3), by striking “,
8 after the date of enactment of this paragraph,”;

9 (F) in subsection (j)—

10 (i) by amending paragraph (1) to read
11 as follows:

12 “(1) IN GENERAL.—The Administrator shall
13 periodically recommend to airport operators commer-
14 cially available measures or procedures to prevent
15 access to secure airport areas by unauthorized per-
16 sons.”;

17 (ii) in paragraph (2)—

18 (I) in the heading, by striking
19 “COMPUTER-ASSISTED PASSENGER
20 PRESCREENING SYSTEM” and insert-
21 ing “SECURE FLIGHT PROGRAM”;

22 (II) in subparagraph (A)—

23 (aa) by striking “Computer-
24 Assisted Passenger Prescreening



1 System” and inserting “Secure
2 Flight program”;

3 (bb) by striking “Secretary
4 of Transportation” and inserting
5 “Administrator”; and

6 (cc) by striking “system”
7 each place it appears and insert-
8 ing “program”;

9 (III) in subparagraph (B)—

10 (aa) by striking “Computer-
11 Assisted Passenger Prescreening
12 System” and inserting “Secure
13 Flight program”;

14 (bb) by striking “Secretary
15 of Transportation” and inserting
16 “Administrator”; and

17 (cc) by striking “Secretary”
18 and inserting “Administrator”;

19 (IV) in subparagraph (C)—

20 (aa) in clause (i), by striking
21 “Not later than January 1, 2005,
22 the Assistant Secretary of Home-
23 land Security (Transportation
24 Security Administration), or the
25 designee of the Assistant Sec-



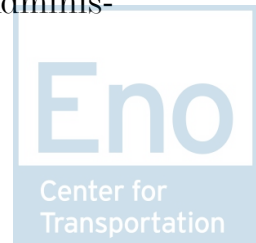
1 retary,” and inserting “The Ad-
2 ministrator”;

3 (bb) in clause (ii), by strik-
4 ing “Not later than 180 days
5 after completion of testing under
6 clause (i), the” and inserting
7 “The”; and

8 (cc) in clause (iv), by strik-
9 ing “Not later than 180 days
10 after” and inserting “After”;

11 (V) in subparagraph (D), by
12 striking “Assistant Secretary of
13 Homeland Security (Transportation
14 Security Administration)” and insert-
15 ing “Administrator”;

16 (VI) in subparagraph (E)(i), by
17 striking “Not later than 90 days after
18 the date on which the Assistant Sec-
19 retary assumes the performance of the
20 advanced passenger prescreening
21 function under subparagraph (C)(ii),
22 the” and inserting “The Adminis-
23 trator”; and



1 (VII) by striking “Assistant Sec-
2 retary” each place it appears and in-
3 serting “Administrator”;

4 (G) in subsection (l), by striking “Under
5 Secretary for Border and Transportation Secu-
6 rity of the Department of Homeland Security”
7 and inserting “Administrator”;

8 (H) in subsection (m)—

9 (i) in paragraph (1), by striking “As-
10 sistant Secretary of Homeland Security
11 (Transportation Security Administration)”
12 and inserting “Administrator”; and

13 (ii) by striking “Assistant Secretary”
14 each place it appears and inserting “Ad-
15 ministrator”; and

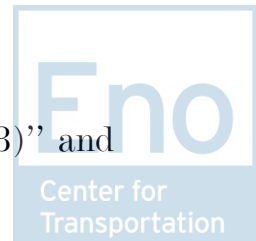
16 (I) by striking “Under Secretary” each
17 place it appears and inserting “Administrator”;

18 (4) section 44904 is amended—

19 (A) in subsection (a), by striking “Under
20 Secretary of Transportation for Security” and
21 inserting “Administrator of the Transportation
22 Security Administration”;

23 (B) in subsection (c)—

24 (i) by striking “section 114(t)(3)” and
25 inserting “section 114(s)(3)”; and



1 (ii) by striking “section 114(t)” and
2 inserting “section 114(s)”;

3 (C) in subsection (d)—

4 (i) by striking “Not later than 90
5 days after the date of the submission of
6 the National Strategy for Transportation
7 Security under section 114(t)(4)(A), the
8 Assistant Secretary of Homeland Security
9 (Transportation Security Administration)”
10 and inserting “The Administrator of the
11 Transportation Security Administration”;
12 and

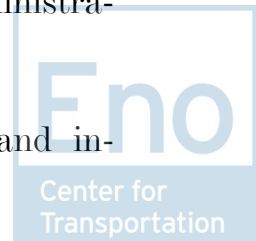
13 (ii) by striking “section 114(t)(1)”
14 and inserting “section 114(s)(1)”; and

15 (D) by striking “Under Secretary” each
16 place it appears and inserting “Administrator
17 of the Transportation Security Administration”;
18 (5) section 44905 is amended—

19 (A) in subsection (a)—

20 (i) by striking “Secretary of Trans-
21 portation” and inserting “Administrator of
22 the Transportation Security Administra-
23 tion”; and

24 (ii) by striking “Secretary.” and in-
25 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
6 striking “Under Secretary” each place it ap-
7 pears and inserting “Administrator of the
8 Transportation Security Administration”;
9 (6) section 44906 is amended—

10 (A) by striking “Under Secretary of
11 Transportation for Security” and inserting
12 “Administrator of the Transportation Security
13 Administration”; 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
19 “Administrator of the Transportation Security
20 Administration”;

21 (B) in subsection (a), by striking “safety
22 or”; and

23 (C) in subsection (c), by striking “The
24 Secretary” 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 Se-
12 curity 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



1 Secretary of Homeland Security
2 to”;

3 (9) section 44911 is amended—

4 (A) in subsection (b), by striking “Under
5 Secretary of Transportation for Security” and
6 inserting “Administrator of the Transportation
7 Security Administration”;

8 (B) in subsection (d), by striking “request
9 of the Secretary” and inserting “request of the
10 Secretary of Homeland Security”; and

11 (C) in subsection (e)—

12 (i) by striking “Secretary, and the
13 Under Secretary” and inserting “Secretary
14 of Homeland Security, and the Adminis-
15 trator of the Transportation Security Ad-
16 ministration”; and

17 (ii) by striking “intelligence commu-
18 nity and the Under Secretary” and insert-
19 ing “intelligence community and the Ad-
20 ministrator of the Transportation Security
21 Administration”;

22 (10) section 44912 is amended—

23 (A) in subsection (a)—

24 (i) in paragraph (1)—



1 (I) by striking “Under Secretary
2 of Transportation for Security” and
3 inserting “Administrator”; and

4 (II) by striking “, not later than
5 November 16, 1993,”; and

6 (ii) in paragraph (4)(C), by striking
7 “Research, Engineering and Development
8 Advisory Committee” and inserting “Ad-
9 ministrator”;

10 (B) in subsection (c)—

11 (i) in paragraph (1), by striking “, as
12 a subcommittee of the Research, Engineer-
13 ing, and Development Advisory Com-
14 mittee,”; and

15 (ii) in paragraph (4), by striking “Not
16 later than 90 days after the date of the en-
17 actment of the Aviation and Transpor-
18 tation Security Act, and every two years
19 thereafter,” and inserting “Biennially,”;

20 (C) by striking “Under Secretary” each
21 place it appears and inserting “Administrator”;
22 and

23 (D) by adding at the end the following:

24 “(d) SECURITY AND RESEARCH AND DEVELOPMENT
25 ACTIVITIES.—



1 “(1) IN GENERAL.—The Administrator shall
2 conduct research (including behavioral research) and
3 development activities appropriate to develop, mod-
4 ify, test, and evaluate a system, procedure, facility,
5 or device to protect passengers and property against
6 acts of criminal violence, aircraft piracy, and ter-
7 rorism and to ensure security.

8 “(2) DISCLOSURE.—

9 “(A) IN GENERAL.—Notwithstanding sec-
10 tion 552 of title 5, the Administrator shall pre-
11 scribe regulations prohibiting disclosure of in-
12 formation obtained or developed in ensuring se-
13 curity under this title if the Secretary of Home-
14 land Security decides disclosing the information
15 would—

16 “(i) be an unwarranted invasion of
17 personal privacy;

18 “(ii) reveal a trade secret or privileged
19 or confidential commercial or financial in-
20 formation; or

21 “(iii) be detrimental to transportation
22 safety.

23 “(B) INFORMATION TO CONGRESS.—Sub-
24 paragraph (A) does not authorize information



1 to be withheld from a committee of Congress
2 authorized to have the information.

3 “(C) RULE OF CONSTRUCTION.—Nothing
4 in subparagraph (A) shall be construed to au-
5 thorize the designation of information as sen-
6 sitive security information (as defined in section
7 15.5 of title 49, Code of Federal Regulations)—

8 “(i) to conceal a violation of law, inef-
9 ficiency, or administrative error;

10 “(ii) to prevent embarrassment to a
11 person, organization, or agency;

12 “(iii) to restrain competition; or

13 “(iv) to prevent or delay the release of
14 information that does not require protec-
15 tion in the interest of transportation secu-
16 rity, including basic scientific research in-
17 formation not clearly related to transpor-
18 tation security.

19 “(D) PRIVACY ACT.—Section 552a of title
20 5 shall not apply to disclosures that the Admin-
21 istrator of the Transportation Security Admin-
22 istration may make from the systems of records
23 of the Transportation Security Administration
24 to any Federal law enforcement, intelligence,
25 protective service, immigration, or national se-



1 curity official in order to assist the official re-
2 ceiving the information in the performance of
3 official duties.

4 “(3) TRANSFERS OF DUTIES AND POWERS PRO-
5 HIBITED.—Except as otherwise provided by law, the
6 Administrator may not transfer a duty or power
7 under this section to another department, agency, or
8 instrumentality of the United States Government.

9 “(e) DEFINITION OF ADMINISTRATOR.—In this sec-
10 tion, the term ‘Administrator’ means the Administrator of
11 the Transportation Security Administration.”;

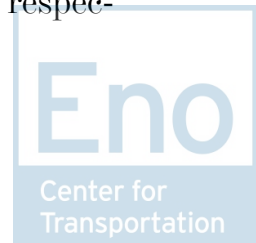
12 (11) section 44913 is amended—

13 (A) in subsection (a)—

14 (i) in paragraph (1), by striking
15 “Under Secretary of Transportation for
16 Security” and inserting “Administrator of
17 the Transportation Security Administra-
18 tion (referred to in this section as ‘the Ad-
19 ministrator’)”;

20 (ii) by striking paragraph (2);

21 (iii) by redesignating paragraphs (3)
22 and (4) as paragraphs (2) and (3), respec-
23 tively; and



1 (iv) by striking “Under Secretary”
2 each place it appears and inserting “Ad-
3 ministrator”; and

4 (B) in subsection (b), by striking “Sec-
5 retary of Transportation” and inserting “Ad-
6 ministrator”;

7 (12) section 44914 is amended—

8 (A) by striking “Under Secretary of
9 Transportation for Security” and inserting
10 “Administrator of the Transportation Security
11 Administration”;

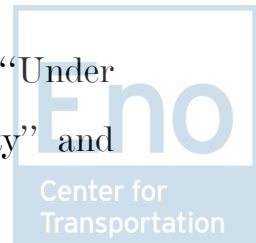
12 (B) by striking “Under Secretary” each
13 place it appears and inserting “Administrator”;
14 and

15 (C) by inserting “the Department of
16 Transportation,” before “air carriers, airport
17 authorities, and others”;

18 (13) section 44915 is amended by striking
19 “Under Secretary of Transportation for Security”
20 and inserting “Administrator of the Transportation
21 Security Administration”;

22 (14) section 44916 is amended—

23 (A) in subsection (a), by striking “Under
24 Secretary of Transportation for Security” and



1 inserting “Administrator of the Transportation
2 Security Administration”; and

3 (B) in subsection (b)—

4 (i) by striking “Under Secretary” the
5 first place it appears and inserting “Ad-
6 ministrator of the Transportation Security
7 Administration”; and

8 (ii) by striking “Under Secretary” the
9 second place it appears and inserting “Ad-
10 ministrator”;

11 (15) section 44917 is amended—

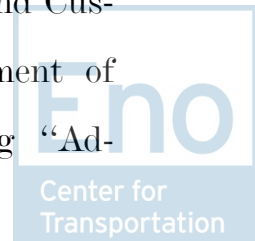
12 (A) in subsection (a)—

13 (i) in the matter preceding paragraph
14 (1), by striking “Under Secretary of
15 Transportation for Security” and inserting
16 “Administrator of the Transportation Se-
17 curity Administration”; and

18 (ii) in paragraph (2), by striking “by
19 the Secretary”;

20 (B) in subsection (d)—

21 (i) in paragraph (1), by striking “As-
22 sistant Secretary for Immigration and Cus-
23 toms Enforcement of the Department of
24 Homeland Security” and inserting “Ad-



1 ministrator of the Transportation Security
2 Administration”; and

3 (ii) in paragraph (3), by striking “As-
4 sistant Secretary” each place it appears
5 and inserting “Administrator of the Trans-
6 portation Security Administration”;

7 (16) section 44918 is amended—

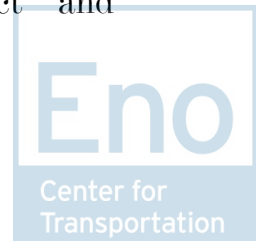
8 (A) in subsection (a)—

9 (i) in paragraph (2)(E), by striking
10 “Under Secretary for Border and Trans-
11 portation Security of the Department of
12 Homeland Security” and inserting “Ad-
13 ministrator of the Transportation Security
14 Administration”;

15 (ii) in paragraph (4), by striking “Not
16 later than one year after the date of enact-
17 ment of the Vision 100—Century of Avia-
18 tion Reauthorization Act, the” and insert-
19 ing “The”; and

20 (iii) in paragraph (5), by striking “the
21 date of enactment of the Vision 100—Cen-
22 tury of Aviation Reauthorization Act” and
23 inserting “December 12, 2003,”;

24 (B) in subsection (b)—



1 (i) in paragraph (1), by striking “Not
2 later than one year after the date of enact-
3 ment of the Vision 100—Century of Avia-
4 tion Reauthorization Act, the” and insert-
5 ing “The”; and

6 (ii) in paragraph (6), by striking
7 “Federal Air Marshals Service” and insert-
8 ing “Federal Air Marshal Service”; and

9 (C) by striking “Under Secretary” each
10 place it appears and inserting “Administrator
11 of the Transportation Security Administration”;
12 (17) section 44920 is amended—

13 (A) in subsection (g)(1), by striking “sub-
14 section (a) or section 44919” and inserting
15 “subsection (a)”; and

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

17 “(i) DEFINITION OF ADMINISTRATOR.—In this sec-
18 tion, the term ‘Administrator’ means the Administrator of
19 the Transportation Security Administration.”;

20 (18) section 44922 is amended—

21 (A) in the heading, by striking “**Deputa-**
22 **tion**” and inserting “**Deputization**”;

23 (B) in subsection (a)—



1 (i) in the heading, by striking “DEPU-
2 TATION” and inserting “DEPUTIZATION”;
3 and

4 (ii) by striking “Under Secretary of
5 Transportation for Security” and inserting
6 “Administrator of the Transportation Se-
7 curity Administration”;

8 (C) in subsection (e), by striking “deputa-
9 tion” and inserting “deputization”; and

10 (D) by striking “Under Secretary” each
11 place it appears and inserting “Administrator
12 of the Transportation Security Administration”;
13 (19) section 44923 is amended—

14 (A) in subsection (a), by striking “Under
15 Secretary for Border and Transportation Secu-
16 rity of the Department of Homeland Security”
17 and inserting “Administrator of the Transpor-
18 tation Security Administration”;

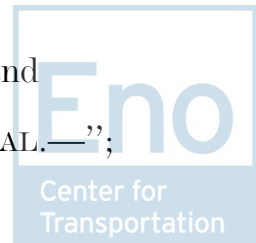
19 (B) by striking “Under Secretary” each
20 place it appears and inserting “Administrator
21 of the Transportation Security Administration”;

22 (C) in subsection (e)—

23 (i) by striking paragraph (2); and

24 (ii) by striking “(1) IN GENERAL.—”;

25 and



1 (D) by striking subsection (j);

2 (20) section 44924 is amended—

3 (A) in subsection (a)—

4 (i) by striking “Under Secretary for
5 Border and Transportation Security of the
6 Department of Homeland Security” and
7 inserting “Administrator of the Transpor-
8 tation Security Administration”; and

9 (ii) by striking “Administrator under”
10 and inserting “Administrator of the Fed-
11 eral Aviation Administration under”;

12 (B) in subsections (b), (c), (d), (e), and
13 (f), by striking “Administrator” and inserting
14 “Administrator of the Federal Aviation Admin-
15 istration”;

16 (C) in subsection (f), by striking “Not
17 later than 240 days after the date of enactment
18 of this section, the” and inserting “The”; and

19 (D) by striking “Under Secretary” each
20 place it appears and inserting “Administrator
21 of the Transportation Security Administration”;

22 (21) section 44925 is amended—

23 (A) in subsection (b)(1), by striking “Not
24 later than 90 days after the date of enactment
25 of this section, the Assistant Secretary of



1 Homeland Security (Transportation Security
2 Administration)” and inserting “The Adminis-
3 trator of the Transportation Security Adminis-
4 tration”;

5 (B) in subsection (b), by striking para-
6 graph (3); and

7 (C) in subsection (d), by striking “Assist-
8 ant Secretary” each place it appears and insert-
9 ing “Administrator of the Transportation Secu-
10 rity Administration”;

11 (22) section 44926(b)(3) is amended by strik-
12 ing “an misidentified passenger” and inserting “a
13 misidentified passenger”;

14 (23) section 44927 is amended—

15 (A) by striking “Assistant Secretary” each
16 place it appears and inserting “Administrator
17 of the Transportation Security Administration”;

18 (B) in subsection (a), by striking “Veteran
19 Affairs” and inserting “Veterans Affairs”; and

20 (C) in subsection (f)—

21 (i) in the heading, by striking “RE-
22 PORT” and inserting “REPORTS”; and

23 (ii) by striking “Not later than 1 year
24 after the date of enactment of this section,



1 and annually thereafter,” and inserting

2 “Each year,”;

3 (24) section 44933 is amended—

4 (A) in subsection (a)—

5 (i) by striking “Under Secretary of

6 Transportation for Security” and inserting

7 “Administrator of the Transportation Se-
8 curity Administration”;

9 (ii) by striking “Federal Security
10 Manager” and inserting “Federal Security
11 Director”; and

12 (iii) by striking “Managers” each
13 place it appears and inserting “Federal Se-
14 curity Directors”;

15 (B) in subsection (b), by striking “Man-
16 ager” and inserting “Federal Security Direc-
17 tor”; and

18 (C) by striking “Under Secretary” each
19 place it appears and inserting “Administrator
20 of the Transportation Security Administration”;

21 (25) section 44934 is amended—

22 (A) in subsection (a)—

23 (i) by striking “Under Secretary of
24 Transportation for Security” and inserting



1 “Administrator of the Transportation Se-
2 curity Administration”;

3 (ii) by striking “airports. In coordina-
4 tion with the Secretary” and inserting
5 “airports. In coordination with the Sec-
6 retary of State”;

7 (iii) by striking “The Secretary shall
8 give high priority” and inserting “The Sec-
9 retary of State shall give high priority”;
10 and

11 (iv) by striking “Under Secretary”
12 each place it appears and inserting “Ad-
13 ministrator”; and

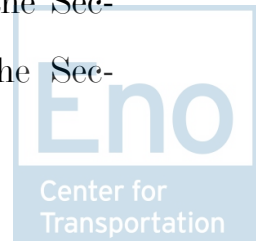
14 (B) in subsection (b)—

15 (i) in the matter preceding paragraph
16 (1), by striking “Under Secretary” and in-
17 serting “Administrator of the Transpor-
18 tation Security Administration”; and

19 (ii) in paragraph (1), by striking
20 “Under Secretary” and inserting “Admin-
21 istrator”; and

22 (C) in subsection (c), by striking “the Sec-
23 retary and the chief” and inserting “the Sec-
24 retary of State and the chief”;

25 (26) section 44935 is amended—



1 (A) in subsection (a), by striking “Under
2 Secretary of Transportation for Security” and
3 inserting “Administrator”;

4 (B) in subsection (e)—

5 (i) in paragraph (1), by striking
6 “Under Secretary of Transportation for
7 Security” and inserting “Administrator”;
8 and

9 (ii) in paragraph (2)(A)—

10 (I) in the matter preceding clause

11 (i)—

12 (aa) by striking “Within 30
13 days after the date of enactment
14 of the Aviation and Transpor-
15 tation Security Act, the” and in-
16 serting “The”; and

17 (bb) by inserting “other” be-
18 fore “provision of law”; and

19 (II) in clause (ii), by striking
20 “section 1102(a)(22)” and inserting
21 “section 101(a)(22)”;

22 (C) in subsection (f)(1), by inserting
23 “other” before “provision of law”;

24 (D) in subsection (g)(2), by striking
25 “Within 60 days after the date of enactment of



1 the Aviation and Transportation Security Act,
2 the” and inserting “The”;

3 (E) by striking “(i) ACCESSIBILITY OF
4 COMPUTER-BASED TRAINING FACILITIES.—”
5 and inserting “(k) ACCESSIBILITY OF COM-
6 PUTER-BASED TRAINING FACILITIES.—”;

7 (F) by striking “Under Secretary” each
8 place it appears and inserting “Administrator”;
9 and

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

11 “(l) DEFINITION OF ADMINISTRATOR.—In this sec-
12 tion, the term ‘Administrator’ means the Administrator of
13 the Transportation Security Administration.”;

14 (27) section 44936 is amended—

15 (A) in subsection (a)—

16 (i) by striking “Under Secretary of
17 Transportation for Security” each place it
18 appears and inserting “Administrator”;

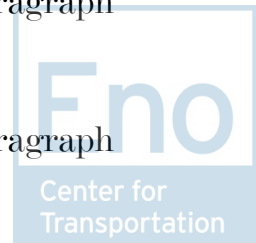
19 (ii) in paragraph (1)—

20 (I) in subparagraph (A), by strik-
21 ing “,” and inserting a comma; and

22 (II) by striking subparagraph
23 (C); and

24 (iii) by redesignating subparagraph

25 (D) as subparagraph (C);



1 (B) in subsection (c)(1), by striking
2 “Under Secretary’s” and inserting “Adminis-
3 trator’s”;

4 (C) by striking “Under Secretary” each
5 place it appears and inserting “Administrator”;
6 and

7 (D) by adding at the end the following:

8 “(f) DEFINITION OF ADMINISTRATOR.—In this sec-
9 tion, the term ‘Administrator’ means the Administrator of
10 the Transportation Security Administration.”;

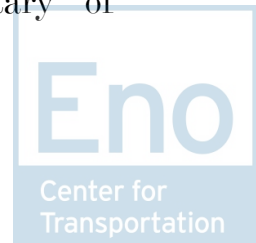
11 (28) section 44937 is amended by striking
12 “Under Secretary of Transportation for Security”
13 and inserting “Administrator of the Transportation
14 Security Administration”;

15 (29) section 44938 is amended—

16 (A) in subsection (a)—

17 (i) by striking “Under Secretary of
18 Transportation for Security” and inserting
19 “Administrator of the Transportation Se-
20 curity Administration”; and

21 (ii) by striking “Secretary of Trans-
22 portation” and inserting “Secretary of
23 Homeland Security”; and



1 (B) by striking “Under Secretary” each
2 place it appears and inserting “Administrator
3 of the Transportation Security Administration”;
4 (30) section 44939(d) is amended by striking
5 “Not later than 60 days after the date of enactment
6 of this section, the Secretary” and inserting “The
7 Secretary of Homeland Security”;

8 (31) section 44940 is amended—

9 (A) in subsection (a)—

10 (i) in paragraph (1)—

11 (I) by striking “Under Secretary
12 of Transportation for Security” and
13 inserting “Administrator of the
14 Transportation Security Administra-
15 tion”; and

16 (II) by striking the last two sen-
17 tences; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(2) DETERMINATION OF COSTS.—

21 “(A) IN GENERAL.—The amount of the
22 costs under paragraph (1) shall be determined
23 by the Administrator of the Transportation Se-
24 curity Administration and shall not be subject
25 to judicial review.



1 “(B) DEFINITION OF FEDERAL LAW EN-
2 FORCEMENT PERSONNEL.—For purposes of
3 paragraph (1)(A), the term ‘Federal law en-
4 forcement personnel’ includes State and local
5 law enforcement officers who are deputized
6 under section 44922.”;

7 (B) in subsections (b), (d), (e), (g), and
8 (h), by striking “Under Secretary” each place it
9 appears and inserting “Administrator of the
10 Transportation Security Administration”;

11 (C) in subsection (d)—

12 (i) in paragraph (1)—

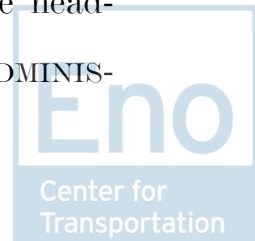
13 (I) by striking “within 60 days of
14 the date of enactment of this Act, or”;
15 and

16 (II) by striking “thereafter”; and

17 (ii) in paragraph (2), by striking
18 “subsection (d)” each place it appears and
19 inserting “paragraph (1) of this sub-
20 section”;

21 (D) in subsection (e)(1), by striking “FEES
22 PAYABLE TO UNDER SECRETARY” in the head-
23 ing and inserting “FEES PAYABLE TO ADMINIS-
24 TRATOR”; and

25 (E) in subsection (i)(4)—



1 (i) by striking subparagraphs (A)
2 through (D); and

3 (ii) by redesignating subparagraphs
4 (E) through (L) as subparagraphs (A)
5 through (H), respectively;

6 (32) section 44941(a) is amended by inserting
7 “the Department of Homeland Security,” after “De-
8 partment of Transportation,”;

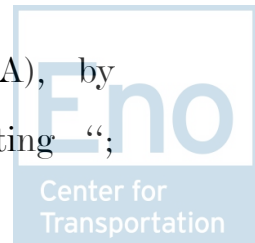
9 (33) section 44942 is amended—

10 (A) in subsection (a)—

11 (i) in paragraph (1)—

12 (I) in the matter preceding sub-
13 paragraph (A), by striking “Within
14 180 days after the date of enactment
15 of the Aviation and Transportation
16 Security Act, the Under Secretary for
17 Transportation Security may, in con-
18 sultation with” and inserting “The
19 Administrator of the Transportation
20 Security Administration may, in con-
21 sultation with other relevant Federal
22 agencies and”; and

23 (II) in subparagraph (A), by
24 striking “, and” and inserting “;
25 and”; and



1 (ii) in paragraph (2), by inserting a
2 comma after “Federal Aviation Adminis-
3 tration”;

4 (B) in subsection (b)—

5 (i) by striking “(1) PERFORMANCE
6 PLAN AND REPORT.—”;

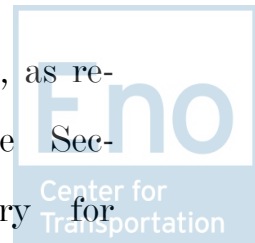
7 (ii) by redesignating subparagraphs
8 (A) and (B) as paragraphs (1) and (2), re-
9 spectively;

10 (iii) in paragraph (1), as redesign-
11 nated—

12 (I) by redesignating clauses (i)
13 and (ii) as subparagraphs (A) and
14 (B), respectively;

15 (II) in subparagraph (A), as re-
16 designated, by striking “the Secretary
17 and the Under Secretary for Trans-
18 portation Security shall agree” and
19 inserting “the Secretary of Homeland
20 Security and the Administrator of the
21 Transportation Security Administra-
22 tion shall agree”; and

23 (III) in subparagraph (B), as re-
24 designated, by striking “the Sec-
25 retary, the Under Secretary for



1 Transportation Security” and insert-
2 ing “the Secretary of Homeland Secu-
3 rity, the Administrator of the Trans-
4 portation Security Administration,”;
5 and

6 (iv) in paragraph (2), as redesignated,
7 by striking “Under Secretary for Trans-
8 portation Security” and inserting “Admin-
9 istrator of the Transportation Security Ad-
10 ministration”;

11 (34) section 44943 is amended—

12 (A) in subsection (a), by striking “Under
13 Secretary for Transportation Security” and in-
14 serting “Administrator of the Transportation
15 Security Administration”;

16 (B) in subsection (b)—

17 (i) in paragraph (1)—

18 (I) by striking “Secretary and
19 Under Secretary of Transportation for
20 Security” and inserting “Secretary of
21 Homeland Security and Administrator
22 of the Transportation Security Ad-
23 ministration”; and

24 (II) by striking “Under Sec-
25 retary” and inserting “Administrator



1 of the Transportation Security Ad-
2 ministration”; and

3 (ii) in paragraph (2)—

4 (I) by striking “Under Sec-
5 retary” the first place it appears and
6 inserting “Administrator of the
7 Transportation Security Administra-
8 tion”; and

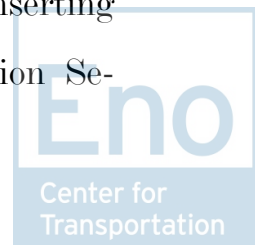
9 (II) by striking “Under Secretary
10 shall” each place it appears and in-
11 serting “Administrator shall”; and

12 (C) in subsection (c), by striking “Aviation
13 Security Act, the Under Secretary for Trans-
14 portation Security” and inserting “Aviation and
15 Transportation Security Act (Public Law 107–
16 71; 115 Stat. 597), the Administrator of the
17 Transportation Security Administration”;

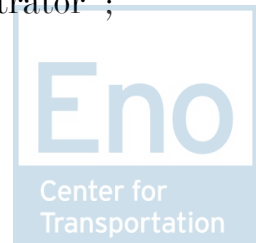
18 (35) section 44944 is amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1), by striking
21 “Under Secretary of Transportation for
22 Transportation Security” and inserting
23 “Administrator of the Transportation Se-
24 curity Administration”; and



- 1 (ii) in paragraph (4), by inserting
2 “the Administrator of the Federal Aviation
3 Administration,” after “consult with”; and
4 (B) by striking “Under Secretary” each
5 place it appears and inserting “Administrator
6 of the Transportation Security Administration”;
7 (36) section 44945(b) is amended by striking
8 “Assistant Secretary” each place it appears and in-
9 serting “Administrator of the Transportation Secu-
10 rity Administration”; and
11 (37) section 44946 is amended—
12 (A) in subsection (g)—
13 (i) by striking paragraph (2);
14 (ii) by redesignating paragraph (1) as
15 paragraph (2); and
16 (iii) by inserting before paragraph (2),
17 as redesignated, the following:
18 “(1) ADMINISTRATOR.—The term ‘Adminis-
19 trator’ means the Administrator of the Transpor-
20 tation Security Administration.”;
21 (B) by striking “Assistant Secretary” each
22 place it appears and inserting “Administrator”;
23 (C) in subsection (b)(4)—



1 (i) by striking “the Secretary re-
2 ceives” and inserting “the Administrator
3 receives”; and

4 (ii) by striking “the Secretary shall”
5 and inserting “the Administrator shall”;
6 and

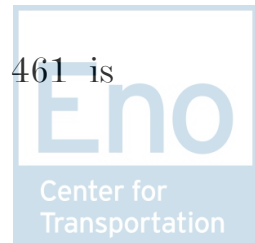
7 (D) in subsection (c)(1)(A), by striking
8 “Not later than 180 days after the date of en-
9 actment of the Aviation Security Stakeholder
10 Participation Act of 2014, the” and inserting
11 “The”.

12 (e) CHAPTER 451 AMENDMENTS.—Section 45107 is
13 amended—

14 (1) in subsection (a), by striking “Under Sec-
15 retary of Transportation for Security” and inserting
16 “Administrator of the Transportation Security Ad-
17 ministration”; and

18 (2) in subsection (b), by striking “Under Sec-
19 retary of Transportation for Security, the Transpor-
20 tation Security Administration,” and inserting “Ad-
21 ministrator of the Transportation Security Adminis-
22 tration”.

23 (f) CHAPTER 461 AMENDMENTS.—Chapter 461 is
24 amended—



1 (1) in each of sections 46101(a)(1), 46102(a),
2 46103(a), 46104(a), 46105(a), 46106, 46107(b),
3 and 46110(a) by striking “Under Secretary of
4 Transportation for Security with respect to security
5 duties and powers designated to be carried out by
6 the Under Secretary” and inserting “Administrator
7 of the Transportation Security Administration with
8 respect to security duties and powers designated to
9 be carried out by the Administrator of the Transpor-
10 tation Security Administration”;

11 (2) in each of sections 46101, 46102(c), 46103,
12 46104, 46105, 46107, and 46110 by striking “or
13 Administrator” each place it appears and inserting
14 “or Administrator of the Federal Aviation Adminis-
15 tration”;

16 (3) in each of sections 46101(a)(1), 46102(a)
17 46103(a), 46104(a), 46105(a), 46106, 46107(b),
18 and 46110(a) by striking “by the Administrator)”
19 and inserting “by the Administrator of the Federal
20 Aviation Administration)”;

21 (4) in each of sections 46101, 46102, 46103,
22 46104, 46105, 46107, and 46110 by striking
23 “Under Secretary,” each place it appears and insert-
24 ing “Administrator of the Transportation Security
25 Administration,”;



1 (5) in section 46102—

2 (A) in subsection (b), by striking “the Ad-
3 ministrator” each place it appears and inserting
4 “the Administrator of the Federal Aviation Ad-
5 ministration”;

6 (B) in subsection (c), by striking “and Ad-
7 ministrator” each place it appears and inserting
8 “and Administrator of the Federal Aviation Ad-
9 ministration”; and

10 (C) in subsection (d), by striking “the Ad-
11 ministrator, or an officer or employee of the
12 Administration” in subsection (d) and inserting
13 “the Administrator of the Federal Aviation Ad-
14 ministration, or an officer or employee of the
15 Federal Aviation Administration”;

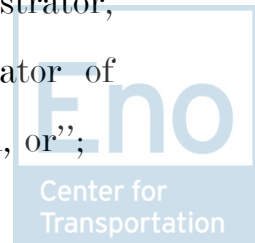
16 (6) in section 46104—

17 (A) by striking “subpena” each place it ap-
18 pears and inserting “subpoena”; and

19 (B) in subsection (b)—

20 (i) in the heading, by striking “SUB-
21 PENAS” and inserting “SUBPOENAS”; and

22 (ii) by striking “the Administrator,
23 or” and inserting “the Administrator of
24 the Federal Aviation Administration, or”;



1 (7) in section 46105(c), by striking “When the
2 Administrator” and inserting “When the Adminis-
3 trator of the Federal Aviation Administration”;

4 (8) in section 46109, by inserting “(or the Ad-
5 ministrator of the Transportation Security Adminis-
6 tration with respect to security duties and powers
7 designated to be carried out by the Administrator of
8 the Transportation Security Administration or the
9 Administrator of the Federal Aviation Administra-
10 tion with respect to aviation safety duties and pow-
11 ers designated to be carried out by the Adminis-
12 trator)” after “Secretary of Transportation”; and

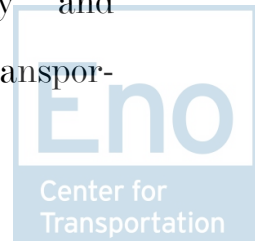
13 (9) in section 46111—

14 (A) in subsection (a)—

15 (i) by inserting “the” before “Federal
16 Aviation Administration”;

17 (ii) by striking “Administrator is”
18 and inserting “Administrator of the Fed-
19 eral Aviation Administration is”; and

20 (iii) by striking “Under Secretary for
21 Border and Transportation Security of the
22 Department of Homeland Security” and
23 inserting “Administrator of the Transpor-
24 tation Security Administration”;



1 (B) in subsections (b), (c), (e), and (g), by
2 striking “Administrator” each place it appears
3 and inserting “Administrator of the Federal
4 Aviation Administration”;

5 (C) in subsection (g)(2)(A), by striking
6 “(18 U.S.C. App.)” and inserting “(18 U.S.C.
7 App.)”; and

8 (D) by striking “Under Secretary” each
9 place it appears and inserting “Administrator
10 of the Transportation Security Administration”.

11 (g) CHAPTER 463 AMENDMENTS.—Chapter 463 is
12 amended—

13 (1) in section 46301—

14 (A) in subsection (a)(5)—

15 (i) in subparagraph (A)(i), by striking
16 “or chapter 451” and inserting “chapter
17 451”; and

18 (ii) in subparagraph (D), by inserting
19 “of Transportation” after “Secretary”;

20 (B) in subsection (d)—

21 (i) in paragraph (2)—

22 (I) by striking “defined by the
23 Secretary” and inserting “defined by
24 the Secretary of Transportation”; and



1 (II) by striking “Administrator
2 shall” and inserting “Administrator of
3 the Federal Aviation Administration
4 shall”;

5 (ii) in paragraphs (3), (4), (5), (6),
6 (7), and (8), by striking “Administrator”
7 each place it appears and inserting “Ad-
8 ministrator of the Federal Aviation Admin-
9 istration”; and

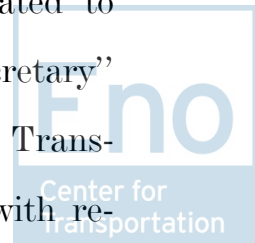
10 (iii) in paragraph (8), by striking
11 “Under Secretary” and inserting “Admin-
12 istrator of the Transportation Security Ad-
13 ministration”;

14 (C) in subsection (e), by inserting “of
15 Transportation” after “Secretary”;

16 (D) in subsection (g), by striking “Admin-
17 istrator” and inserting “Administrator of the
18 Federal Aviation Administration”; and

19 (E) in subsection (h)(2)—

20 (i) by striking “Under Secretary of
21 Transportation for Security with respect to
22 security duties and powers designated to
23 be carried out by the Under Secretary”
24 and inserting “Administrator of the Trans-
25 portation Security Administration with re-



1 spect to security duties and powers des-
2 ignated to be carried out by the Adminis-
3 trator of the Transportation Security Ad-
4 ministration”; and

5 (ii) by striking “or the Administrator
6 with respect to aviation safety duties and
7 powers designated to be carried out by the
8 Administrator” and inserting “or the Ad-
9 ministrator of the Federal Aviation Admin-
10 istration with respect to aviation safety du-
11 ties and powers designated to be carried
12 out by the Administrator of the Federal
13 Aviation Administration”;

14 (2) in section 46304(b), by striking “or the Ad-
15 ministrator of the Federal Aviation Administration
16 with respect to aviation safety duties and powers
17 designated to be carried out by the Administrator”
18 and inserting “or the Administrator of the Federal
19 Aviation Administration with respect to aviation
20 safety duties and powers designated to be carried
21 out by the Administrator of the Federal Aviation
22 Administration”;

23 (3) in section 46311—

24 (A) in subsection (a)—

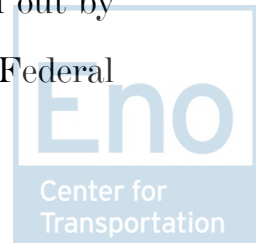


1 (i) in the matter preceding paragraph

2 (1)—

3 (I) by striking “Under Secretary
4 of Transportation for Security with
5 respect to security duties and powers
6 designated to be carried out by the
7 Under Secretary” and inserting “Ad-
8 ministrator of the Transportation Se-
9 curity Administration with respect to
10 security duties and powers designated
11 to be carried out by the Administrator
12 of the Transportation Security Ad-
13 ministration”;

14 (II) by striking “the Adminis-
15 trator of the Federal Aviation Admin-
16 istration with respect to aviation safe-
17 ty duties and powers designated to be
18 carried out by the Administrator” and
19 inserting “or the Administrator of the
20 Federal Aviation Administration with
21 respect to aviation safety duties and
22 powers designated to be carried out by
23 the Administrator of the Federal
24 Aviation Administration”;



1 (III) by striking “Administrator
2 shall” and inserting “Administrator of
3 the Federal Aviation Administration
4 shall”; and

5 (IV) by striking “Administrator,”
6 and inserting “Administrator of the
7 Federal Aviation Administration,”;
8 and

9 (ii) in paragraph (1), by striking “Ad-
10 ministrator” and inserting “Administrator
11 of the Federal Aviation Administration”;

12 (B) in subsections (b) and (c), by striking
13 “Administrator” each place it appears and in-
14 serting “Administrator of the Federal Aviation
15 Administration”; and

16 (C) by striking “Under Secretary” each
17 place it appears and inserting “Administrator
18 of the Transportation Security Administration”;

19 (4) in section 46313—

20 (A) by striking “Under Secretary of
21 Transportation for Security with respect to se-
22 curity duties and powers designated to be car-
23 ried out by the Under Secretary” and inserting
24 “Administrator of the Transportation Security
25 Administration with respect to security duties



1 and powers designated to be carried out by the
2 Administrator of the Transportation Security
3 Administration”;

4 (B) by striking “or the Administrator of
5 the Federal Aviation Administration with re-
6 spect to aviation safety duties and powers des-
7 ignated to be carried out by the Administrator”
8 and inserting “or the Administrator of the Fed-
9 eral Aviation Administration with respect to
10 aviation safety duties and powers designated to
11 be carried out by the Administrator of the Fed-
12 eral Aviation Administration”; and

13 (C) by striking “subpena” and inserting
14 “subpoena”; and
15 (5) in section 46316(a)—

16 (A) by striking “Under Secretary of
17 Transportation for Security with respect to se-
18 curity duties and powers designated to be car-
19 ried out by the Under Secretary” and inserting
20 “Administrator of the Transportation Security
21 Administration with respect to security duties
22 and powers designated to be carried out by the
23 Administrator of the Transportation Security
24 Administration”; and



1 (B) by striking “or the Administrator of
 2 the Federal Aviation Administration with re-
 3 spect to aviation safety duties and powers des-
 4 ignated to be carried out by the Administrator”
 5 and inserting “or the Administrator of the Fed-
 6 eral Aviation Administration with respect to
 7 aviation safety duties and powers designated to
 8 be carried out by the Administrator of the Fed-
 9 eral Aviation Administration”.

10 (h) CHAPTER 465 AMENDMENTS.—Chapter 465 is
 11 amended—

12 (1) in section 46505(d)(2), by striking “Under
 13 Secretary of Transportation for Security” and in-
 14 serting “Administrator of the Transportation Secu-
 15 rity Administration”; and

16 (2) in the table of contents for chapter 465 of
 17 subtitle VII, by striking the following:

“46503. Repealed.”.

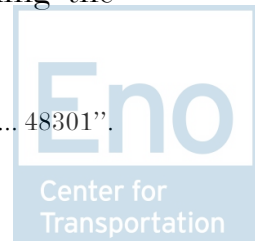
18 (i) CHAPTER 483 REPEAL.—

19 (1) IN GENERAL.—Chapter 483 is repealed.

20 (2) CONFORMING AMENDMENT.—The table of
 21 contents for subtitle VII is amended by striking the
 22 following:

“483. Aviation security funding 48301”.

23 (j) AUTHORITY TO EXEMPT.—



1 (1) IN GENERAL.—Subchapter II of chapter
2 449 is amended by inserting before section 44933
3 the following:

4 **“§ 44931. Authority to exempt**

5 “The Secretary of Homeland Security may grant an
6 exemption from a regulation prescribed in carrying out
7 sections 44901, 44903, 44906, 44909(c), and 44935–
8 44937 of this title when the Secretary decides the exemp-
9 tion is in the public interest.

10 **“§ 44932. Administrative**

11 “(a) GENERAL AUTHORITY.—The Secretary of
12 Homeland Security may take action the Secretary con-
13 siderers necessary to carry out this chapter and chapters
14 461, 463, and 465 of this title, including conducting inves-
15 tigations, prescribing regulations, standards, and proce-
16 dures, and issuing orders.

17 “(b) INDEMNIFICATION.—The Secretary of Home-
18 land Security may indemnify an officer or employee of the
19 Transportation Security Administration against a claim or
20 judgment arising out of an act that the Secretary decides
21 was committed within the scope of the official duties of
22 the officer or employee.”.

23 (2) TABLE OF CONTENTS.—The table of con-
24 tents of chapter 449 is amended by inserting before
25 the item relating to section 44933 the following:



“44931. Authority to exempt.

“44932. Administrative.”.

1 **SEC. 6802. TABLE OF CONTENTS OF CHAPTER 449.**

2 The table of contents of chapter 449 is amended—

3 (1) in the item relating to section 44922, by
4 striking “Deputation” and inserting “Deputization”;
5 and

6 (2) by inserting after section 44941 the fol-
7 lowing:

“44942. Performance goals and objectives.

“44943. Performance management system.”.

8 **SEC. 6803. OTHER LAWS; INTELLIGENCE REFORM AND TER-**
9 **RORISM PREVENTION ACT OF 2004.**

10 Section 4016(c) of the Intelligence Reform and Ter-
11 rorism Prevention Act of 2004 (49 U.S.C. 44917 note)
12 is amended—

13 (1) in paragraph (1), by striking “Assistant
14 Secretary for Immigration and Customs Enforce-
15 ment” and inserting “Administrator of the Trans-
16 portation Security Administration”; and

17 (2) in paragraph (2), by striking “Assistant
18 Secretary for Immigration and Customs Enforce-
19 ment and the Director of Federal Air Marshal Serv-
20 ice of the Department of Homeland Security, in co-
21 ordination with the Assistant Secretary of Homeland
22 Security (Transportation Security Administration),”
23 and inserting “Administrator of the Transportation



1 Security Administration and the Director of Federal
2 Air Marshal Service of the Department of Homeland
3 Security”.

4 **SEC. 6804. SAVINGS PROVISIONS.**

5 References relating to the Under Secretary of Trans-
6 portation for Security in statutes, Executive orders, rules,
7 regulations, directives, or delegations of authority that
8 precede the effective date of this Act shall be deemed to
9 refer, as appropriate, to the Administrator of the Trans-
10 portation Security Administration.

11 **TITLE VII—MARITIME SECURITY**

12 **SEC. 7001. SHORT TITLE.**

13 This title may be cited as the “Maritime Transpor-
14 tation Security Act”.

15 **SEC. 7002. DEFINITIONS.**

16 In this title:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Commerce, Science,
21 and Transportation of the Senate;

22 (B) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 (C) the Committee on Homeland Security
25 of the House of Representatives; and



1 (D) the Committee on Transportation and
2 Infrastructure of the House of Representatives.

3 (2) TSA.—The term “TSA” means the Trans-
4 portation Security Administration.

5 **SEC. 7003. COORDINATION WITH TSA ON MARITIME FACILI-**
6 **TIES.**

7 (a) IN GENERAL.—The Commandant of the Coast
8 Guard shall assess the vulnerabilities of and risks to mari-
9 time facilities to ensure the adjacent security responsibil-
10 ities of the Coast Guard and TSA are coordinated.

11 (b) REQUIREMENTS.—In carrying out the require-
12 ments under subsection (a), the Commandant shall—

13 (1) provide the TSA with any results from an
14 evaluation threats to the maritime transportation
15 system and effectiveness of existing maritime trans-
16 portation security programs, policies, and initiatives
17 for input into the development of the risk-based se-
18 curity strategy in section 6701 and, to the extent
19 practicable, avoid any unnecessary duplication of ef-
20 fort;

21 (2) ensure there are no security gaps between
22 jurisdictional authorities that a threat can exploit to
23 cause harm;

24 (3) determine the extent to which stakeholder
25 security programs, policies, and initiatives address



1 the vulnerabilities and risks to maritime transpor-
2 tation systems identified in subsection (a); and

3 (4) subject to paragraphs (2) and (3), mitigate
4 each vulnerability and risk to maritime transpor-
5 tation systems identified in subsection (a).

6 **SEC. 7004. STRATEGIC PLAN TO ENHANCE THE SECURITY**
7 **OF THE INTERNATIONAL SUPPLY CHAIN.**

8 Section 201 of the Security and Accountability for
9 Every Port Act of 2006 (6 U.S.C. 941) is amended—

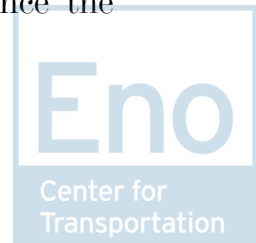
10 (1) in subsection (a), by striking “as appro-
11 priate” and inserting “triennially”; and

12 (2) in subsection (g)—

13 (A) in the heading, by striking “REPORT”
14 and inserting “REPORTS”; and

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) UPDATES.—Not later than 270 days after
18 the date of enactment of the Maritime Transpor-
19 tation Security Act and triennially thereafter, the
20 Secretary shall submit to the appropriate congres-
21 sional committees a report that contains any updates
22 to the strategic plan under subsection (a) since the
23 prior report.”.



1 **SEC. 7005. CYBERSECURITY INFORMATION SHARING AND**
2 **COORDINATION IN PORTS.**

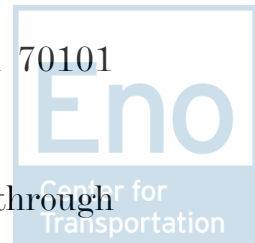
3 (a) MARITIME CYBERSECURITY RISK ASSESSMENT
4 MODEL.—The Secretary of Homeland Security, through
5 the Commandant of the Coast Guard shall—

6 (1) not later than 1 year after the date of en-
7 actment of this Act, coordinate with the National
8 Maritime Security Advisory Committee, the Area
9 Maritime Security Advisory Committees, and other
10 maritime stakeholders, as necessary, to develop and
11 implement a maritime cybersecurity risk assessment
12 model, consistent with the activities described in sec-
13 tion 2(e) of the National Institute of Standards and
14 Technology Act (15 U.S.C. 272(e)), to evaluate cur-
15 rent and future cybersecurity risks that have the po-
16 tential to affect the marine transportation system or
17 that would cause a transportation security incident
18 (as defined in section 70101 of title 46, United
19 States Code) in ports; and

20 (2) not less than biennially thereafter, evaluate
21 the effectiveness of the cybersecurity risk assessment
22 model established under paragraph (1).

23 (b) PORT SECURITY; DEFINITIONS.—Section 70101
24 of title 46, United States Code, is amended—

25 (1) by redesignating paragraphs (2) through
26 (6) as paragraphs (3) through (7), respectively; and



1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) The term ‘cybersecurity risk’ means the
4 extent to which a technology asset is vulnerable to
5 information, information systems, or operational
6 technology being lost, destroyed, or other adverse
7 impact on the security, availability, confidentiality,
8 integrity, or functionality, as applicable, of that in-
9 formation, information system, or operational tech-
10 nology.”.

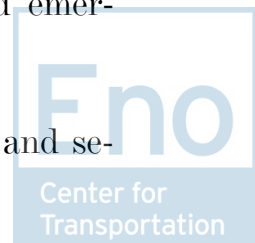
11 (c) NATIONAL MARITIME SECURITY ADVISORY COM-
12 MITTEE.—

13 (1) FUNCTIONS.—Section 70112(a)(1)(A) of
14 title 46, United States Code, is amended by insert-
15 ing before the semicolon the following: “, including
16 on enhancing the sharing of information related to
17 cybersecurity risks that may cause a transportation
18 security incident, between relevant Federal agencies
19 and—

20 “(i) State, local, and tribal govern-
21 ments;

22 “(ii) relevant public safety and emer-
23 gency response agencies;

24 “(iii) relevant law enforcement and se-
25 curity organizations;



1 “(iv) maritime industry;
2 “(v) port owners and operators; and
3 “(vi) terminal owners and operators;”.

4 (2) INFORMATION SHARING.—The Com-
5 mandant of the Coast Guard shall—

6 (A) ensure there is a process for each Area
7 Maritime Security Advisory Committee estab-
8 lished under section 70112 of title 46, United
9 States Code—

10 (i) to facilitate the sharing of informa-
11 tion related to cybersecurity risks that may
12 cause transportation security incidents;

13 (ii) to timely report transportation se-
14 curity incidents to the national level; and

15 (iii) to disseminate such reports
16 across the entire maritime transportation
17 system; and

18 (B) issue voluntary guidance for the man-
19 agement of such cybersecurity risks in each
20 Area Maritime Transportation Security Plan
21 and facility security plan required under section
22 70103 of title 46, United States Code, approved
23 after the date that the cybersecurity risk as-
24 sessment model is developed under subsection
25 (a) of this section.



1 (d) VULNERABILITY ASSESSMENTS AND SECURITY
2 PLANS.—

3 (1) FACILITY AND VESSEL ASSESSMENTS.—

4 Section 70102(b)(1) of title 46, United States Code,
5 is amended—

6 (A) in the matter preceding subparagraph
7 (A), by striking “and by not later than Decem-
8 ber 31, 2004”; and

9 (B) in subparagraph (C), by inserting “se-
10 curity against cybersecurity risks,” after “phys-
11 ical security,”.

12 (2) MARITIME TRANSPORTATION SECURITY
13 PLANS.—Section 70103 of title 46, United States
14 Code, is amended—

15 (A) in subsection (a)(1), by striking “Not
16 later than April 1, 2005, the” and inserting
17 “The”;

18 (B) in subsection (a)(2), by adding at the
19 end the following:

20 “(K) A plan to detect, respond to, and re-
21 cover from cybersecurity risks that may cause
22 transportation security incidents.”;

23 (C) in subsection (b)(2)—

24 (i) in subparagraph (G)(ii), by strik-
25 ing “; and” and inserting a semicolon;



1 (ii) by redesignating subparagraph

2 (H) as subparagraph (I); and

3 (iii) by inserting after subparagraph

4 (G) the following:

5 “(H) include a plan for detecting, respond-

6 ing to, and recovering from cybersecurity risks

7 that may cause transportation security inci-

8 dents; and”; and

9 (D) in subsection (c)(3)(C)—

10 (i) in clause (iv), by striking “; and”

11 and inserting a semicolon;

12 (ii) by redesignating clause (v) as

13 clause (vi); and

14 (iii) by inserting after clause (iv) the

15 following:

16 “(v) detecting, responding to, and re-

17 covering from cybersecurity risks that may

18 cause transportation security incidents;

19 and”.

20 (3) APPLICABILITY.—The amendments made

21 by this subsection shall apply to assessments or se-

22 curity plans, or updates to such assessments or

23 plans, submitted after the date that the

24 cybersecurity risk assessment model is developed

25 under subsection (a).



1 (e) BRIEF TO CONGRESS.—Not later than 1 year
2 after the date of enactment of this Act, the Commandant
3 of the Coast Guard shall provide to the appropriate com-
4 mittees of Congress a briefing on how the Coast Guard
5 will assist in security and response in the port environ-
6 ment when a cyber-caused transportation security incident
7 occurs, to include the use of cyber protection teams.

8 **SEC. 7006. FACILITY INSPECTION INTERVALS.**

9 Section 70103(c)(4)(D) of title 46, United States
10 Code, 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
14 facility inspection to verify the effectiveness of
15 each such facility security plan.”.

16 **SEC. 7007. UPDATES OF MARITIME OPERATIONS COORDI-**
17 **NATION PLAN .**

18 (a) IN GENERAL.—Subtitle C of title IV of the
19 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
20 is amended by adding at the end the following:

21 **“SEC. 434. MARITIME OPERATIONS COORDINATION PLAN.**

22 “(a) IN GENERAL.—Not later than 180 days after
23 the date of the enactment of the Maritime Transportation
24 Security Act, and biennially thereafter, the Secretary
25 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
10 Committee on Homeland Security and Governmental
11 Affairs of the Senate and the Committee on Trans-
12 portation 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 mar-
20 itime security missions.

21 “(2) Maintaining effective information sharing
22 and, as appropriate, intelligence integration, with
23 Federal, State, and local officials and the private
24 sector, regarding threats to maritime security.



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
4 forces, primarily focused on counterdrug oper-
5 ations, 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 spe-
12 cialized forces established section 70106 of title 46,
13 United States Code.

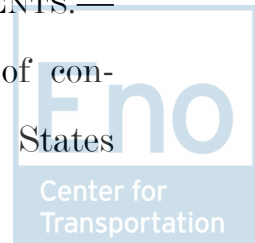
14 **SEC. 7009. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
15 **TERS FOR PORT SECURITY AND SECURE SYS-**
16 **TEMS OF TRANSPORTATION.**

17 (a) INTERAGENCY OPERATIONAL CENTERS FOR
18 PORT SECURITY.—Section 70107A of title 46, United
19 States Code, is repealed.

20 (b) SECURE SYSTEMS OF TRANSPORTATION.—Sec-
21 tion 70116 of title 46, United States Code, is repealed.

22 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF CONTENTS.—The table of con-
24 tents for chapter 701 of title 46, United States



1 Code, is amended by striking the items relating to
2 sections 70107A and 70116.

3 (2) REPORT REQUIREMENT.—Section 108 of
4 the Security and Accountability for Every Port Act
5 of 2006 (Public Law 109–347; 120 Stat. 1893) is
6 amended by striking subsection (b) (46 U.S.C.
7 70107A note) and inserting the following:
8 “(b) [Reserved].”.

9 **SEC. 7010. DUPLICATION OF EFFORTS IN THE MARITIME**
10 **DOMAIN.**

11 (a) GAO ANALYSIS.—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall—

14 (1) conduct an analysis of all operations in the
15 applicable location of—

16 (A) the Air and Marine Operations of the
17 U.S. Customs and Border Protection; and

18 (B) any other agency of the Department of
19 Homeland Security that operates air and ma-
20 rine assets;

21 (2) in conducting the analysis under paragraph
22 (1)—

23 (A) determine whether any duplicative op-
24 erations are occurring among the agencies de-
25 scribed in paragraph (1);



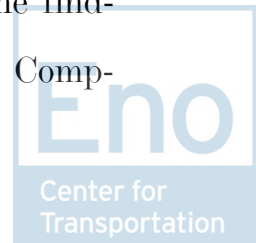
1 (B) examine the extent to which the Air
2 and Marine Operations is synchronizing and
3 deconflicting any duplicative flight hours or pa-
4 trols with the agencies described in paragraph
5 (1)(B);

6 (C) include a sector-by-sector analysis of
7 any potential costs savings that would be de-
8 rived through greater coordination of flight
9 hours and patrols; and

10 (D) examine whether co-locating personnel
11 from the agencies described in paragraph (1)
12 would enhance cooperation among those agen-
13 cies; and

14 (3) submit to the Secretary of Homeland Secu-
15 rity and the appropriate committees of Congress a
16 report on the analysis, including any recommenda-
17 tions.

18 (b) DHS REPORT.—Not later than 180 days after
19 the date the report is submitted under subsection (a)(3),
20 the Secretary of Homeland Security shall submit to the
21 appropriate committees of Congress a report on what ac-
22 tions the Secretary plans to take in response to the find-
23 ings of the analysis and recommendations of the Comp-
24 troller General.



1 (c) DEFINITION OF APPLICABLE LOCATION.—In this
2 section, the term “applicable location” means any location
3 in which the Air and Marine Operations of the U.S. Cus-
4 toms and Border Protection is based within 45 miles of
5 a location in which any other agency of the Department
6 of Homeland Security also operates air and marine assets.

7 **SEC. 7011. MARITIME SECURITY CAPABILITIES ASSESS-**
8 **MENTS.**

9 (a) IN GENERAL.—Subtitle C of title IV of the
10 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.),
11 as amended by section 7007 of this Act, is further amend-
12 ed by adding at the end the following:

13 **“SEC. 435. MARITIME SECURITY CAPABILITIES ASSESS-**
14 **MENTS.**

15 “Not later than 180 days after the date of enactment
16 of the Maritime Transportation Security Act, and annu-
17 ally thereafter, the Secretary shall submit to the Com-
18 mittee on Commerce, Science, and Transportation and the
19 Committee on Homeland Security and Governmental Af-
20 fairs of the Senate and the Committee on Transportation
21 and Infrastructure and the Committee on Homeland Secu-
22 rity of the House of Representatives, an assessment of the
23 number and type of maritime assets and the number of
24 personnel required to increase the Department’s maritime
25 response rate pursuant to section 1092 of the National



1 Defense Authorization Act for Fiscal Year 2017 (6 U.S.C.
2 223).”.

3 (b) TABLE OF CONTENTS.—The table of contents in
4 section 1(b) of the Homeland Security Act of 2002 (Public
5 Law 107–296; 116 Stat. 2136), as amended by section
6 7007 of this Act, is further amended by adding after the
7 item relating to section 434 the following:

“435. Maritime security capabilities assessments.”.

8 **SEC. 7012. CONTAINER SECURITY INITIATIVE.**

9 Section 205(l) of the Security and Accountability for
10 Every Port Act of 2006 (6 U.S.C. 945) is amended—

11 (1) by striking paragraph (2); and

12 (2) in paragraph (1)—

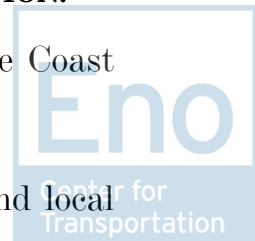
13 (A) by striking “(1) IN GENERAL.—Not
14 later than September 30, 2007,” and inserting
15 “Not later than 270 days after the date of en-
16 actment of the Maritime Transportation Secu-
17 rity Act,”; and

18 (B) by redesignating subparagraphs (A)
19 through (H) as paragraphs (1) through (8), re-
20 spectively.

21 **SEC. 7013. MARITIME BORDER SECURITY COOPERATION.**

22 The Secretary of the department in which the Coast
23 Guard is operating shall, in accordance with law—

24 (1) partner with other Federal, State, and local
25 government agencies to leverage existing technology,



1 including existing sensor and camera systems and
2 other sensors, in place along the maritime border on
3 the date of enactment of this Act to provide contin-
4 uous monitoring of the high-risk maritime borders,
5 as determined by the Secretary; and

6 (2) enter into such agreements as the Secretary
7 considers necessary to ensure 24-hour monitoring of
8 the technology described in paragraph (1).

9 **SEC. 7014. TECHNICAL AND CONFORMING AMENDMENTS.**

10 (a) STUDY TO IDENTIFY REDUNDANT BACKGROUND
11 RECORDS CHECKS.—Section 105 of the Security and Ac-
12 countability for Every Port Act of 2006 (Public Law 109–
13 347; 120 Stat. 1891) and the item relating to that section
14 in the table of contents for that Act are repealed.

15 (b) DOMESTIC RADIATION DETECTION AND IMAG-
16 ING.—Section 121 of the Security and Accountability for
17 Every Port Act of 2006 (6 U.S.C. 921)—

18 (1) by striking subsections (c), (d), and (e);

19 (2) redesignating subsections (f), (g), (h), and
20 (i) as subsections (c), (d), (e), and (f), respectively;
21 and

22 (3) in subsection (e)(1)(B), as redesignated, by
23 striking “(and updating, if any, of that strategy
24 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
5 Act are repealed.

6 (d) REPORT ON ARRIVAL AND DEPARTURE MANI-
7 FEST FOR CERTAIN COMMERCIAL VESSELS IN THE
8 UNITED STATES VIRGIN ISLANDS.—Section 127 of the
9 Security and Accountability for Every Port Act of 2006
10 (120 Stat. 1900) and the item relating to that section in
11 the table of contents 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
22 facilitate the implementation of supply chain security
23 measures at ports designated under the Container Secu-
24 rity Initiative.



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 op-
11 erating or maintaining such equipment.”.

12 (2) TABLE OF CONTENTS.—The table of con-
13 tents in section 1(b) of the Security and Account-
14 ability for Every Port Act of 2006 (Public Law 109–
15 347; 120 Stat. 1884) is amended by amending the
16 item relating 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
19 Accountability for Every Port Act of 2006 (6 U.S.C. 984)
20 and the item relating to that section in the table of con-
21 tents for that Act are repealed.

22 (g) SECURITY PLAN FOR ESSENTIAL AIR SERVICE
23 AND SMALL COMMUNITY AIRPORTS.—Section 701 of the
24 Security and Accountability for Every Port Act of 2006
25 (Public Law 109–347; 120 Stat. 1943) and the item relat-



1 ing to that section in the table of contents for that Act
2 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
6 Law 109–347; 120 Stat. 1947) and the item relating to
7 that section in the table of contents for that Act are re-
8 pealed.

9 **TITLE VIII—NATIONAL TRANS-**
10 **PORTATION SAFETY BOARD**
11 **REAUTHORIZATION ACT**

12 **SEC. 8001. SHORT TITLE.**

13 This title may be cited as the “National Transpor-
14 tation Safety Board Reauthorization Act”.

15 **SEC. 8002. DEFINITIONS.**

16 In this title:

17 (1) BOARD.—The term “Board” means the Na-
18 tional Transportation Safety Board.

19 (2) CHAIRMAN.—The term “Chairman” means
20 the Chairman of the National Transportation Safety
21 Board.

22 (3) MOST WANTED LIST.—The term “Most
23 Wanted List” means the Board publication entitled
24 “Most Wanted List”.



1 **SEC. 8003. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1118(a) is amended to read as follows:

3 “(a) IN GENERAL.—There are authorized to be ap-
4 propriated for the purposes of this chapter \$111,400,000
5 for fiscal year 2019, \$112,400,000 for fiscal year 2020,
6 \$113,400,000 for fiscal year 2021, \$114,400,000 for fis-
7 cal year 2022, and \$115,400,000 for fiscal year 2023.
8 Such sums shall remain available until expended.”.

9 **SEC. 8004. STILL IMAGES.**

10 (a) STILL IMAGES, VOICE RECORDERS, AND VIDEO
11 RECORDERS.—

12 (1) COCKPIT RECORDINGS AND TRANSCRIPTS.—

13 Section 1114(c) is amended—

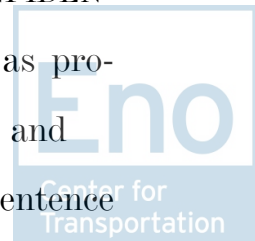
14 (A) by redesignating paragraph (2) as
15 paragraph (3);

16 (B) in paragraph (3), as redesignated, by
17 inserting “REFERENCES TO INFORMATION IN
18 MAKING SAFETY RECOMMENDATIONS.—” before
19 “This”; and

20 (C) in paragraph (1)—

21 (i) in the first sentence, by striking
22 “The Board” and inserting “CONFIDEN-
23 TIALITY OF RECORDINGS.—Except as pro-
24 vided in paragraph (2), the Board”; and

25 (ii) by amending the second sentence
26 to read as follows:



1 “(2) EXCEPTION.—Subject to subsections (b)
2 and (g), the Board shall make public any part of a
3 transcript, any written depiction of visual informa-
4 tion obtained from a video recorder, or any still
5 image obtained from a video recorder the Board de-
6 cides is relevant to the accident or incident—

7 “(A) if the Board holds a public hearing
8 on the accident or incident, at the time of the
9 hearing; or

10 “(B) if the Board does not hold a public
11 hearing, at the time a majority of the other fac-
12 tual reports on the accident or incident are
13 placed in the public docket.”.

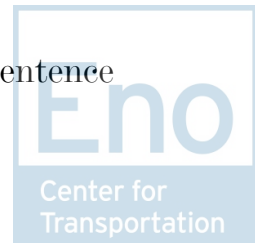
14 (2) SURFACE VEHICLE RECORDINGS AND TRAN-
15 SCRIPTS.—Section 1114(d) is amended—

16 (A) by redesignating paragraph (2) as
17 paragraph (3); and

18 (B) in paragraph (1)—

19 (i) in the first sentence, by striking
20 “The Board” and inserting “Except as
21 provided in paragraph (2), the Board”;
22 and

23 (ii) by amending the second sentence
24 to read as follows:



1 “(2) EXCEPTION.—Subject to subsections (b)
2 and (g), the Board shall make public any part of a
3 transcript, any written depiction of visual informa-
4 tion obtained from a video recorder, or any still
5 image obtained from a video recorder the Board de-
6 cides is relevant to the accident—

7 “(A) if the Board holds a public hearing
8 on the accident, at the time of the hearing; or

9 “(B) if the Board does not hold a public
10 hearing, at the time a majority of the other fac-
11 tual reports on the accident are placed in the
12 public docket.”.

13 (3) PRIVACY PROTECTIONS.—Section 1114 is
14 amended by adding at the end the following:

15 “(g) PRIVACY PROTECTIONS.—Before making public
16 any still image obtained from a video recorder under sub-
17 section (c)(2) or subsection (d)(2), the Board shall take
18 such action as appropriate to protect from public dislo-
19 sure any information that readily identifies an individual,
20 including a decedent.”.

21 (b) COCKPIT AND SURFACE VEHICLE RECORDINGS
22 AND TRANSCRIPTS.—Section 1154(a) is amended—

23 (1) in the heading, by striking “TRANSCRIPTS
24 AND RECORDINGS” and inserting “IN GENERAL”;

25 (2) in paragraph (1)—



1 (A) by redesignating subparagraphs (A)
2 and (B) as subparagraphs (B) and (C), respec-
3 tively; and

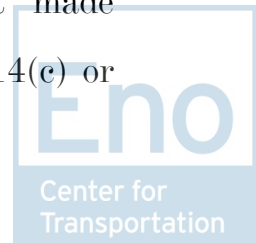
4 (B) by inserting before subparagraph (B)
5 the following:

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 in-
13 serting “recorder recording, including with re-
14 gard to a video recording any still image that
15 the National Transportation Safety Board has
16 not 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 re-
20 cording, including with regard to a video re-
21 cording any still image that the National
22 Transportation Safety Board has not made
23 available to the public under section 1114(c) or
24 1114(d) of this 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”;

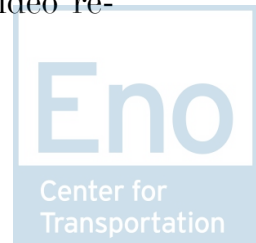
15 and

16 (C) in paragraph (6)—

17 (i) by redesignating subparagraph (B)
18 as subparagraph (C); and

19 (ii) by inserting after subparagraph
20 (A) the following:

21 “(B) STILL IMAGE.—The term ‘still image’
22 means any still image obtained from a video re-
23 corder.”.



1 **SEC. 8005. INFORMATION SHARING.**

2 (a) CONFIDENTIAL INFORMATION.—Section 1114(b)
3 is amended—

4 (1) in the heading, by striking “TRADE SE-
5 CRETS” and inserting “CERTAIN CONFIDENTIAL IN-
6 FORMATION”;

7 (2) in paragraph (1)—

8 (A) in the matter preceding subparagraph

9 (A)—

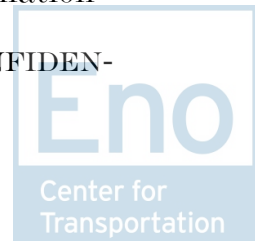
10 (i) by inserting “IN GENERAL.—” be-
11 fore “The Board”; and

12 (ii) by striking “information related to
13 a trade secret referred to in section 1905
14 of title 18” and inserting “information, in-
15 cluding trade secrets, as described in sec-
16 tion 1905 of title 18”; and

17 (B) in subparagraph (D), by striking “to
18 the public to protect health and safety” and in-
19 serting “subject to paragraph (4), to the public
20 when the Board considers it necessary to pro-
21 tect health and safety”;

22 (3) in paragraph (2), by striking “Information”
23 and inserting “PRESERVATION OF CONFIDEN-
24 TIALITY.—Information”; and

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



1 “(4) LIMITATION.—A disclosure under para-
2 graph (1)(D) may only be considered necessary to
3 protect health and safety if the Board is required
4 under this chapter to explain a finding, a cause or
5 probable cause, or a safety recommendation related
6 to an accident or incident investigated by the Board
7 and cannot reasonably fulfill its duties without such
8 disclosure.”.

9 (b) SHARING INFORMATION WITH OTHER FEDERAL
10 AGENCIES.—Section 1114, as amended, is further amend-
11 ed by adding at the end the following:

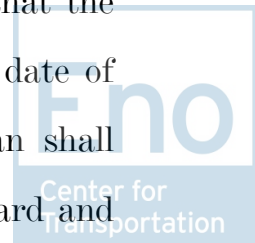
12 “(h) LIMITATION.—A department, agency, or instru-
13 mentality of the United States Government that receives
14 information from the Board under this section may not
15 publicly disclose any part of that information if the infor-
16 mation is exempted or prohibited from disclosure under
17 this chapter or any other law of the United States.”.

18 **SEC. 8006. ELECTRONIC RECORDS.**

19 Section 1134(a)(2) is amended by inserting “includ-
20 ing an electronic record,” after “record,”.

21 **SEC. 8007. REPORT ON MOST WANTED LIST METHODOLOGY.**

22 (a) IN GENERAL.—Not later than the date that the
23 first Most Wanted List to be published after the date of
24 enactment of this Act is published, the Chairman shall
25 publish on a publicly available Web site of the Board and



1 submit to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives a report on the methodology used to prioritize
5 and select recommendations to be included by the Board
6 in the Most Wanted List.

7 (b) ELEMENTS.—The report under subsection (a)
8 shall include—

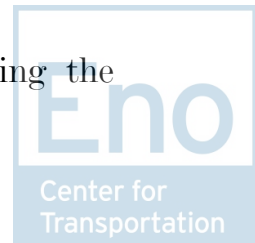
9 (1) a detailed description of how the Board ac-
10 counts for the risk to safety addressed in each of its
11 recommendations, including the extent to which the
12 Board considers—

13 (A) the types of data and other informa-
14 tion, including studies and reports, used to
15 identify the amount and probability of risk to
16 safety;

17 (B) the reduction of the risk to safety, es-
18 timated over a period of time, by implementing
19 each recommendation;

20 (C) the practicality and feasibility of
21 achieving the reduction described in subpara-
22 graph (B); and

23 (D) any alternate means of reducing the
24 risk;



1 (2) a detailed description of the extent to which
2 the Board considers any prior, related investigation,
3 safety recommendation, or other safety action when
4 prioritizing and selecting recommendations; and

5 (3) a description of the extent of coordination
6 and consultation when prioritizing and selecting the
7 recommendations.

8 (c) GAO REPORT.—Not later than 15 months after
9 the date that the methodology report is published under
10 subsection (a), the Comptroller General of the United
11 States shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives a report examining the methodology
15 used by the Board to prioritize and select safety rec-
16 ommendations for inclusion in the Most Wanted List, in-
17 cluding the extent to which the Board—

18 (1) utilized best practices and rigorous analysis
19 to account for and prioritize the reduction of risk to
20 safety; and

21 (2) accounted for and factored in practicality,
22 feasibility, and alternative means of reducing risk.



1 **SEC. 8008. METHODOLOGY.**

2 (a) REDESIGNATION.—Chapter 11 of subtitle II is
3 amended by redesignating section 1117 as subsection (c)
4 of section 1116 and indenting appropriately.

5 (b) METHODOLOGY.—

6 (1) IN GENERAL.—Chapter 11 of subtitle II is
7 amended by inserting after section 1116 the fol-
8 lowing:

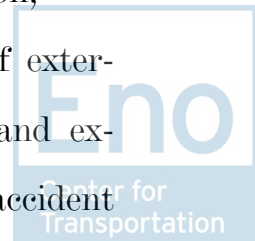
9 **“§ 1117. Methodology**

10 “(a) IN GENERAL.—Not later than 2 years after the
11 date of enactment of the National Transportation Safety
12 Board Reauthorization Act, the Chairman shall include
13 with each investigative report in which a recommendation
14 is issued by the Board, a methodology section detailing
15 the process and information underlying the selection of
16 each recommendation.

17 “(b) ELEMENTS.—Except as provided in subsection
18 (c), the methodology section under subsection (a) shall in-
19 clude, for each recommendation—

20 “(1) a brief summary of the Board’s collection
21 and analysis of the specific accident investigation in-
22 formation most relevant to the recommendation;

23 “(2) a description of the Board’s use of exter-
24 nal information, including studies, reports, and ex-
25 perts, other than the findings of a specific accident
26 investigation, to inform or support the recommenda-



1 tion, including a brief summary of the specific safety
2 benefits and other effects identified by each study,
3 report, or expert;

4 “(3) a brief summary of any alternative actions
5 considered, including the alternative of not issuing a
6 recommendation, and a justification for why each al-
7 ternative action was not recommended; and

8 “(4) a brief summary of any examples of ac-
9 tions taken by regulated entities prior to the publica-
10 tion of the safety recommendation, to the extent
11 such actions are known to the Board, that were con-
12 sistent with the recommendation.

13 “(c) EXCEPTION.—Subsection (a) shall not apply if
14 the recommendation is only for a person to disseminate
15 information on—

16 “(1) an existing agency best practices docu-
17 ment; or

18 “(2) an existing regulatory requirement.

19 “(d) 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 prior to the date of en-
22 actment of the National Transportation Safety Board Re-
23 authorization Act, unless the recommendation is a repeat
24 recommendation issued on or after the date of enactment
25 of that Act.



1 “(e) SAVINGS CLAUSE.—Nothing in this section may
2 be construed to delay—

3 “(1) publication of the findings, cause, or prob-
4 able cause of a Board investigation; or

5 “(2) the issuance of an urgent recommendation
6 that the Board has determined must be issued to
7 avoid immediate loss, death, or injury.”.

8 (2) TABLE OF CONTENTS.—The table of con-
9 tents of chapter 11 of subtitle II is amended by in-
10 serting after the item relating to section 1116 the
11 following:

“1117. Methodology.”.

12 **SEC. 8009. MULTI-MODAL ACCIDENT DATABASE MANAGE-**
13 **MENT SYSTEM.**

14 (a) ESTABLISHMENT.—Not later than 1 year after
15 the date of enactment of this Act, the Board shall estab-
16 lish and maintain a multi-modal accident database man-
17 agement system for Board investigators.

18 (b) PURPOSES.—The purposes of the system shall be
19 to support the Board in improving—

20 (1) the quality of accident data the Board
21 makes available to the public; and

22 (2) the selection of accidents for investigation
23 and allocation of limited resources.

24 (c) REQUIREMENTS.—The system shall—



1 (1) maintain a historical record of accidents
2 that are investigated by the Board; and

3 (2) be capable of the secure storage, retrieval,
4 and management of information associated with
5 such investigations.

6 **SEC. 8010. ADDRESSING THE NEEDS OF FAMILIES OF INDI-**
7 **VIDUALS INVOLVED IN ACCIDENTS.**

8 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
9 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
10 amended—

11 (1) in subsection (a), by striking “a major” and
12 inserting “any”; and

13 (2) in subsection (b)—

14 (A) in paragraph (9), by striking “(and
15 any other victim of the accident)” and inserting
16 “(and any other victim of the accident, includ-
17 ing any victim on the ground)”;

18 (B) in paragraph (16), by striking “major”
19 and inserting “any”; and

20 (C) in paragraph (17)(A), by striking “sig-
21 nificant” and inserting “any”.

22 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
23 AIR TRANSPORTATION.—Section 41313 is amended—

24 (1) in subsection (b), by striking “a major” and
25 inserting “any”; and



1 (2) in subsection (c)—

2 (A) in paragraph (1), by striking “a sig-
3 nificant” and inserting “any”;

4 (B) in paragraph (2), by striking “a sig-
5 nificant” and inserting “any”;

6 (C) by amending paragraph (9) to read as
7 follows:

8 “(9) EQUAL TREATMENT OF PASSENGERS.—An
9 assurance that the treatment of the families of non-
10 revenue passengers (and any other victim of the ac-
11 cident, including any victim on the ground) will be
12 the same as the treatment of the families of revenue
13 passengers.”;

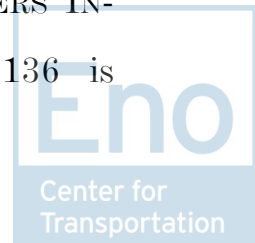
14 (D) in paragraph (16)—

15 (i) by striking “major” and inserting
16 “any”; and

17 (ii) by striking “the foreign air carrier
18 will consult” and inserting “will consult”;
19 and

20 (E) in paragraph (17)(A), by striking “sig-
21 nificant” and inserting “any”.

22 (c) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
23 VOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 is
24 amended—



1 (1) in subsection (a), by striking “aircraft acci-
2 dent within the United States involving an air car-
3 rier or foreign air carrier and resulting in a major
4 loss of life” and inserting “aircraft accident involv-
5 ing an air carrier or foreign air carrier, resulting in
6 any loss of life, and for which the National Trans-
7 portation Safety Board will serve as the lead inves-
8 tigative agency”; and

9 (2) in subsection (h)—

10 (A) by amending paragraph (1) to read as
11 follows:

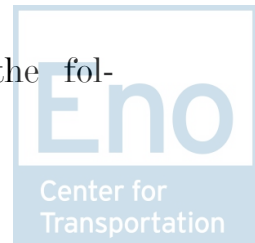
12 “(1) AIRCRAFT ACCIDENT.—The term ‘aircraft
13 accident’ means any aviation disaster, regardless of
14 its cause or suspected cause, for which the National
15 Transportation Safety Board is the lead investiga-
16 tive agency.”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking “;
19 and” and inserting a semicolon;

20 (ii) in subparagraph (B), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing:



1 “(C) any other person injured or killed in
2 the aircraft accident, as determined appropriate
3 by the Board.”.

4 (d) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
5 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
6 is amended—

7 (1) in subsection (a), by striking “resulting in
8 a major loss of life” and inserting “resulting in any
9 loss of life, and for which the National Transpor-
10 tation Safety Board will serve as the lead investiga-
11 tive agency”; and

12 (2) by amending subsection (h)(1) to read as
13 follows:

14 “(1) RAIL PASSENGER ACCIDENT.—The term
15 ‘rail passenger accident’ means any rail passenger
16 disaster that—

17 “(A) results in any loss of life;

18 “(B) the National Transportation Safety
19 Board will serve as the lead investigative agency
20 for; and

21 “(C) occurs in the provision of—

22 “(i) interstate intercity rail passenger
23 transportation (as such term is defined in
24 section 24102); or



1 “(ii) interstate or intrastate high-
2 speed rail (as such term is defined in sec-
3 tion 26105) transportation, regardless of
4 its cause or suspected cause.”.

5 (e) INFORMATION FOR FAMILIES OF INDIVIDUALS
6 INVOLVED IN ACCIDENTS.—

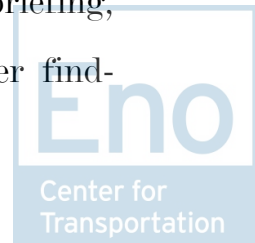
7 (1) IN GENERAL.—Chapter 11 of subtitle II is
8 amended by inserting after section 1139 the fol-
9 lowing:

10 **“§ 1140. Information for families of individuals in-**
11 **volved in accidents**

12 “In the course of an investigation of an accident de-
13 scribed in section 1131(a)(1), except an aircraft accident
14 described in section 1136 or a rail passenger accident de-
15 scribed in section 1139, the Board may, to the maximum
16 extent practicable, ensure that the families of individuals
17 involved in the accident, and other individuals the Board
18 deems appropriate—

19 “(1) are informed as to the roles, with respect
20 to the accident and the post-accident activities, of
21 the Board;

22 “(2) are briefed, prior to any public briefing,
23 about the accident, its causes, and any other find-
24 ings from the investigation; and



1 “(3) are individually informed of and allowed to
2 attend any public hearings and meetings of the
3 Board about the accident.”.

4 (2) TABLE OF CONTENTS.—The table of con-
5 tents of chapter 11 of subtitle II is amended by in-
6 serting after the item relating to section 1139 the
7 following:

“1140. Information for families of individuals involved in accidents.”.

8 **SEC. 8011. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
9 **PORT ON INVESTIGATION LAUNCH DECISION-**
10 **MAKING PROCESSES.**

11 Section 1138 is amended—

12 (1) in subsection (b)—

13 (A) by redesignating paragraphs (5) and
14 (6) as paragraphs (6) and (7), respectively; and

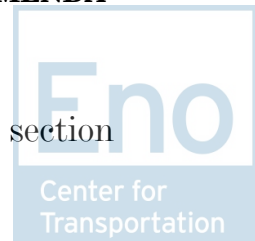
15 (B) by inserting after paragraph (4) the
16 following:

17 “(5) the process and procedures to select an ac-
18 cident to investigate;”; and

19 (2) in subsection (c), by inserting a comma
20 after “Science”.

21 **SEC. 8012. PERIODIC REVIEW OF SAFETY RECOMMENDA-**
22 **TIONS.**

23 (a) REPORTS.—Section 1116, as amended by section
24 8, is further amended—



1 (1) in the heading, by striking “**and studies**”
2 and inserting “**, studies, and retrospective**
3 **reviews**”; and

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

5 “(d) RETROSPECTIVE REVIEWS.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 not later than June 1, 2019, and at least every 5
8 years thereafter, the Chairman shall complete a ret-
9 rospective review of recommendations issued by the
10 Board that are classified as open by the Board.

11 “(2) PUBLIC COMMENTS.—

12 “(A) IN GENERAL.—In conducting a re-
13 view under paragraph (1), the Chairman shall
14 publish in the Federal Register a request for
15 public comment on which recommendations
16 should be updated, closed, or reissued.

17 “(B) RECOMMENDATIONS.—A request for
18 public comment under subparagraph (A) shall
19 solicit—

20 “(i) recommendations to be updated,
21 closed, or reissued, including a reference to
22 the applicable recommendation number;

23 “(ii) justifications, including any sup-
24 porting information, for updating, closing,
25 or reissuing a recommendation; and



1 “(iii) if applicable, specific suggestions
2 for updating a recommendation.

3 “(C) PUBLIC COMMENT PERIOD.—The
4 Chairman shall provide 90 days for public com-
5 ment under this paragraph.

6 “(3) CONTENTS.—A review under paragraph
7 (1) shall include for each recommendation—

8 “(A) consideration of each justification
9 under paragraph (2)(B)(ii) and, if applicable,
10 each suggestion under paragraph (2)(B)(iii);

11 “(B) an assessment of whether the rec-
12 ommendation—

13 “(i) is outmoded, unclear, or unneces-
14 sary in light of—

15 “(I) changed circumstances;

16 “(II) more recently issued rec-
17 ommendations; or

18 “(III) the availability of new
19 technologies;

20 “(ii) is ineffective or insufficient for
21 achieving its objective; or

22 “(iii) should be reissued;

23 “(C) a determination, based on the assess-
24 ment under subparagraph (B), whether it is ap-



1 appropriate to update, close, or reissue the rec-
2 ommendation; and

3 “(D) a justification for each determination
4 under subparagraph (C).

5 “(4) REPORT.—Not later than 180 days after
6 the date a review under paragraph (1) is complete,
7 the Chairman shall submit to the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report
11 that includes—

12 “(A) the findings of the review under para-
13 graph (1);

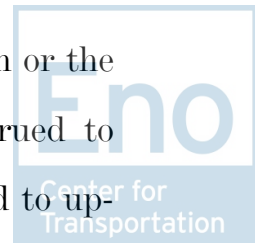
14 “(B) each determination under paragraph
15 (3)(C) and justification under paragraph
16 (3)(D); and

17 “(C) if applicable, a schedule for updating,
18 closing, or reissuing a recommendation.”.

19 (b) TABLE OF CONTENTS.—The table of contents of
20 chapter 11 of subtitle II is amended by amending the item
21 relating to section 1116 to read as follows:

 “1116. Reports, studies, and retrospective reviews.”.

22 (c) SAVINGS CLAUSE.—Nothing in this section or the
23 amendments made by this section may be construed to
24 limit or otherwise affect the authority of the Board to up-
25 date, close, or reissue a recommendation.



1 **SEC. 8013. GENERAL ORGANIZATION.**

2 (a) TERMS OF THE CHAIRMAN AND VICE CHAIR-
3 MAN.—Section 1111(d) is amended by striking “2 years”
4 and inserting “3 years”.

5 (b) NONPUBLIC COLLABORATIVE DISCUSSIONS.—
6 Section 1111 is amended by adding at the end the fol-
7 lowing:

8 “(k) OPEN MEETINGS.—

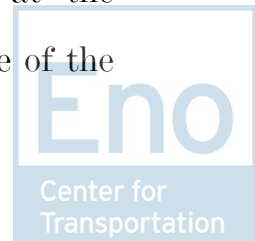
9 “(1) IN GENERAL.—The Board shall be deemed
10 to be an agency for purposes of section 552b of title
11 5.

12 “(2) NONPUBLIC COLLABORATIVE DISCUS-
13 SIONS.—

14 “(A) IN GENERAL.—Notwithstanding sec-
15 tion 552b of title 5, a majority of the members
16 may hold a meeting that is not open to public
17 observation to discuss official agency business
18 if—

19 “(i) no formal or informal vote or
20 other official agency action is taken at the
21 meeting;

22 “(ii) each individual present at the
23 meeting is a member or an employee of the
24 Board;



1 “(iii) at least 1 member of the Board
2 from each political party is present at the
3 meeting, if applicable; and

4 “(iv) the General Counsel of the
5 Board is present at the meeting.

6 “(B) DISCLOSURE OF NONPUBLIC COL-
7 LABORATIVE DISCUSSIONS.—Except as provided
8 under subparagraphs (C) and (D), not later
9 than 2 business days after the conclusion of a
10 meeting under subparagraph (A), the Board
11 shall make available to the public, in a place
12 easily accessible to the public—

13 “(i) a list of the individuals present at
14 the meeting; and

15 “(ii) a summary of the matters, in-
16 cluding key issues, discussed at the meet-
17 ing, except for any matter the Board prop-
18 erly determines may be withheld from the
19 public under section 552b(c) of title 5.

20 “(C) SUMMARY.—If the Board properly
21 determines a matter may be withheld from the
22 public under section 552b(c) of title 5, the
23 Board shall provide a summary with as much
24 general information as possible on each matter
25 withheld from the public.



1 “(D) ACTIVE INVESTIGATIONS.—If a dis-
2 cussion under subparagraph (A) directly relates
3 to an active investigation, the Board shall make
4 the disclosure under subparagraph (B) on the
5 date the Board adopts the final report.

6 “(E) PRESERVATION OF OPEN MEETINGS
7 REQUIREMENTS FOR AGENCY ACTION.—Noth-
8 ing in this paragraph may be construed to limit
9 the applicability of section 552b of title 5 with
10 respect to a meeting of the members other than
11 that described in this paragraph.

12 “(F) STATUTORY CONSTRUCTION.—Noth-
13 ing in this paragraph may be construed—

14 “(i) to limit the applicability of sec-
15 tion 552b of title 5 with respect to any in-
16 formation which is proposed to be withheld
17 from the public under subparagraph
18 (B)(ii); or

19 “(ii) to authorize the Board to with-
20 hold from any individual any record that is
21 accessible to that individual under section
22 552a of title 5.”.

23 (c) INVESTIGATIVE OFFICERS.—Section 1113 is
24 amended by striking subsection (h).



1 (d) AUTHORITY TO ACQUIRE SMALL UNMANNED
2 AIRCRAFT SYSTEMS FOR INVESTIGATION PURPOSES.—

3 Section 1113(b)(1) 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 331 of the FAA Mod-
12 ernization and Reform Act of 2012 (49 U.S.C.
13 40101 note)) for use in investigations under
14 this chapter.”.

15 (e) TECHNICAL AMENDMENT.—Section 1113(a)(1) is
16 amended by striking “subpena” and inserting “subpoena”.

17 **SEC. 8014. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) TABLE OF CONTENTS.—The table of contents of
19 chapter 11 of subtitle II is amended in the item relating
20 to section 1138 by striking “Board” and inserting
21 “Board.”.

22 (b) GENERAL AUTHORITY.—Section 1131(a)(1)(A) is
23 amended by striking “a public aircraft as defined by sec-
24 tion 40102(a)(37) of this title” and inserting “a public
25 aircraft as defined by section 40102(a) of this title”.

