



# **H.R. 302, *as amended*:**

## SECTION BY SECTION



## **DIVISION A – SPORTS MEDICINE LICENSURE**

### Section 11. Short title.<sup>1</sup>

This section includes a short title, the Sports Medicine Licensure Clarity Act of 2018.

### Section 12. Protections for covered sports medicine professionals.

This section extends the liability insurance coverage of a state-licensed medical professional to another state when the professional provides medical services to an athlete, athletic team, or team staff member pursuant to a written agreement. Prior to providing such services, the medical professional must disclose to the insurer the nature and extent of the services. This extension of coverage does not apply at a health care facility or while a medical professional licensed in the state is transporting the injured individual to a health care facility.

## **DIVISION B – SPORTS MEDICINE LICENSURE**

### Section 101. Definition of appropriate committees of Congress.

This section provides a definition for the appropriate committees of Congress for the division.

## **TITLE I AUTHORIZATIONS**

### **SUBTITLE A – FUNDING OF FAA PROGRAMS**

### Section 111. Airport planning and development and noise compatibility planning and programs.

This section authorizes \$3.350 billion from the Airport and Airway Trust Fund for the FAA's Airport Improvement Program (AIP) account for each of fiscal years 2019-2023.

### Section 112. Facilities and equipment.

This section authorizes from the Airport and Airway Trust Fund the following amounts for FAA's Facilities & Equipment (F & E) account: \$3.330 billion for fiscal year 2018; \$3.398 billion for fiscal year 2019; \$3.469 billion for fiscal year 2020; \$3.547 billion for fiscal year 2021; \$3.624 billion for fiscal year 2022; and \$3.701 billion for fiscal year 2023.

## Section 113. FAA operations.

This section authorizes the following amounts for FAA's Operations account: \$10.247 billion for fiscal year 2018; \$10.486 billion for fiscal year 2019; \$10.732 billion for fiscal year 2020; \$11.000 billion for fiscal year 2021; \$11.269 billion for fiscal year 2022; and \$11.537 billion for fiscal year 2023.

## Section 114. Weather reporting programs.

This section authorizes \$39 million for sustainment of aviation weather reporting programs for each of fiscal years 2019-2023.

## Section 115. Adjustment to AIP program funding.

This section discontinues a formula created in the FAA Modernization and Reform Act of 2012 (P.L. 112-95) that created additional contract authority for AIP if the appropriated funding levels for the F & E program were not equal to the authorized levels included in the Act.

## Section 116. Funding for aviation programs.

This section discontinues an Airport and Airway Trust Fund guarantee that was originally included in the FAA Modernization and Reform Act of 2012.

## Section 117. Extension of expiring authorities.

This section extends various expiring authorities, including AIP discretionary grant eligibility for the Marshall Islands, Micronesia, and Palau; eligibility of state and local governments for AIP grants for compatible land use planning; and a pilot program allowing AIP funds to be spent on certain airport property redevelopment projects.

# **SUBTITLE B - PASSENGER FACILITY CHARGES**

## Section 121. Passenger facility charge modernization.

This section expands the current pilot program for passenger facility charge (PFC) authorizations at non-hub airports to include small, medium, and large hub airports.

## Section 122. Future aviation infrastructure financing study.

This section requires the Department of Transportation (DOT) to engage an independent nonprofit research organization to conduct a study and make recommendations on actions needed to improve the national aviation infrastructure system, including airport infrastructure.

## Section 123. Intermodal access projects.

This section directs the FAA to issue a final policy amendment consistent with a previous notice of proposed policy amendment relating to PFC eligibility for certain categories of intermodal projects.

## **SUBTITLE C – AIRPORT IMPROVEMENT PROGRAMS MODIFICATIONS**

## Section 131. Grant assurances.

This section allows general aviation airports to permit the construction of exclusively recreational aircraft by private individuals in airport hangars without violating any grant assurances. This section also permits the leasing of airport land not needed for aeronautical purposes to local governments for recreational use, provided the use is temporary and does not interfere with airport safety.

## Section 132. Mothers' rooms.

This section requires medium and large hub airports to maintain an area for nursing mothers to feed their infants in each passenger terminal building. This section also makes the construction or installation of a mothers' room eligible for AIP funding at any commercial service airport.

## Section 133. Contract Tower Program.

This section reforms the Federal Contract Tower Program and the Cost-Share Program. This section revises the methodology for determining benefit-to-cost ratios for contract tower airports. The FAA is required to establish new procedures for participants in the Contract Tower Program to review and appeal determinations related to a benefit-to-cost ratio. This section also allows FAA-certified remote towers to be eligible for the contract tower program.

## Section 134. Government share of project costs.

This section codifies a technical correction relating to the federal share of certain multi-phase AIP projects that were underway in fiscal year 2011.

## Section 135. Updated veterans' preference.

This section updates the definition of "Afghanistan-Iraq war veteran" used in FAA's veterans' preference program.

## Section 136. Use of State highway specifications.

This section requires the FAA to accept state highway standards for non-primary airports serving small aircraft if the standards do not jeopardize safety or decrease the life of a runway.

## Section 137. Former military airports.

This section designates certain former military installations that are also primary airport as eligible for the Military Airport Program.

## Section 138. Eligibility of CCTV projects for airport improvement program.

This section makes the installation of security cameras in public areas of an airport AIP eligible.

## Section 139. State block grant program expansion.

This section increases the cap on the number of states allowed to participate in the State Block Grant Program from 10 to 20.

## Section 140. Non-movement area surveillance surface data systems pilot program

This section allows the FAA to carry out a pilot program to support the non-federal acquisition and installation of qualifying non-movement area surveillance systems and sensors if certain factors are met. A non-movement area would be defined as the areas that are not under tower control.

## Section 141. Property conveyance releases.

This section authorizes the Secretary of Transportation (Secretary) to release an airport, city, or county from any of the terms, conditions, reservations, or restrictions contained in a deed in which the United States conveyed certain property.

## Section 142. Study regarding technology use at airports.

This section directs the Administrator of the FAA (Administrator) to conduct a study and report on technologies developed by international entities that have been installed in American airports and aviation systems over the past decade, and on aviation safety related technologies developed by international entities that may assist in establishing best practices to improve aviation operations and safety.

## Section 143. Study on airport revenue diversion.

This section requires the Government Accountability Office (GAO) to study airport revenue diversion exemptions under Federal law.

## Section 144. GAO study on the effect of granting an exclusive right of aeronautical services to an airport sponsor.

This section requires the GAO to study the use of proprietary exclusive rights by airports.

## Section 145. Sense of Congress on smart airports.

This section expresses the sense of Congress that the FAA and Secretary should produce a smart airports initiative plan that focuses on creating a more connected and consumer-friendly airport experience.

## Section 146. Critical airfield markings.

This section requires the FAA to issue, a request for proposals for a study on the effectiveness and durability of Type I and Type III reflective glass beads on critical airport runway markings.

## Section 147. General facilities authority.

This section allows an airport to transfer to the FAA an eligible air traffic system purchased through a government aid or grant program.

## Section 148. Recycling plans; uncategorized small airports.

This section makes projects at an airport eligible for DOT grants if it is listed as having an unclassified status under the most recent national plan of integrated airport systems and it is for the maintenance or rehabilitation of a primary runway or it is considered necessary for the safe operation of the airport. This section also extends for fiscal years 2019 and 2020 authority for airports without a classified status listed in the National Plan of Integrated Airport Systems to continue receiving the non-primary entitlement funding they received from AIP in fiscal year 2013.

## Section 149. Evaluation of airport master plans.

This section requires the FAA to consider the emergency preparedness needs of a community served by an airport when evaluating that airport's master plan under the AIP.

## Section 150. Definition of small business concern.

This section conforms FAA's definition of 'small business concern' with that of the Small Business Act for purposes of a construction company.

## Section 151. Small airport regulation relief.

This section directs the FAA to apportion AIP entitlement funds to certain small airports based on the airport's 2012 passenger enplanements through fiscal year 2020. This section also provides an annual entitlement of \$600,000 for each airport with annual passenger enplanements between 8,000 and 10,000.

## Section 152. Construction of certain control towers.

This section makes construction or improvements of contract air traffic control towers eligible for grants from the AIP small airport fund.

## Section 153. Nondiscrimination.

This section ensures that Indian tribes may establish employment and contracting preference for projects at tribally owned airports or airports located on Indian reservations that are consistent with the Civil Rights Act of 1964.

## Section 154. Definition of airport development.

This section allows earth-moving activities at mountaintop airports to be eligible for grant funding.

## Section 155. General aviation airport expired funds.

This section would authorize the transfer of unused nonprimary entitlement (NPE) funds to a NPE set-aside in the FAA discretionary fund to then be available for other eligible projects.

## Section 156. Priority review of construction projects in cold weather states.

This section requires the FAA to schedule its review of construction projects so that projects in states with shortened construction seasons are reviewed as quickly as possible.

## Section 157. Minority and disadvantaged business participation.

This section finds that there remains a compelling need for the continuation of the airport disadvantaged business enterprise (DBE) program and the airport concessions DBE program. This section also requires FAA to review and improve compliance with prompt payment requirements in the DBE program.

## Section 158. Supplemental discretionary funds.

This section authorizes more than \$1 billion annually for supplemental airport discretionary grants and prioritizes half of the funding for small airports.

## Section 159. State taxation.

This section ensures that state or local governments may not unreasonably burden or discriminate against interstate commerce by levying or collecting a tax, fee, or charge upon any commercial service airport that is not generally imposed by the state or local government, unless the revenue is exclusively used for airport purposes.

## Section 160. Airport investment partnership program.

This section changes the airport privatization pilot program into the Airport Investment Partnership Program, increasing the utility of the program. This section removes participation caps, clarifies that partial privatization is permitted under the program, and makes predevelopment activities AIP eligible.

## Section 161. Remote tower pilot program for rural and small communities.

This section establishes a pilot program for the construction and operation of remote towers. This section requires the FAA to clearly define the evaluation agenda for the pilot program, and airports would have to submit competing proposals to the FAA outlining how they would further the FAA's evaluation agenda if they are selected to participate in the pilot program. In choosing which airports become part of the pilot program, the FAA would consider specific factors, and must select at least one airport currently in the Contract Tower Program and three airports that do not currently have an air traffic control (ATC) tower. If the FAA certifies such systems, they would become eligible for AIP funding.



## Section 162. Airport access roads in remote locations.

This section expands the permissible use of AIP funds through fiscal year 2023 to include the development of certain airport access roads in noncontiguous states and to certain snow removal equipment storage facilities.

## Section 163. Limited regulation of non-federally sponsored property.

This section general prohibits the Secretary from regulating the acquisition, use, lease, transfer, or disposal land by an airport owner or operator if the land was not purchased with federal funds and if airport safety is maintained.

## Section 164. Seasonal airports.

This section amends USC to clarify that a commercial service airport with at least 8,000 passenger boardings for fewer than six months shall be a nonhub primary airport.

## Section 165. Amendments to definitions.

This section modifies and expands various definitions applicable to the AIP.

## Section 166. Pilot program sunsets.

This section repeals two successfully completed airport pilot programs.

## Section 167. Buy America requirements.

This section clarifies the procedures necessary for the Secretary to waive Buy America requirements and directs a reporting requirement to Congress about such waivers filed during the fiscal year.

# **SUBTITLE D - AIRPORT NOISE AND ENVIRONMENTAL STREAMLINING**

## Section 171. Airport energy efficiency assessments.

This section requires the FAA to reimburse an airport sponsor for the costs it incurred in conducting this assessment. Additionally, in applying for the equipment grants, this section requires airports to certify that no safety projects would be deferred by prioritizing one of these grants.

## Section 172. Authorization of certain flights by stage 2 aircraft.

This section authorizes the FAA to initiate a pilot program to permit one or more operators of a stage 2 aircraft to operate that aircraft in nonrevenue service into not more than four medium hub airports or nonhub airports if the airport and the operator meet specific criteria. The pilot program terminates on the earlier of either the date 10 years after the date of enactment of this Act, or the date on which the FAA determines that no stage 2 aircraft remain in service.

## Section 173. Alternative airplane noise metric evaluation deadline.

This section requires the FAA to complete the ongoing evaluation of alternative metrics to the current Day Night Level 65 standard within one year.

## Section 174. Updating airport noise exposure maps.

This section clarifies an existing statutory provision regarding the submission of noise exposure maps from airport operators to the FAA and when an airport must update them.

## Section 175. Addressing community noise concerns.

This section requires the FAA to consider the feasibility of dispersal headings or other lateral track variations to address noise concerns from affected communities when proposing new area navigation departure procedures or amending an existing procedure below 6,000 feet over noise sensitive areas.

## Section 176. Community involvement in FAA NextGen initiatives located in Metroplexes.

This section requires the FAA to review the FAA's community involvement practices for NextGen projects located in Metroplexes.

## Section 177. Lead emissions.

This section requires from the National Research Council on aviation gasoline that assesses non-leaded fuel alternatives to the aviation gasoline used by piston-powered general aviation aircraft.

## Section 178. Terminal sequencing and spacing.

This section requires a report to Congress on the status of Terminal Sequencing and Spacing (TSAS) implementation across all completed NextGen Metroplexes with specific information provided by airline regarding the adoption and equipping of aircraft and the training of pilots in its use.

## Section 179. Airport noise mitigation and safety study.

This section directs the FAA to initiate a study to review and evaluate existing studies and analyses of the relationship between jet aircraft approach and takeoff speeds and corresponding noise impacts on communities surrounding airports.

## Section 180. Regional ombudsmen.

This section directs each FAA Regional Administrator to designate a Regional Ombudsman.

## Section 181. FAA leadership in civil supersonic aircraft.

This section directs the Administrator to exercise leadership in the creation of federal and international policies, regulations, and standards relating to certification and safe and efficient operation of civil supersonic aircraft.

## Section 182. Mandatory use of the New York North Shore Helicopter Route.

This section requires a public hearing regarding changes to the New York North Shore Helicopter Route. This section also requires an FAA review of the route regulations.

## Section 183. State standards for airport pavements.

This section directs the FAA, upon request by a state, to promptly provide technical assistance to the state to achieve prompt development of a state standard for pavements on nonprimary public-use airports that would be acceptable to the Secretary. Such technical assistance also indicates what would be acceptable to the FAA considering local conditions and locally available materials, factors recognized by the FAA as relevant to such state standards.

## Section 184. Eligibility of pilot program airports.

This section amends allows the FAA to make grants to certain airports in the airport privatization pilot program for total or partial federal reimbursement over eligible public use infrastructure projects that have been funded in advance by the private sector.

## Section 185. Grandfathering of certain deed agreements granting through-the-fence access to general aviation airports.

This section amends grandfathered airports with non-compliant residential-through-the-fence that cannot comply with statutory terms and conditions because they are subject to perpetual deed or lease restrictions.

## Section 186. Stage 3 aircraft study.

This section directs the Comptroller General to conduct a review of the benefits, costs, and other impacts of a phase out of stage 3 aircraft.

## Section 187. Aircraft noise exposure.

This section directs the Administrator to conduct a review of the relationship between aircraft noise and its effect on communities surrounding airports. FAA is then required to submit a report to Congress containing appropriate recommendations for revising land use compatibility guidelines in title 14, Code of Federal Regulations (CFR), part 150.

## Section 188. Study regarding day-night average sound levels.

This section directs the Administrator to evaluate alternative metrics to the current average day night level standard, using actual noise sampling and other methods to address community airplane noise concerns. This section also requires the Administrator to submit a report to Congress.

## Section 189. Study on potential health and economic impacts of overflight noise.

This section directs the FAA to enter into an agreement with eligible institutions of higher education to conduct a study on health impacts of noise from aircraft flights on residents exposed to a range of noise levels from such flights.

## Section 190. Environmental mitigation pilot program.

This section allows the Secretary to carry out a pilot program comprised of no more than six projects at public-use airports aimed at achieving the most cost-effective and measurable reductions in or mitigation of the impacts of aircraft noise, airport emissions, and water quality at the airport or within five miles of the airport.

## Section 191. Extending aviation development streamlining.

This section amends USC to make general aviation airport construction or improvement projects subject to the coordinated and expedited environmental review process set forth in title 49, USC, section 47171. This section also codifies a definition of "general aviation airport construction or improvement project".

## Section 192. Zero-emission vehicles and technology.

This section reforms the FAA's Zero Emissions Vehicle pilot program and clarifies that airports have the option to use AIP or PFCs to fund projects under those programs.

## **TITLE II – FAA SAFETY CERTIFICATION REFORM**

### **SUBTITLE A – GENERAL PROVISIONS**

#### Section 201. Definitions.

This section provides definitions for the subtitle.

#### Section 202. Safety Oversight and Advisory Committee.

This section establishes the Safety Oversight and Certification Advisory Committee (SOCAC), comprised of industry stakeholders, including general aviation, commercial aviation, aviation labor, aviation maintenance, and the Administrator. The SOCAC is responsible for providing advice and recommendations to the Secretary on policy level issues related to FAA safety certification and oversight programs and activities, and establishing consensus national goals, strategic objectives and priorities to achieve the most efficient, streamlined and cost-effective certification and oversight processes. The SOCAC sunsets after six years.

### **SUBTITLE B – AIRCRAFT CERTIFICATION REFORM**

#### Section 211. Aircraft certification performance objectives and metrics.

This section directs the Administrator to work with the SOCAC to establish performance objectives for the FAA and the aviation industry related to aircraft certification, as well as apply and track performance metrics for the FAA and aviation industry. These performance objectives for aircraft certification is eliminating delays, increasing accountability, and achieving full utilization of delegation, while maintaining leadership of the United States in international aviation. The findings will be publicly available on the FAA's website.

#### Section 212. Organization designation authorizations.

This section amends existing law by requiring that when overseeing an organization designation authorization (ODA) holder, the Administrator must require a procedures manual to ensure that functions are delegated fully to the ODA (unless there is a safety or public interest reason to not delegate functions). This section establishes a centralized ODA policy office within the FAA's Office of Aviation Safety to oversee and ensure the consistency of audit functions under the ODA program across the FAA.

#### Section 213. ODA review.

This section establishes a multidisciplinary expert review panel to conduct a survey of ODA holders and applicants to obtain feedback on the FAA's efforts involving the ODA program and make recommendations to improve the FAA's ODA-related activities. Within six months of the Panel convening, they will submit a report to the FAA and appropriate Committees of Congress on any findings and recommendations.

#### Section 214. Type certification resolution process.

This section requires the Administrator to establish a type certification resolution process, in which the certificate applicant and FAA will establish for each project specific certification milestones and timeframes.

#### Section 215. Review of certification process for small general aviation airplanes.

This section requires GAO to review the final rule titled "Revision of Airworthiness Standards for Normal, Utility, Acrobatic and Commuter Category Airplanes." The GAO will assess and report on: how the rule puts into practice the FAA's efforts to implement performance based safety standards; if the rule has improved safety and reduced regulatory cost burden and lessons learned; whether the rule has spurred innovation and technological adoption; how consensus standards accepted by the FAA facilitate the development of new safety equipment and aircraft capabilities; and whether best practices developed from the rule and its implementation have resulted in knowledge that could be applied to airworthiness standards for other categories of aircraft.

#### Section 216. ODA staffing and oversight.

This section directs the Administrator to report to Congress no later than 270 days after enactment on its progress in implementing specific DOT Inspector General (IG) recommendations regarding the FAA's staffing and oversight of ODA. The section requires the report to contain the FAA's progress with respect to ensuring full ODA utilization authority.

### **SUBTITLE C - FLIGHT STANDARDS REFORM**

#### Section 221. Flight standards performance objectives and metrics.

This section directs the Administrator, in collaboration with the SOCAC, to establish performance objectives and to apply and track metrics for the FAA and aviation industry relating to flight standards activities.

## Section 222. FAA task force on flight standards reform.

This section directs the FAA to establish an FAA Task Force on Flight Standards Reform. The Task Force will be comprised of 20 industry experts and stakeholders, and will be responsible for identifying best practices and providing recommendations for simplifying and streamlining flight standards processes, training for aviation safety inspectors, and achieving consistency in FAA regulatory interpretations and oversight.

## Section 223. Centralized safety guidance database.

This section directs the Administrator to establish a Central Safety Guidance Database that will include all regulatory guidance documents of the FAA Office of Aviation Safety within one year of enactment, and make the database available to the public.

## Section 224. Regulatory consistency communications board.

This section requires the Administrator to establish a Regional Consistency Communications Board that will be composed of FAA representatives from Flight Standards Service, Aircraft Certification Service and Office of the Chief Counsel. The Board will be responsible for establishing a process by which FAA personnel as well as regulated entities may submit regulatory interpretation questions anonymously without fear of retaliation. The SOCAC will establish performance metrics for both industry and the FAA in regard to the actions of the Board.

# **SUBTITLE D – SAFETY WORKFORCE**

## Section 231. Safety workforce training strategy.

This section directs the FAA to establish a safety workforce training strategy to align with an effective risk-based approach to safety oversight, utilize best available resources, allow employees participating in organization management teams or ODA program audits to complete appropriate training in auditing, identify a systems safety approach to oversight, foster an experienced and knowledgeable inspector and engineer workforce, and seek knowledge-sharing opportunities between the FAA and aviation industry.

## Section 232. Workforce review.

This section directs the Comptroller General to conduct a study to assess the workforce and training needs of the FAA's Office of Aviation Safety. This study will look at current hiring and training requirements for inspectors and engineers and analyze the skills and qualifications of safety inspectors and engineers.

## **SUBTITLE E - INTERNATIONAL AVIATION**

Section 241. Promotion of United States aerospace standards, products, and services abroad.

This section directs the Secretary to take appropriate actions to promote U.S. aerospace standards abroad, to defend approvals of U.S. aerospace products and services abroad, and to utilize bilateral safety agreements to improve validation of U.S. certified products.

Section 242. Bilateral exchanges of safety oversight responsibilities.

This section grants the Administrator the ability to accept an airworthiness directive necessary to provide for safe operation of aircraft issued by the aeronautical authority of a foreign country and leverage their regulatory process, if certain criteria are met. This section also allows for an alternative approval process and alternative means of compliance under certain circumstances.

Section 243. FAA leadership abroad.

This section directs the Administrator to promote U.S. aerospace safety standards abroad and to work with foreign governments to facilitate the acceptance of FAA approvals and standards internationally. The Administrator is directed to further assist American companies who have experienced significantly long foreign validation wait times and work with foreign governments to improve the timeliness of their acceptance of FAA validations and approvals. This section requires FAA to track and analyze the amount of time it takes foreign authorities to validate certificated aeronautical product types certified in the United States and establish benchmarks and metrics to reduce the validation times.

Section 244. Registration, certification, and related fees.

This section amends existing law by allowing the Administrator to establish and collect a fee from a foreign government or entity for certification services if the fee is consistent with aviation safety agreements and does not exceed the cost of the services.



## **TITLE III - SAFETY**

### **SUBTITLE A - GENERAL PROVISIONS**

#### Section 301. Definitions.

This section provides definitions for the subtitle.

#### Section 302. FAA technical training.

This section requires the FAA to establish an e-learning training pilot program in accordance with specific requirements. The pilot program ends one year after its creation, and upon its termination, the FAA is required to assess and establish or update an e-learning training program that incorporates lessons learned from the pilot program.

#### Section 302. Safety critical staffing.

This section instructs the DOT IG to conduct and complete an audit of the staffing model used by the FAA to determine the number of aviation safety inspectors that are needed to fulfill the mission of the FAA and adequately ensure aviation safety. At a minimum, the audit includes a review of the current staffing model and an analysis of how consistently the staffing model is applied throughout the FAA, a review of the assumptions and methods used in devising and implementing the staffing model, and a determination as to whether the current staffing model considers the FAA's authority to fully utilize designees. Upon the completion of this audit, the DOT IG is required to report the results to Congress.

#### Section 304. International efforts regarding tracking of civil aircraft.

This section requires the FAA to assess the current standards for near-term and long-term aircraft tracking and flight data recovery and to conduct a rulemaking to improve such standards. In revising these performance standards, the FAA may consider various methods for improving detection and retrieval of flight data, including low frequency and extended battery life for underwater locating devices, automatic deployable flight recorders, satellite-based solutions, distress-mode tracking, and protections against disabling flight recorder systems.

The FAA is also instructed in this section to coordinate with international regulatory authorities and the International Civil Aviation Organization (ICAO) in an effort to ensure that any new international standard for aircraft tracking and flight data recovery is consistent with a performance-based approach and is implemented in a globally harmonized manner.

## Section 305. Aircraft data access and retrieval systems.

This section requires the FAA to initiate a study of aircraft data access and retrieval technologies for part 121 commercial aircraft used in extended overwater operations to determine if such technologies provide improved access and retrieval of the data in the event of an accident. A report to Congress is required no later than one year after initiation of the study.

## Section 306. Advanced cockpit displays.

This section requires the FAA to review heads-up display systems, heads-down display systems employing synthetic vision systems, and enhanced vision systems and the impacts of single and dual installed heads-up systems within 180 days of enactment. A report to Congress is required no later than one year after enactment.

## Section 307. Emergency medical equipment on passenger aircraft.

This section requires the FAA to evaluate and revise, as appropriate, the regulations regarding the onboard emergency medical equipment requirements, including the contents of the first-aid kit. In conducting this evaluation, the FAA would consider whether the minimum contents of approved emergency medical kits include appropriate medications and equipment to meet the emergency medical needs of children.

## Section 308. FAA and NTSB review of general aviation safety.

This section requires the Comptroller General to conduct a study and issue recommendations on aviation workforce data and workforce needs in the aviation maintenance sector. This section requires a report to Congress no later than one year after the date of enactment.

## Section 309. Call to action airline engine safety review.

This section requires the FAA Administrator to conduct a review of Administration regulations, guidance, and directives related to airline engines during design and production, operation and maintenance, and reported accidents. The review provides a process for stakeholders, inspectors, manufacturers, maintenance providers, airlines, labor, and aviation safety experts to share best practices. This section requires the Call to Action Review to be completed and submitted to the appropriate Committees of Congress

## Section 310. Sense of Congress on access to air carrier flight decks.

This section requires the FAA to collaborate with other aviation authorities to advance a global standard for access to air carrier flight decks and redundancy requirements consistent with the flight deck access and redundancy requirements in the

United States. The Germanwings tragedy highlighted the fact that some countries do not require, as the United States does, that two authorized persons to be on the flight deck of a large passenger aircraft at all times during a flight.

#### Section 311. Part 135 accident and incident data.

This section requires the FAA to determine, in collaboration with the National Transportation Safety Board (NTSB) and part 135 industry stakeholders, what, if any, additional data should be reported as part of an accident or incident notice. The FAA would then submit a report to Congress on its findings in an effort to more accurately measure the safety of on-demand part 135 aircraft activity, to pinpoint safety problems, and to form the basis for critical research and analysis of general aviation issues for more risk-based, data driven safety oversight.

#### Section 312. Sense of Congress; pilot in command authority.

This section expresses the sense of Congress that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.

#### Section 313. Report on conspicuity needs for surface vehicles operating on the airside of air carrier served airports.

This section requires the FAA to perform a study on the need to prescribe conspicuity standards for surface vehicles operating on the airside of specific airports. Additionally, this section requires the FAA to submit a report to the appropriate Committees of Congress on the results of the study, including appropriate recommendations regarding the need for the FAA to prescribe such conspicuity standards.

#### Section 314. Helicopter air ambulance operations data and reports.

This section requires the FAA, in collaboration with helicopter air ambulance industry stakeholders, to assess the availability of information related to the location of heliports and helipads used by helicopters providing air ambulance services. Based on the assessment, the FAA, as appropriate or necessary, updates forms related to heliports and helipads and develop a new database related to such helicopter landing areas for air ambulance services. This section also makes various changes to safety data that operators of helicopter air ambulance services must provide to the FAA for more risk-based, data driven safety oversight.

#### Section 315. Aviation rulemaking committee for part 135 pilot rest and duty rules.

This section establishes a rulemaking committee, which will be comprised of industry representatives, labor organizations, and safety experts, to review and provide recommendations on pilot rest and duty rules for part 135 operations. This section requires the Administrator to submit a report on its findings and issue a notice of proposed rulemaking based on the consensus recommendations of the committee not later than one year after submittal of the report to Congress.

## Section 316. Report on obsolete test equipment.

This section requires the Administrator to submit a report on the National Test Equipment Program of the FAA to identify obsolete test equipment and provide a plan to replace that equipment no later than 180 days after the date of enactment.

## Section 317. Helicopter fuel system safety.

This section implements the recommendations from the FAA's Rotorcraft Occupant Protection Working Group to require all newly manufactured helicopters to meet certain standards to improve helicopter fuel system crash resistance within 18 months.

## Section 318. Applicability of medical certification standards to operators of air balloons.

This section requires second-class medical certifications for operators of a commercial air balloon.

## Section 319. Designated pilot examiner reforms.

This section requires direct the FAA to assign to the Aviation Rulemaking Advisory Committee (ARC) the task of reviewing all regulations and policies related to designated pilot examiners appointed under title 14, CFR, section 183.23. The ARC would focus on the processes and requirements by which the FAA selects, trains, and deploys individuals as designated pilot examiners, and provide recommendations with respect to the regulatory and policy changes necessary to ensure an adequate number of designated pilot examiners are deployed and available to perform their duties. The ARC also makes recommendations with respect to the regulatory and policy changes necessary to allow a designated pilot examiner perform a daily limit of three new check rides with no limit for partial check rides and to serve as a designed pilot examiner without regard to any individual managing office.

## Section 320. Voluntary reports of operational or maintenance issues related to aviation safety.

This section requires the FAA to automatically accept voluntary disclosures submitted under the Aviation Safety Action Program into the program even if they have not undergone a review by the event review committee. This requires a disclaimer be attached to the disclosure that states the disclosure has not gone through an event review committee. If the event review committee determines that the disclosure fails to meet criteria for acceptance, the disclosure will be rejected from the program.

## Section 321. Evaluation regarding additional ground based transmitters.

This section requires that not later than one year after receiving recommendations the FAA shall take such action as the Administrator considers appropriate with respect to those recommendations.

## Section 322. Improved safety in rural areas.

This section allows part 135 air carriers to operate with Meteorological Aerodrome Reports (METAR) if a current Area Forecast is available supplemented by non-certified information.

## Section 323. Exit rows.

This section directs the Administrator to conduct a review of current safety procedures regarding unoccupied exit rows in covered passenger transportation aircraft and to specifically consult with air carriers, aviation manufacturers, and labor stakeholders. This section also directs the Administrator to submit a report to Congress not later than one year after the date of enactment.

## Section 324. Comptroller General report on FAA enforcement policy.

This section directs GAO to conduct a study on FAA Compliance Policy and report to Congress on findings.

## Section 325. Annual safety incident report.

This section requires the FAA to submit an annual report to Congress describing the FAA's safety oversight process, the risk-based oversight methods applied to ensure aviation safety, and in the instance of specific reviews of air carrier performance to safety regulations, a description of the cases where the timelines for recurrent reviews are advanced.

## Section 326. Aircraft air quality.

This section directs the FAA, in consultation with relevant stakeholders, to establish and make available on a publicly available Internet website educational materials for flight attendants, pilots, aircraft maintenance technicians, and airport first responders and emergency response teams on how to respond to incidents on board aircraft involving smoke or fumes. This section also requires the FAA to issue guidance on reporting incidents of smoke or fumes on board an aircraft, and would require the FAA to commission a study by the Airliner Cabin Environment Research Center of Excellence on bleed air in the cabins of commercial aircraft.

This section also requires the FAA to submit a report to the appropriate Committees of Congress on the feasibility, efficacy, and cost-effectiveness of certification and installation of systems to evaluate bleed air quality, and authorizes the FAA to conduct a pilot program to evaluate the effectiveness of technologies identified in the study conducted by the Airliner Cabin Environment Research Center of Excellence.

## Section 327. Approach control radar.

This section requires the FAA to identify airports that are currently served by FAA towers with non-radar approach and departure control and to develop an implementation plan, including budgetary considerations, to provide those identified facilities with approach control radar.

## Section 328. Report on airline and passenger safety.

This section requires the Administrator to submit a report on airline and passenger safety, of which contents will include the overall use, age, and flight hours of commercial aircraft, in addition to the impact of metal fatigue on usage and safety, a review of contractor assisted maintenance, and a re-evaluation of rules regarding inspection of aging airplanes.

## Section 329. Performance-based standards.

This section directs the Administrator to ensure that regulations, guidance, and policies issued by the FAA on and after the date of enactment are in the form of performance-based standards, provide equal or higher levels of safety. This section codifies a directive of President Clinton's 1993 Executive Order 12866, section 1(b)(8), which stipulates that, whenever possible, any new standards promulgated by the FAA shall be performance-based standards providing an equal or higher level of safety.

## Section 330. Report and recommendations on certain aviation safety risks.

This section directs the Administrator to submit a report that identifies safety risks associated with airport power outages and recommends actions to improve resilience of aviation systems in such events, and reviews alert systems for pilots and air traffic controllers in the event of a failure of runway lights and provides recommendations on further implementation of the systems.

## Section 331. Review of FAA's Aviation Safety Information Analysis and Sharing System.

This section directs the FAA to work with relevant aviation industry stakeholders to assess what, if any, improvements are needed to develop the predictive capability of the Aviation Safety Innovation Analysis and Sharing (ASIAS) system with regard to identifying precursors to accidents. This section requires the FAA to report to Congress on the assessment.

## Section 332. Performance standards for firefighting foams modified.

This section directs the Administrator to coordinate with the Administrator of the Environmental Protection Agency (EPA) and aircraft manufacturers and airports to no longer require the use of fluorinated chemicals to meet performance standards for firefighting foams. This new standard will be set no later than three years after the date of enactment.

### Section 333. Safe air transportation of lithium cells and batteries.

This section directs the Secretary, in coordination with appropriate federal agencies, to carry out cooperative efforts to ensure shippers of lithium ion and lithium metal batteries for air transport comply with ICAO Technical Instructions and Hazardous Material Regulations in the United States and work with appropriate federal agencies and international partners to ensure enforcement of existing applicable regulations.

This section also establishes the Lithium Ion Battery Safety Advisory Committee to facilitate communications between manufacturers of lithium ion cells and batteries, manufacturers whose products incorporate such batteries, and the federal government on the effectiveness and economic impacts of regulation of the transportation of lithium ion cells and batteries.

This section requires a review of best practices for safe transportation of these batteries and how to reduce the risk and safety threats posed by the air transportation of undeclared hazardous materials. The Advisory Committee will be comprised of industry and government representatives appointed by the Secretary and will terminate six years after the Committee has been established.

Also, this section directs the Secretary, in consultation with interested stakeholders, to submit to appropriate Committees of Congress an evaluation of current practices for packaging of lithium ion batteries and cells and any suggestions to improve the packaging in a safe, efficient, and cost effective manner. This section also directs the Secretary to harmonize the regulations of the United States regarding air transport of lithium cells and batteries with ICAO technical standards. This section also directs Secretary to issue a limited exception on the restriction of the air transportation of medical device batteries with specific parameters. Lastly, this section creates a new policy for DOT to support the participation of industry in working groups associated with ICAO to address the safe air transportation of these batteries.

### Section 334. Runway safety.

This section requires the Administrator in consultation with NTSB to submit a report to Congress on improving runway safety.

### Section 335. Flight attendant duty period limitations and rest requirements.

This section modifies the final rule relating to flight attendant duty period limitation and rest requirements.

### Section 336. Secondary cockpit barriers.

This section requires the FAA to issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery.

## Section 337. Aircraft cabin evacuation procedures.

This section directs the FAA in consultation with the NTSB to review evacuation certification of transport-category aircraft used in air transportation and submit a report of the results to Congress.

## Section 338. Sense of Congress.

This section describes the sense of Congress that each air carrier should have in place policies and procedures to address sexual misconduct and individuals who perpetrate sexual misconduct should be held accountable under all applicable laws.

## Section 339. Civil penalties for interference.

This section amends existing laws to include sexual assault as a type of interference with the cabin or flight crew and increases the maximum civil penalty for committing such act to \$35,000.

## Section 339A. National in-flight sexual misconduct.

This section establishes a task force, to be known as the “National In-Flight Sexual Misconduct Task Force” to review current practices of air carriers in responding to allegations of sexual misconduct and to provide recommendations on training, reporting and data collection of incidents.

## Section 339B. Reporting process for sexual misconduct onboard aircraft.

This section directs the Attorney General, in consultation with relevant Federal agencies, to establish a streamlined process for individuals involved in incidents of alleged sexual misconduct onboard aircraft to report such allegations to law enforcement.

## **SUBTITLE B – UNMANNED AIRCRAFT SYSTEMS**

## Section 341. Definitions and codification of comprehensive plan.

This section provides definitions for the subtitle and codifies the FAA comprehensive plan for UAS integration required by the FAA Modernization and Reform Act of 2012.



#### Section 342. Update of FAA comprehensive plan.

This section requires the FAA to update the comprehensive plan required by the FAA Modernization and Reform Act of 2012 to address certain matters including unmanned aircraft system traffic management.

#### Section 343. Unmanned aircraft test ranges.

This section requires the FAA to carry out certain activities and programs in support of the test ranges established by the FAA Modernization and Reform Act of 2012.

#### Section 344. Small unmanned aircraft in the Arctic.

This section codifies a provision enacted in section of 331 the FAA Modernization and Reform Act of 2012 governing unmanned aircraft system (UAS) operations in the Arctic.

#### Section 345. Small Unmanned Aircraft Safety Standards.

This section directs the FAA to accept risk-based, consensus safety standards for small unmanned aircraft and a process for the FAA to accept such standards. The section also includes prohibitions against making false assertions of compliance and introducing into commerce small unmanned aircraft that are not compliant with the safety standards or lack other authorization from the FAA.

#### Section 346. Public Unmanned Aircraft Systems.

This section codifies existing authority to authorize public aircraft operations and provide guidance and support for government agencies seeking to operate unmanned aircraft. This section also provides rules for the operation of tethered unmanned aircraft that can be used in firefighting operations.

#### Section 347. Special authority for certain unmanned aircraft systems.

This section creates an independent basis for the FAA to authorize unmanned aircraft operations including those that are beyond the visual line of sight and over people based on the unmanned aircraft's safety and operational characteristics. This section also allows the agency to determine whether an airworthiness certificate is required the proposed operation.

## Section 348. Carriage of property by small unmanned aircraft systems for compensation or hire.

This section requires the FAA to issue safety regulations to authorize the delivery of goods using small using unmanned aircraft. This section also requires the Secretary to amend its regulations regarding economic authority of air carriers to authorize such operations of unmanned aircraft.

## Section 349. Exception for limited recreational operations of unmanned aircraft.

This section creates a framework for the operational of recreational aircraft including operating requirements, aeronautical knowledge testing, and the qualifications for community-based organizations that support the recreational aircraft activities. This section also includes a process for updating operational parameters for recreational aircraft.

## Section 350. Use of unmanned aircraft systems at institutions of higher education.

This section permits certain unmanned aircraft operations in the course of educational and research activities at universities to operate under the legal framework for recreational aircraft created by section 349.

## Section 351. Unmanned aircraft systems integration program.

This section codifies the unmanned aircraft integration pilot program created by the DOT. The pilot program intends to accelerate the safe integration of unmanned aircraft and address various policy and technical questions of stakeholders related to the integration of unmanned aircraft.

## Section 352. Part 107 Transparency and technology improvements.

This section requires the FAA to make public samples of safety justifications used in successful applications for waivers from provisions of title 14 CFR, part 107. This section also requires the Agency to allow applicants to receive real time confirmation of receipt of their applications and to review status of such applications.

## Section 353. Emergency exemption process.

This section contains a sense of Congress regarding the beneficial uses of unmanned aircraft in disaster recovery and related uses. This section also requires the FAA to update guidance and develop best practices for law enforcement and other governmental operators of unmanned aircraft.

## Section 354. Treatment of unmanned aircraft operating underground

This section clarifies that unmanned aircraft operating in mines, outside of the national airspace, are not subject to regulation or enforcement by the FAA.

## Section 355. Public UAS operations by tribal governments.

This section amends the definition of “public aircraft” in title 49, USC, section 40102 in order to permit tribal governments to operate unmanned aircraft under public aircraft status.

## Section 356. Authorization of appropriations for the know before you fly campaign.

This section authorizes appropriations of \$1 million annually between fiscal years 2019 and 2023 for the FAA’s “know before you fly” campaign to promote unmanned aircraft safety systems safety awareness.

## Section 357. Unmanned aircraft systems privacy policy

This section states that it is the policy of the United States that the operation of any UAS shall be carried out in a manner that respects and protects personal privacy consistent with federal, state, and local law.

## Section 358. UAS privacy review

This section directs the Comptroller General to conduct a review of privacy issues and concerns related to the operation of unmanned aircraft. This section further requires the Comptroller General to consider the efforts led by and to consult with the National Telecommunications and Information Administration relating to privacy and UAS integration. Requires the Secretary to submit a report to Congress on the study’s findings.

## Section 359. Study on fire department and emergency service agency use of unmanned aircraft systems.

This section requires the FAA to conduct study related to use of unmanned aircraft by fire departments and other first responders. The study must address a number of considerations including training, airspace matters, and legal issues.

## Section 360. Study on financing of unmanned aircraft services.

This section requires the Comptroller General to study and report to Congress on appropriate fee mechanisms to recover the costs of the FAA regulation and oversight of unmanned aircraft. This section also requires the Comptroller General to consider

a number of factors including the use of private operation of UAS traffic management systems and best practices or policies of other countries.

#### Section 361. Report on UAS and chemical aerial application.

This section requires the FAA to prepare a report evaluating which existing aviation safety requirements should apply to UAS operations engaged in the aerial spraying of chemicals for agricultural purposes.

#### Section 362. Sense of Congress regarding unmanned aircraft safety.

This section expresses the concern of Congress about the safety risks caused by unauthorized operation of UAS in proximity to airports and the safety risks of potential collisions between UAS and manned aircraft. Further, this section states Congress' sense that the FAA should take measures to reduce such risks through enforcement actions and educational initiatives.

#### Section 363. Prohibition regarding weapons.

This section establishes a prohibition and civil penalty for unauthorized operations of unmanned aircraft systems armed or equipped with a weapon.

#### Section 364. U.S. Counter-UAS system review of interagency coordination processes.

This section requires the FAA to review interagency coordination processes and standards for the authorized federal use of counter-UAS (c-UAS) systems. This section also requires the FAA to report to certain Committees of Congress within 180 days of enactment on various matters related c-UAS use by federal agencies.

#### Section 365. Cooperation related to certain counter-UAS technology.

This section requires the Secretary to consult with the Secretary of Defense on matters related to the deployment of c-UAS in the national airspace by drawing upon their expertise and experience of the DOD.

#### Section 366. Strategy for responding to public safety threats and enforcement utility of unmanned aircraft systems.

This section requires the FAA to develop a strategy to conduct outreach to state governments, local governments, and law enforcement agencies. The agency is directed to provide guidance on using unmanned aircraft to enhance the effectiveness of law enforcement and responses to threats from unmanned aircraft.

Section 367. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the administration.

This section requires the FAA, in consultation with the Department of Veterans Affairs, the Department of Defense (DOD), and the Department of Labor (DOL), to determine whether occupations of the FAA relating to UAS technology and regulations can be incorporated into the Veterans' Employment Program of the FAA.

Section 368. Public UAS access to special use airspace.

This section requires the Secretary to issue guidance to improve access to special use airspace for public unmanned aircraft operated by federal, state, local, or tribal law enforcement agencies.

Section 369. Applications for designation.

This section amends section 2209 of the FAA Extension, Safety, and Security Act of 2016 (P.L. 114-190) by adding railroad facilities to the types of fixed site facilities eligible for a designation prohibiting unmanned aircraft operation in close proximity to such facility.

Section 370. Sense of Congress on additional rulemaking authority.

This section states the Sense of Congress that beyond visual line of sight operations, night-time operations, and operations over people of unmanned aircraft systems are beneficial and promising technologies.

Section 371. Assessment of aircraft registration for small unmanned aircraft.

This section directs the Secretary to enter into an agreement with the National Academy of Public Administration to assess and estimate compliance with FAA's interim final rule on aircraft registration for small unmanned aircraft. This section also requires the Secretary to develop metrics, with respect to the Interim Final Rule after receiving the assessment from the National Academy of Public Administration. Finally, this section requires the Secretary to report to Congress on the assessment, metrics, and enforcement of the Interim Final Rule.

Section 372. Enforcement

This section directs the FAA to establish a program to utilize available remote detection and identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable federal aviation laws, including regulations. This section requires annual reporting by FAA to Congress to report the number of drones entering restricted airspace, the number of enforcement cases brought by FAA or other agencies, and

recommendations by FAA for detection and mitigation systems.

#### Section 373. Federal and local authorities

This section requires the Comptroller General to study and report to Congress on the regulation of low-altitude operations of small unmanned aircraft and the appropriate roles and responsibilities of federal, state, local, and tribal governments in regulating such activity. The report will address matters including, the scope of various jurisdictions, gaps among them, and the level of regulatory consistency needed to foster a financially viable unmanned aircraft industry.

#### Section 374. Spectrum.

This section requires the FAA, National Telecommunications and Information Administration, and the Federal Communications Commission (FCC) to submit to Congress a report on whether UAS operations should be permitted to operate on spectrum designated for aviation use. This section requires the report to include recommendations of other spectrum frequencies (such as LTE) that may be appropriate for operating UAS.

#### Section 375. Federal Trade Commission authority.

This section makes explicit the authority of the Federal Trade Commission (FTC) to enforce violations of the privacy policies of commercial users.

#### Section 376. Plan for full operational capability of unmanned aircraft systems traffic management

This section requires the FAA to create a comprehensive plan for the implementation of unmanned aircraft traffic management systems that will include safety standards among other matters and delineate the roles and responsibility of public and private actors.

#### Section 377. Early implementation of certain UTM services

This section requires the FAA to authorize the operation of certain unmanned aircraft systems traffic management (UTM) services prior to the completion of the comprehensive plan required by section 376.

#### Section 378. Sense of Congress

This section expresses the sense of Congress that commercial users of UAS, except those operated for purposes protected

by the First Amendment of the Constitution, should have written privacy policies regarding the collection, use, retention, and dissemination of any data collected during the operation of a UAS.

#### Section 379. Commercial and governmental operators

This section requires the FAA to make available to the public, through a database, information regarding government and commercial operators authorized to operate UAS in the national airspace. The information includes where UAS are registered, summary descriptions of operations, and information on UAS that will collect personally identifiable information. This section includes a sunset provision.

#### Section 380. Transition language

This section ensures that certain orders, determinations, rules and other actions with legal effect based on authority in certain provisions of the FAA Modernization and Reform Act of 2012 continue to have legal effect after their repeal or recodification.

#### Section 381. Unmanned aircraft systems in restricted buildings or grounds

This section amends title 18, USC, section 1752 to make it a crime to knowingly operate a UAS with the intent for it to enter or operate within or above a restricted building or grounds.

#### Section 382. Prohibition

This section makes it a crime to operate an unmanned aircraft and knowingly or recklessly interfere with a wildfire suppression, or law enforcement or emergency response efforts related to wildfire suppression. This section also prescribes penalties for violation of this section.

#### Section 383. Airport safety and airspace hazard mitigation and enforcement

This section requires the FAA to test UAS hazard mitigation systems at public use airports. The FAA also is required to develop a plan for allowing the deployment of FAA-approved mitigation technologies or systems. Detection and mitigation systems approved by the FAA as a result of the testing are eligible for purchase by airports using AIP funds.

## Section 384. Unsafe operation of unmanned aircraft

This section makes it a crime to knowingly interfere or disrupt the operation of a manned aircraft with unmanned aircraft or knowingly operate an unmanned aircraft in a runway exclusion zone near an airport. This section also establishes penalties.

### **SUBTITLE C—GENERAL AVIATION SAFETY**

## Section 391. Short title.

This section includes a short title, the Fairness for Pilots Act.

## Section 392. Expansion of Pilot's Bill of Rights.

This section clarifies the notice requirements for FAA investigations of airmen; requires the FAA to release investigative reports related to orders; and mandates that the failure by the FAA to release such reports in the time required may be the basis for a motion to dismiss.

## Section 393. Notification of reexamination of certificate holders.

This section requires the FAA to provide a notice before taking any action to reexamine an airman.

## Section 394. Expediting updates to NOTAM Program.

This section prohibits the FAA from taking any action against an individual for a violation of the Notice to Airmen (NOTAM) until the FAA has certified to Congress that it has complied with the Pilot's Bill of Rights. Also requires the FAA to consider a repository for NOTAMs, and prohibits FAA from taking an action against an airman on a NOTAM not in the repository and available to the airman.

## Section 395. Accessibility of certain flight data.

This section requires the FAA to provide "covered flight records" to airmen upon written request. Also directs the FAA to conduct a rulemaking to require compliance of this requirement to contract towers. Finally, provides for the protection of certain information contained in such records.



Section 396. Authority for legal counsel to issue certain notices.

This section provides authority for certain FAA legal counsel to issue certain notices.

## **TITLE IV – AIR SERVICE IMPROVEMENTS**

### **SUBTITLE A – AIRLINE CUSTOMER SERVICE IMPROVEMENTS**

Section 401. Definitions.

This section provides definitions for the title.

Section 402. Reliable air service in American Samoa.

This section requires the Secretary review the emergency air transportation by foreign carriers exemption, in the case of sustaining air transportation between the Islands of Tutuila and Manu’a in American Samoa, every 180 days instead of every 30 days.

Section 403. Cell phone voice communication ban.

This section directs the Secretary to issue regulations prohibiting an individual on an aircraft from using a cell phone during a domestic scheduled passenger flight, with exemptions applying to any member of the flight crew or flight attendant on duty on an aircraft, as well as federal law enforcement acting in an official capacity.

Section 404. Improved notification of insecticide use.

This section requires that air carriers disclose to passengers whether a country with which they are booking a ticket to may treat the aircraft with insecticide or apply an aerosol insecticide when the cabin is occupied with passengers.

## Section 405. Consumer complaints hotline.

This section amends existing law to require the Secretary evaluate the benefits of mobile phone applications or other technologies and to utilize such technologies to supplement the consumer complaints hotline established under the FAA Modernization and Reform Act of 2012.

## Section 406. Consumer information on actual flight times

This section directs the Secretary to conduct a study on the feasibility and advisability of modifying regulations regarding the actual wheels off and wheels on times for reportable flights and report to Congress no later than one year after the date of enactment.

## Section 407. Training policies regarding racial, ethnic, and religious nondiscrimination.

This section requires the Comptroller General to submit a report to Congress, not later than 180 days after the date of enactment, describing each air carrier's training policy for employees and contractors regarding racial, ethnic, and religious nondiscrimination. The section also requires the Secretary to use the results of the report to develop and disseminate to air carriers best practices necessary to improve the training policies.

## Section 408. Training on human trafficking for certain staff.

This section amends law to extend existing training requirements regarding human trafficking to other frontline airline personnel. The personnel in this section include ticket counter agents, gate agents, and other employees who engage in regular interaction with passengers.

## Section 409. Prohibitions against smoking on passenger flights.

This section amends the statutory definition of smoking to ban the use of e-cigarettes on commercial aircraft.

## Section 410. Report on baggage reporting requirements.

This section directs the Secretary to study and publicize a cost-benefit analysis to air carriers and consumers of changing baggage reporting requirements and submit a report of the findings to Congress.

## Section 411. Enforcement of aviation consumer protection rules.

This section requires the GAO to conduct a study to consider and evaluate DOT enforcement of aviation consumer protection (ACP) rules.

## Section 412. Strollers.

This section inserts a new section of code into title 49 requiring strollers be transported in the cargo hold of an aircraft and that an air carrier shall not deny a passenger using a stroller to transport a child from gate checking the stroller.

## Section 413. Causes of airline delays or cancellations.

This section requires the DOT, in consultation with the FAA, to review the categorization of delays and cancellations with respect to air carriers that are required to report such data. This section also allows for the DOT to consult with air carriers and the Advisory Committee for Aviation Consumer Protection to assist in conducting the review and providing recommendations. Upon the conclusion of the review, this section requires the DOT to submit a report to Congress on the outcome, including describing any recommendations that were made. Nothing in this section is construed as affecting the decision of an air carrier to maximize its system capacity during weather related events to accommodate the greatest number of passengers.

## Section 414. Involuntary changes to itineraries.

This section instructs the DOT to review at which air carriers change the itinerary of a passenger, more than 24 hours before departure, to a new itinerary that involves additional stops, or departs three hours earlier or later, and compensation or other more suitable air transportation is not offered.

## Section 415. Extension of advisory committee for aviation consumer protection.

This section extends the Advisory Committee for Aviation Consumer Protection created under the FAA Modernization and Reform Act of 2012 through fiscal year 2023.

## Section 416. Online access to aviation consumer protection information.

This section amends existing law to require the Secretary to identify any changes to the DOT's public interest website that would improve its usability and develop a plan to implement such changes. The Secretary will submit the evaluation to Congress.

## Section 417. Protection of pets on airplanes.

This section amends existing law to establish a prohibition and civil penalties for placing a live animal in the overhead storage compartment of an aircraft.

#### Section 418. Advisory committee on air ambulance and patient billing.

This section establishes a Committee to improve transparency for air ambulances and requires the Advisory Committee to produce recommendations on various methodologies to be included in a report to Congress. This section also requires the Secretary to issue a final rule on the recommendation on the disclosure of charges.

#### Section 419. Air ambulance complaints to the Department of Transportation.

This section amends existing law to include air ambulance operators in the scope of certain consumer protection laws and to enable consumers to report alleged unfair and deceptive practices by air ambulances to the Secretary.

#### Section 420. Report to Congress on air ambulance oversight.

This section requires the Secretary to submit a report to Congress on air ambulance oversight.

#### Section 421. Refunds for other fees that are not honored by a covered air carrier.

This section requires the DOT to promulgate regulations directing each air carrier to promptly provide a refund of any ancillary fees paid for services that a passenger did not receive on the passenger's scheduled flight, on a subsequent replacement itinerary, or on a flight canceled by the passenger.

#### Section 422. Advance boarding during pregnancy.

This section requires the DOT to review airline policies regarding traveling during pregnancy and, if appropriate, revise regulations to require an air carrier to offer advance boarding of an aircraft to a pregnant passenger who requests such assistance.

#### Section 423. Consumer complaint process improvement.

This section amends existing law to create a requirement for each air carrier to include specific consumer complaint process information on its website.

#### Section 424. Aviation consumer advocate.

This section directs the DOT to review aviation consumer complaints received that allege a violation of law and, as

appropriate, pursue enforcement or corrective actions that would be in the public interest. Additionally, this section would establish an Aviation Consumer Advocate position within the ACP Division. This section would provide that the functions of the Aviation Consumer Advocate would include assisting consumers in resolving carrier service complaints filed with the ACP Division, evaluating the resolution by the DOT of carrier service complaints, identifying and recommending actions the DOT could take to improve the enforcement of ACP rules and resolution of carrier service complaints, and identifying and recommending regulations and policies that can be amended to more effectively resolve carrier service complaints. Finally, this section requires the DOT, through the Aviation Consumer Advocate, to submit a report to the appropriate Committees of Congress with certain consumer complaint statistics.

#### Section 425. TICKETS Act.

This section prohibits an air carrier from denying boarding of a revenue passenger without the consent of the passenger once the passenger has checked-in for the flight and their ticket has been accepted by the gate agent unless the passenger poses a safety, security, or health risk to the other passengers or the passenger is engaging in behavior that is obscene, disruptive, or otherwise unlawful. This section also requires the DOT to review air carrier policies and revise regulations to eliminate the dollar amount limitation on the amount of compensation that may be provided to a passenger who is denied boarding involuntarily. This section also requires the GAO to review airline policies and practices relating to the oversale of flights, taking into account specific considerations, and to report to Congress on this review. This section also requires DOT to provide guidance on the extent to which such policies should be noticed publicly at air carrier check-in desks and airport gates.

#### Section 426. Report on availability of lavatories on commercial aircraft.

This section requires the GAO to submit a report to Congress assessing the availability of functional lavatories on commercial aircraft, the extent to which flights take off without functional lavatories, the ability of individuals with disabilities to access lavatories on commercial aircraft, the extent of complaints to the DOT and air carriers related to lavatories and the efforts they have taken to address complaints, and the extent to which air carriers are shrinking lavatories to add more seats and whether this creates passenger lavatory access issues.

#### Section 427. Consumer protection requirements relating to large ticket agents.

This section directs the DOT to issue a final rule to require large ticket agents, which are those with \$100 million or more in annual income, to adopt minimum customer service standards.

#### Section 429. Widespread disruptions.

This section requires air carriers, in the event of a widespread disruption, to immediately publish on their website whether or not the air carrier will provide accommodations and other amenities for impacted passengers. The term "widespread disruption" is defined in the section.

## Section 429. Passenger rights.

This section requires air carriers to submit to the Secretary a one-page document outlining the rights of passengers. The document shall include the various forms of compensation in the event of flight delays and cancellations, compensation for mishandled or lost baggage, voluntary denied boarding practices due to overbooking, and involuntary denied boarding practices. This document shall be available on the air carrier's website.

## **SUBTITLE B - AVIATION CONSUMERS WITH DISABILITIES**

### Section 431. Aviation consumers with disabilities study.

This section requires the Comptroller General to complete a study reviewing accessibility best practices for individuals with disabilities.

### Section 432. Study on in-cabin wheelchair restraint systems.

This section requires the Architectural and Transportation Barriers Compliance Board to conduct a study on the feasibility of in-cabin wheelchair restraint systems and other ways air travel consumers with disabilities can be safely accommodated within them. This section requires the feasibility study to be done in consultation with the Secretary, aircraft manufacturers, air carriers, and disability advocates and requires a report no later than one year after the completion of the study.

### Section 433. Improving wheelchair assistance for individuals with disabilities

This section requires the DOT, in developing the best practices regarding the assistance of individuals with disabilities that are required by law, to include specific recommendations regarding improvements to wheelchair assistance provided by air carriers and how training programs by air carriers can address consumer complaints regarding wheelchair assistance.

### Section 434. Airline passengers with disabilities bill of rights.

This section directs the Secretary to develop a document, to be known as the "Airline Passengers with Disabilities Bill of Rights", describing the basic protections and responsibilities of covered air carriers, their employees and contractors, and people with disabilities.

#### Section 435. Sense of Congress regarding equal access for individuals with disabilities.

This section states that it is the sense of Congress that the aviation industry and relevant stakeholders must work to ensure that individuals with disabilities have equal access to air travel, that accessibility must be a priority as technology and ease of travel continues to advance, and that accommodations must extend to all airport and airline services and facilities, and be inclusive of all disabilities.

#### Section 436. Civil penalties relating to harm to passengers with disabilities.

This section establishes civil penalties relating to bodily harm to airline passengers with disabilities or damage to a wheelchair or other mobility aid.

#### Section 437. Harmonization of service animal standards.

This section directs DOT to enter rulemaking to define "service animal" and develops standards for requirements for what service animals and emotional support animals need. The DOT would consider whether to align the definition of service animal with that of the Department of Justice (DOJ) and what service animals need to ensure they are not pets. This section also requires a final rule 18 months after enactment.

#### Section 438. Review of practices for ticketing, pre-flight assignments, and stowing of assistive devices for passengers with disabilities.

This section ensures that individuals with disabilities receive accommodations, if requested, in ticketing and pre-flight seat assignments and ensures the right of passengers with disabilities to stow assistive devices, including medication and medical supplies, without additional cost. This section also requires air carriers provide priority access to bulkhead seating to people with disabilities.

#### Section 439. Advisory committee on the air travel needs of passengers with disabilities.

This section establishes a DOT advisory committee for the air travel needs of passengers with disabilities.

#### Section 440. Regulations ensuring assistance for passengers with disabilities in air transportation.

This section directs the Secretary to review, and if necessary revise, applicable regulations to ensure that passengers with disabilities who request assistance while traveling in air transportation received dignified, timely and effective assistance. This section directs the Secretary to review, and if necessary revise, applicable regulations related to air carrier training programs related to providing passengers with disabilities assistance.

## Section 441. Transparency for disabled passengers.

This section requires that the compliance date of the final DOT rule on the reporting of data for mishandled wheelchairs and scooters transported in aircraft cargo compartments be within 60 days after the date of enactment.

## **SUBTITLE C - SMALL COMMUNITY AIR SERVICE**

### Section 451. Essential air service authorization.

This section authorizes the Essential Air Service Program (EAS) at the following levels: \$155 million for fiscal year 2018; \$158 million for fiscal year 2019; \$161 million for fiscal year 2020; \$165 million for fiscal year 2021; \$168 million for fiscal year 2022; and \$172 million for fiscal year 2023.

### Section 452. Study on essential air service reform.

This section requires the Comptroller General to conduct a report on the effectiveness and budgetary savings of reforms made to EAS program over the past five years, and requires that the report contain options for further reform of the program.

### Section 453. Air transportation to noneligible places.

This section amends existing law to extend the definition of what constitutes an “eligible place” to receive small community air service funding through the FAA Extension, Safety, and Security Act of 2016. This section also terminates the Air Transportation to Noneligible Places program two years after the date of enactment.

### Section 454. Inspector General review of service and oversight of unsubsidized carriers.

This section requires the Comptroller General to conduct a report on whether air carriers providing unsubsidized service provided basic essential air service, and whether the DOT conducted sufficient oversight of carriers providing unsubsidized service to ensure air service quality and community satisfaction.

### Section 455. Small community air service.

This section allows any airport that is a small hub or smaller to apply for a grant under the Small Community Air Service Development Program (SCASDP). This section also directs the Secretary to give special consideration to communities seeking to restore scheduled air service that has been terminated. This section authorizes the appropriation for the SCASDP of \$10 million



in fiscal year 2018 through fiscal year 2023.

#### Section 456. Waivers.

This section allows the DOT to waive certain requirements related to EAS service if requested by the community receiving subsidized air service.

#### Section 457. Extension of final order establishing mileage adjustment eligibility.

This section extends until 2023 the effectiveness of a statutory clarification that the most commonly used route between an eligible place and the nearest medium or large hub airport is to be measured by highway mileage when reviewing any action to eliminate compensation for EAS to such place, or to terminate the location's compensation eligibility for such service.

#### Section 458. Reduction in subsidy-per-passenger.

This section amends existing law to allow the Secretary to waive the subsidy-per-passenger cap if the community shows a trend towards decreasing over the previous three years.

## **TITLE V - MISCELLANEOUS**

#### Section 501. Definitions.

This section provides definitions for the subtitle.

#### Section 502. Report on air traffic control modernization.

This section requires the FAA to submit to Congress a report describing the multiyear efforts of the Administration to modernize the air transportation system.

#### Section 503. Return on investment report.

This section requires the FAA to submit a report to Congress which assesses expectations, priorities, and status of

NextGen portfolio. This section requires the FAA, in consultation with the NextGen Advisory Committee (NAC), to use the assessment described above to develop a priority list of all NextGen programs and activities. Lastly, the FAA must modify its budget submissions to reflect the current status of NextGen programs and the projected returns on investment for each program.

#### Section 504. Air traffic control operational contingency plans.

This section requires the FAA to review its ATC operational contingency plans, to address potential air traffic facility outages that could have a major impact on operation of the NAS. Additionally, not later than 60 days after the date the ATC operational contingency plans are review, the FAA would be required to submit a report to Congress on the update, including any recommendations for ensuring that air traffic facility outages do not have a major impact on operation of the NAS.

#### Section 505. 2020 ADS-B Out mandate plan.

This section requires the FAA, in collaboration with the NAC, to identify any known and potential barriers to compliance with the 2020 ADS-B Out mandate and to develop a plan to address any identified barriers. This section requires the plan to be sent to Congress.

#### Section 506. Securing aircraft avionics systems.

This section directs the Administrator to, where appropriate, revise FAA regulations regarding airworthiness certification to address cybersecurity concerns for avionics systems.

#### Section 507. Human factors.

This section requires the FAA to recognize and incorporate the human factors and procedural and airspace implications of stated goals and associated technical changes and to ensure that a human factors specialist directly involved with the NextGen approval process.

#### Section 508. Programmatic risk management.

This section directs the FAA to solicit input from specialists in probability and statistics to identify and prioritize the programmatic and implementation risks to NextGen and to develop a method to manage and mitigate these risks.

## Section 509. Review of FAA strategic cybersecurity plan

This section directs the Administrator to initiate a review of the FAA's cybersecurity strategic framework that was created under the FAA Extension, Safety, and Security Act of 2016. Upon review, the Administrator will modify the framework to address any identified deficiencies.

## Section 510. Consolidation and realignment of FAA services and facilities

This section clarifies the input the Administrator should receive in preparing a National Facilities Realignment and Consolidation Report.

## Section 511. FAA review and reform.

This section requires the FAA to complete a report the status of the implementation of reforms to eliminate wasteful, inefficient, or redundant practices, procedures, or positions as required by section 812 of the FAA Modernization and Reform Act of 2012. This section also requires the FAA to conduct an additional review to identify additional wasteful, inefficient, or redundant practices, procedures, or positions in need of reform.

## Section 512. Air shows.

This section encourages the Administrator to work on an annual basis with airshows, general aviation communities, stadiums, and other large outdoor events and venues to identify and resolve scheduling conflicts between approved air shows and large outdoor events that have temporary flight restrictions imposed

## Section 513. Part 91 review, reform, and streamlining.

This section directs the FAA to establish a Task Force comprised of general aviation aircraft owners, operators, labor, and government representatives to assess the oversight and authorization processes and requirements for aircraft under part 91. This section sunsets the program on the day the report to Congress is submitted. Not later than one year after the date of enactment, the Administrator must implement the recommendations of the Task Force.

## Section 514. Aircraft leasing.

This section clarifies existing law to say an aircraft lessor is only liable for losses and damages when the aircraft is in operational control of said lessor.

## Section 515. Pilots sharing flight expenses with passengers.

This section requires the Secretary to issue advisory guidance on how pilots can share flight expenses with other passengers within the parameters of existing federal law.

## Section 516. Terminal Aerodrome Forecast.

This section directs the FAA to allow a part 121 air carrier operating in a noncontiguous state to conduct operations to a destination in a noncontiguous state if certain operational weather requirements are met. This section also clarifies flight rules for a non-contiguous state to ensure operators receive available weather information.

## Section 517. Public aircraft eligible for logging flight times

This section directs Administrator to update current regulations for logging of flight time to include aircraft under operational control of forest fire protection agencies.

## Section 518. Aircraft Registry Office.

This section directs the FAA to designate employees at the Aircraft Registry Office in Oklahoma City, Oklahoma, as excepted employees in the event of a shutdown or emergency furlough.

## Section 519. FAA data transparency.

This section directs the Administrator and the Chief Operating Officer (COO) of the FAA to complete an initial data report, which will include a variety of data and calculations assessing the air traffic control system. This section also requires the DOT IG to validate the model used by the Administrator and the COO to complete the calculations.

## Section 520. Intra-agency coordination.

This section requires the FAA to implement policies designating the Associate Administrator for Commercial Space Transportation (AST) as the primary liaison between the commercial space transportation industry and the Administration. This section also sets forth processes for launch licenses and permit holders coordination with the Air Traffic Organization (ATO).

## Section 521. Administrative Services Franchise Fund.

This section requires the DOT IG to initiate an audit of the Administrative Services Franchise Fund of the FAA not later than 30 days after the date of enactment. This section also requires a report to be submitted to Congress not later than 180 days after the date of initiation of the audit.

## Section 522. Automatic dependent surveillance-broadcast.

This section repeals the automatic dependent surveillance-broadcast in mandate in the FAA Modernization and Reform Act of 2012.

## Section 523. Contract weather observers

This section extends the current moratorium on the FAA's ability to discontinue the Contract Weather Observer Program at any airport until 2023.

## Section 524. Regions and centers.

This section aligns the roles and responsibilities of the William J. Hughes Tech Center with that of the Civil Aeromedical Institute.

## Section 525. Geosynthetic materials.

This section directs the Administrator to encourage the use of durable, resilient, and sustainable materials and practices including the use of geosynthetic materials and other innovations in carrying out FAA activities.

## Section 526. National Airmail Museum.

This section reports the findings of Congress on the lack of a national airmail museum, and designate the airmail museum located at Smith Field in Fort Wayne, Indiana as the "National Airmail Museum", and specifies that this does not require or permit federal funds to be used for any purpose related to the newly designated memorial.

## Section 527. Status of agreement between FAA and Little Rock Port Authority.

This section directs the FAA to conduct a report on FAA's efforts to relocate the Little Rock Very High Frequency Omnidirectional Range with Collocated Tactical Air Control and Navigation (LITVORTAC).

## Section 528. Briefing on aircraft diversions from Los Angeles International Airport to Hawthorne Municipal Airport.

This section requires the FAA to issue a report on diversions of aircraft from Los Angeles International Airport (LAX) to Hawthorne Municipal Airport.

## Section 529. TFR Report.

This section requires the FAA to develop and transmit to Congress a report on methods by which the impact of temporary flight restrictions associated with the movement of the President could be mitigated.

## Section 530. Air traffic services at aviation events.

This section requires the FAA to provide air traffic services and aviation safety support for aviation events, including airshows and fly-ins, without the imposition or collection of any fee, tax, or other charge for that purpose. This section requires the FAA to consider the services and support required to meet levels of activity at prior, similar events and the anticipated need for services and support.

## Section 531. Application of veterans' preference to Federal Aviation Administration personnel management system.

This section applies veterans' hiring preference to the FAA.

## Section 532. Clarification of requirements for living history flights.

This section directs the FAA to allow an aircraft owner or operator to accept monetary or in-kind donations for a flight operated by a living history flight experience provider, if they volunteered to provide such transportation; and notified any individual that will be on the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight. This section directs the FAA to set minimum standards with respect to training and flight hours for operations conducted by an owner or operator of an aircraft providing living history flight experience operations, including mandating that the pilot in command of such aircraft hold a commercial pilot certificate with instrument rating and be current and qualified with respect to all ratings or authorizations applicable to the specific aircraft being flown.

### Section 533. Review and reform of FAA performance management system.

This section directs the Secretary to establish an advisory panel comprising no more than seven independent, nongovernmental experts to evaluate the effectiveness of the FAA's personnel management system and performance management program for employees not covered by collective bargaining agreements. This section requires a report to the Secretary, Administrator, and Congress on the results of the review and evaluation and any recommendations.

### Section 534. NextGen delivery study.

This section directs the DOT IG conduct a study on the potential impacts of a significantly delayed, diminished, or completely failed delivery of Next Gen systems.

### Section 535. Study on allergic reactions.

This section requires the FAA to study and submit a report on the prevalence of allergic reactions on board flights, the reporting of reactions on flights, and the frequency of first aid inventory checks.

### Section 536. Oxygen mask design study.

This section directs the FAA Administrator to review and evaluate the design and effectiveness of commercial airline oxygen masks, and determine whether changes to the design could increase correct passenger usage.

### Section 537. Air cargo study.

This section requires an assessment and data collection of the air cargo traffic in the Caribbean region.

### Section 538. Sense of Congress on preventing the transportation of disease - carrying mosquitoes and other insects on commercial aircraft.

This section provides the Sense of Congress that the Secretary and the Secretary of Agriculture should work with the World Health Organization to develop a framework and guidance for preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft in a safe, effective, and nontoxic manner.

#### Section 539. Technical corrections.

This section makes technical and conforming amendments to various parts of title 49, USC.

#### Section 540. Report on illegal charter flights.

This section requires the FAA to submit an analysis of reports filed during the preceding 10-year period through the FAA's illegal charter hotline, that includes follow up action the FAA takes when a report is received, how the FAA decides to allocate resources, challenges the FAA faces in identifying illegal operators, and recommendations for improving efforts to combat illegal chart operations.

#### Section 541. Use of NASA's super guppy aircraft for commercial transport.

This section allows the Aero Spacelines Super Guppy Turbine aircraft to provide transport of oversized space launch vehicle components to qualify as a public aircraft operation provided the aircraft is owned by NASA, commercial operation is conducted completely in the U.S. Airspace, and no commercially available alternative exists.

#### Section 542. Prohibited airspace assessment.

This section requires the Secretary to conduct an assessment on the security of the U.S. prohibited airspace.

#### Section 543. Report on multi-agency use of airspace and environmental review.

This section directs the FAA, in consultation with the DOD, to submit a report documenting efforts toward improving process to resolve persistent challenges for special use airspace requests.

#### Section 544. Agency procurement reporting requirements.

This section requires the Secretary to submit a report on the value of acquisitions made by the agency from entities that manufacture supplies outside of the United States.

#### Section 545. FAA organizational reform.

This section replaces the FAA Chief NextGen Officer with a Chief Technology Officer reporting directly to the COO. This



section outlines minimum qualifications and responsibilities and other conditions of employment and performance of the office.

#### Section 546. FAA Civil Aviation Registry upgrade.

This section directs the Administrator to digitize information, process, operations and functions to the Civil Aviation Registry through electronic or remote means. This section also amends existing code to add a surcharge on future in-person transactions with the Registry, and requires the Administrator to submit a report annually to Congress regarding the status of the upgrades until they are complete.

#### Section 547. Enhanced air traffic services.

This section directs the FAA to establish a pilot program to provide ATC services to aircraft equipped with NextGen avionics. The program will last through fiscal 2023 and FAA will report to Congress with results.

#### Section 548. Sense of Congress on artificial intelligence in aviation.

This section provides a Sense of Congress that federal agencies should periodically review artificial intelligence technologies within the aviation system and assess whether a plan regarding artificial intelligence standards and best practices is needed.

#### Section 549. Study on cybersecurity workforce of FAA.

This section requires the FAA Administrator to conduct a study of the cybersecurity workforce of the FAA in order to develop recommendations to increase the size, quality, and diversity of such workforce

#### Section 550. Treatment of multi-year lessees of large and turbine-powered multiengine aircraft.

This section allows the DOT to revise regulations to ensure that multi-year lessees and owners of large and turbine powered multi-engine aircraft are treated equally by the FAA for purposes of joint ownership policies.

#### Section 551. Employee Assault Prevention and Response Plans

This section directs part 121 air carriers to submit to the FAA an Employee Assault Prevention and Response Plan. This section also requires the GAO to complete a study of crimes of violence against airline customer service representatives while they are performing their duties and on airport property.

## Section 552. Study on training of customer-facing air carrier employees.

This section directs the DOT to conduct a study on the training received by customer-facing employees of air carriers.

## Section 553. Automated weather observing systems policy.

This section requires the FAA to update automated weather observing systems (AWOS) standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-federal AWOS. This section also requires the FAA to establish a process under which appropriate onsite airport personnel or aviation officials may be permitted to conduct the minimum triannual preventative maintenance checks for non-federal AWOS.

## Section 554. Prioritizing and supporting the Human Intervention Motivation Study (HIMS) program and the Flight Attendant Drug and Alcohol Program (FADAP)

This section directs the Secretary of Transportation to enter into agreement with the Transportation Research Board (TRB) to conduct a study on the HIMS program and FADAP and other drug and alcohol programs within the DOT. Upon completion of the study, the TRB will make recommendations to the DOT regarding how to improve those programs and submit a report to Congress.

## Section 555. Cost-effectiveness analysis of equipment rental.

This section requires federal agencies, in their cost-benefit analysis for acquisition of heavy equipment, to factor in renting as a viable alternative.

## Section 556. Aircraft registration.

This section directs the Administrator to initiate a rulemaking to increase the duration of registration for noncommercial general aviation aircraft to seven years.

## Section 557. Requirement to consult with stakeholders in defining scope and requirements for future flight service program.

This section requires the FAA to consult with general aviation stakeholders in defining the scope and requirements for any new Future Flight Service Program to be used in a competitive source selection for the next flight service contract with the FAA.

Section 558. Federal Aviation Administration performance measures and targets.

This section requires the establishment of FAA performance measures and targets, including measures to assess reductions of delays in completing projects and the effectiveness of projects.

Section 559. Report on plans for air traffic control facilities in the New York City and Newark region.

This section requires the FAA to report on staffing and scheduling for New York City and Newark control facilities for a period of one year.

Section 560. Work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.

This section requires the FAA to develop and publish a work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.

Section 561. Annual report on inclusion of disabled veteran leave in personnel management system.

This section requires the FAA to publish a public report annually for the life of the bill on the effect of disabled veteran leave on the FAA's workforce and the number of disabled veterans benefiting from that provision.

Section 562. Enhanced surveillance capability.

This section requires the Administrator to identify and implement a strategy to advance uses of enhanced surveillance systems, such as space-based ADS-B, within the U.S. airspace, exercise leadership on setting global standards for the separation of aircraft in oceanic airspace, and participate in the analysis of trials of space-based ADS-B performed by foreign air navigation service providers.

Section 563. Access of air carriers to information about applicants to be pilots from national driver register.

This section enables an authorized agent of an air carrier to access information in accordance with certain requirements from the National Driver Register on an individual seeking employment from an air carrier.

## Section 564. Regulatory reform.

This section extends special rulemaking procedures for aviation rulemaking committees.

## Section 565. Aviation fuel.

This section directs the FAA to allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if an unleaded gasoline qualifies as a replacement, identifies the aircraft and engines that are eligible to use the qualified replacement, and adopts a process for them to operate using the qualified replacement in a safe manner.

## Section 566. Right to privacy when using air traffic control system.

This section ensures that aircraft owners will still be able to request that their aircraft registration information is not displayed in the Aircraft Situational Display to the public.

## Section 567. Federal Aviation Administration workforce review.

This section requires the Comptroller General to conduct a review and assess the long-term workforce and training needs of the FAA.

## Section 568. Review of approval process for use of large air tankers and very large air tankers for wildland firefighting.

This section directs the Administrator of the FAA to conduct a review of the effectiveness, safety, and consistency of its approval process for air tankers used for wildland firefighting, with the goal of developing standardized next-generation requirements for air tankers.

## Section 569. FAA technical workforce.

This section requires the FAA to identify and assess barriers to attracting, developing, training, and retaining a talented workforce in the areas of systems engineering, architecture, systems integration, digital communications, and cybersecurity. This section also requires the FAA to develop a comprehensive plan to attract, develop, train, and retain talented individuals, and identify the resources needed to attract develop and retain this talent.

#### Section 570. Study on airport credit assistance.

This section directs the Secretary to conduct a review to determine whether a federal credit assistance program would be beneficial and feasible for certain airport-related projects. Upon completion of the review, the Secretary will submit a report to appropriate Committees of Congress

#### Section 571. Spectrum availability.

This section states that the Spectrum Efficient National Surveillance Radar (SENSR) Program of the FAA should continue its assessment of the feasibility of making the 1300-1350 megahertz band of electromagnetic spectrum available for non-federal use.

#### Section 572. Special review relating to air space changes.

This section directs the Federal Aviation Management Advisory Council to initiate a special review of the FAA to look at practices and procedures for developing proposals with respect to changes in regulations, policies, or guidance relating to airspace.

#### Section 573. Reimbursement for immigration inspections.

This section includes owners and operators of trains and rail lines to be subject to paying reimbursement to the Attorney General for providing any immigration inspection services.

#### Section 574. FAA employees in Guam.

This section states that the Administrator and the Secretary of Defense should seek an agreement that would enable FAA employees stationed on Guam to have access to the DOD hospitals, commissaries, and exchanges in Guam.

#### Section 575. GAO study on airline computer network disruptions.

This section requires a GAO report on part 121 carrier computer network disruptions and their effects on passengers.

#### Section 576. Tower marking.

This section requires the FAA to issue regulations to require owners of certain towers that are between 50 and 200

feet tall to either mark the towers or include them in an FAA database to promote safety for low-flying aircraft, particularly those involved in agricultural operations. The FAA is required to develop a database with appropriate protections of proprietary information.

#### Section 577. Minimum dimensions for passenger seats.

This section requires the Administrator to issue regulations establishing minimum dimensions for passenger seats after providing notice and opportunity for comment.

#### Section 578. Judicial review for proposed alternative environmental review and approval procedures.

This section revises the judicial review period for and the number of states that can participate in the pilot program to eliminate the duplication of environmental reviews, which was established by the Fixing America's Surface Transportation Act (P.L. 114-94).

#### Section 579. Regulatory streamlining.

This section requires the Administrator to issue a final regulation revising title 14, CFR, section 121.333(c)(3) to only apply to flight altitudes above flight level 410.

#### Section 580. Spaceports.

This section states that state and local government-owned or operated spaceports have contributed millions of dollars in infrastructure improvements and play a critical role in providing resiliency and redundancy to support national security and civil government capabilities. This section also establishes the office of Spaceports in USC.

#### Section 581. Special rule for certain aircraft operations (space support vehicles).

This section amends the definition of space support vehicles in code and establishes a special rule of operation for space support vehicles.

#### Section 582. Portability of repairman certificates.

This section assigns the Aviation Rulemaking Advisory Committee the task of making recommendations to allow a repairman certificate be portable from one employing certificate holder to another.

Section 583. Undeclared hazardous materials public awareness campaign.

This section directs the DOT to carry out a public awareness campaign to reduce the amount of undeclared hazardous materials traveling through air commerce.

Section 584. Liability protection for volunteer pilots who fly for the public benefit.

This sections amends existing law to provide more extensive liability protection for pilots performing within the scope of the volunteer's responsibilities.

## **TITLE VI – AVIATION WORKFORCE**

### **SUBTITLE A – YOUTH IN AVIATION**

Section 601. Student outreach report.

This section requires the FAA to report on outreach efforts to inspire students interested in aeronautical careers. The report describes the FAA's existing outreach efforts that cater to elementary and secondary students who are interested in careers in science, technology, engineering, and mathematics.

Section 602. Youth Access to American Jobs in Aviation Task Force.

This section directs the FAA to establish a Youth Access to American Jobs in Aviation Task Force. The Task Force facilitates and encourages youth to enroll in STEM and aviation related courses, as well as identify and develop pathways for students to secure registered apprenticeships, workforce development programs, or careers in the U.S. aviation industry. This section requires the task force to complete and submit a report to Congress. This section sunsets the task force upon the submittal of the report.

## **SUBTITLE B – WOMEN IN AVIATION**

Section 611. Sense of Congress regarding women in aviation.

This section expresses the sense of Congress on the importance of the aviation industry encouraging and supporting women pursuing careers in aviation.

Section 612. Supporting women’s involvement in the aviation field.

This section directs the Administrator to create and facilitate the Women in Aviation Advisory Board. The Board promotes organizations and programs that provide education, training, mentorship, outreach, and recruitment of women into the aviation industry.

## **SUBTITLE C – FUTURE OF AVIATION WORKFORCE**

Section 621. Aviation and aerospace workforce of the future.

This section expresses the sense of Congress on how important it is to ensure the prevalence of programs and career pathway initiatives leading to employment in the aviation sector.

Section 622. Aviation and aerospace workforce of the future study.

This section requires the Comptroller General to conduct a study on various factors and best practices influencing the supply of young individuals in the aviation and aerospace industry. This section requires this report be submitted to Congress no later than one year after the date of enactment.

Section 623. Sense of Congress on hiring veterans.

This section expresses the sense of Congress that the aviation industry should hire more of the Nation’s veterans.

Section 624. Aviation maintenance industry technical workforce.

This section requires the Comptroller General to conduct a study and issue recommendations on aviation workforce data and workforce needs in the aviation maintenance sector. This section requires this report to Congress no later than one year after the date of enactment.



Section 625. Aviation workforce development programs.

This section requires FAA to establish an aircraft pilot workforce development program to support the education of future pilots and development of a pilot workforce. This section directs the FAA to establish a program to provide grants (\$5 million per year for fiscal years 2019 through 2023) for eligible projects to support the education of future pilots and the development of the aircraft pilot workforce.

## **SUBTITLE D—UNMANNED AIRCRAFT SYSTEMS WORKFORCE**

Section 631. Community and technical college centers of excellence in small unmanned aircraft system technology training.

This section directs the DOT, in consultation with the Department of Education and the DOL, to establish a process to designate consortia of public, two-year institutions of higher education as Community and Technical College Centers of Excellence in Small Unmanned Aircraft System Technology Training. This section also outlines the specific requirements a consortium would have to meet and provide to be designated a Center of Excellence.

Section 632. Collegiate training initiative program for unmanned aircraft systems.

This section requires the FAA to create a collegiate training initiative to prepare students for careers related to UAS.

## **TITLE VII – FLIGHT R&D ACT**

### **SUBTITLE A – GENERAL PROVISIONS**

Section 701. Short title.

This section includes a short title, the FLIGHT R&D Act.

Section 702. Definitions.

This section provides definitions for the title.

## Section 703. Authorization of appropriations.

This section authorizes \$189 million for fiscal year 2018, \$194 million for fiscal year 2019, \$199 million for fiscal year 2020, \$204 million for fiscal year 2021, \$209 million for fiscal year 2022, and \$214 million for fiscal year 2023 for research, engineering, and development at the FAA. This section amends title 49, USC, section 48102(b) to not authorize funds for Environmental Sustainability Research and Development programs unless the full amount authorized for Safety Research and Development programs, Economic Competitiveness Research and Development programs, and Mission Support programs is appropriated. This section amends title 49, USC, section 48102(g) to not authorize or appropriate funds for the Office of the Administrator for a fiscal year unless the Secretary has submitted the National Aviation Research Plan (NARP) to Congress.

### **SUBTITLE B - FAA RESEARCH AND DEVELOPMENT ORGANIZATION**

#### Section 711. Associate Administrator for Research and Development.

This section directs the Administrator to appoint an Associate Administrator for Research and Development no later than three months after enactment and provides the responsibilities of the position.

#### Section 712. Research advisory committee.

This section directs the FAA research advisory committee to provide advice and recommendations to Congress, along with the Administrator, about the needs, objectives, plans, approaches, content, and accomplishments of the aviation research program. Section 44508 is further amended to direct the Administrator to provide a written response within 60 days of receiving a recommendation from the FAA research advisory committee that states the Administrator's acceptance or rejection of recommendations, explanation of the decision, and an outline for implementation. The Administrator's written reply must be made publicly available and transmitted to the Congress. This section also requires that the NARP include a summary of all research advisory committee recommendations and status of their implementation.

### **SUBTITLE C - UNMANNED AIRCRAFT SYSTEMS**

#### Section 721. Unmanned aircraft systems research and development roadmap.

This section provides for no funds to be authorized for the Office of the Administrator for a fiscal year unless the Secretary has submitted the annual unmanned aircraft systems roadmap to Congress.

## **SUBTITLE D – CYBERSECURITY AND RESPONSES TO OTHER THREATS**

### Section 731. Cyber Testbed.

This section directs the Administrator to establish a Cyber Testbed for research, development, testing, evaluation, and validation of air traffic control modernization programs or technologies as being compliant with FAA data security regulations within six months after the date of enactment of the Act. The Cyber Testbed will be part of an integrated research and development test environment to identify and solve cybersecurity-related problems for the NAS.

### Section 732. Study on the effect of extreme weather on air travel.

This section would require National Oceanic and Atmospheric Administration and the FAA to jointly complete a study on the effect of extreme weather on commercial air travel.

## **SUBTITLE E–FAA RESEARCH AND DEVELOPMENT ACTIVITIES**

### Section 741. Research plan for the certification of new technologies into the national airspace system.

This section directs the Administrator, in consultation with the National Aeronautics and Space Administration (NASA), to submit a comprehensive research plan for the certification of new technologies into the national airspace (NAS). The plan must identify research necessary to support the certification and implementation of NextGen and explain the plan's relationship to other activities and procedures required for certification and implementation of new technologies into the NAS.

### Section 742. Technology review.

This section directs the Administrator, in coordination with NASA, to conduct a review of current and planned research on the use of advanced aircraft technologies, innovative materials, and additive manufacturing to increase aircraft fuel efficiency.

### Section 743. CLEEN aircraft and engine technology partnership

This section directs the Administrator to enter into a cost-sharing cooperative agreement to carry out a program for the development, maturation, and testing of certifiable Continuous Lower Energy, Emissions, and Noise (CLEEN) aircraft, engine technologies, and jet fuels for civil subsonic airplanes.

### Section 744. Research and deployment of certain airfield pavement technologies.

This section requires the FAA to conduct research and development for airfield pavement technologies through grants and cooperative agreements with institutions of higher education and nonprofit organizations. The program is required to:

research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements; develop and conduct training; provide for demonstration projects; and promote airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.

## SUBTITLE F—GEOSPATIAL DATA

### Section 751. Short title; findings.

This section includes three findings: open and publicly available data is essential to the successful operation of the GeoPlatform; the private sector is invaluable, for the purposes of acquiring and producing geospatial data and data services, to carrying out the missions of the federal departments and agencies, and in contributing to the U.S. economy; and Congress has for two decades passed legislation promoting greater access and use of federal information and data, which has had multiple positive effects on businesses, the economy, scientific research, and on other aspects of the Nation.

### Section 752. Definitions.

This section includes definitions for the subtitle.

### Section 753. Federal Geographic Data Committee.

This section establishes the Federal Geographic Data Committee (FGDC). The FGDC is the primary entity for developing, implementing, and reviewing the policies, practices, and standards relating to geospatial data.

### Section 754. National Geospatial Advisory Committee.

This section establishes the National Geospatial Advisory Committee (NGAC). This section also includes language specifying that the NGAC would be administered in the Department of Interior.

### Section 755. National Spatial Data Infrastructure.

This section ensures the National Spatial Data Infrastructure has geospatial data from multiple sources available and easily integrated to enhance the understanding of the physical and cultural world.

### Section 756. National Geospatial Data Asset data themes.

This section designates the National Geospatial Data Asset (NGDA) data themes, which are primary topics and subjects, such as elevation, federal land ownership, vegetation, or marine boundaries, for which the coordinated development, maintenance, and dissemination of geospatial data would benefit the federal government and people of the United States.

## Section 757. Geospatial data standards.

This section establishes standards for each of the NGDA data themes discussed above, which would include rules, conditions, guidelines, and characteristics. The section also establishes content standards for metadata. The standards would be consistent with international standards to the maximum extent practicable, and would be periodically reviewed and updated.

## Section 758. GeoPlatform.

This section establishes the GeoPlatform be accessible through the internet, and include metadata for all geospatial data collected, directly or indirectly, by covered agencies, and include a set of programming instructions and standards that would provide an automated means of accessing geospatial data, and could include data from sources other than covered agencies.

## Section. 759. Covered agency responsibilities.

This section establishes the responsibilities of covered agencies.

## Section 759A. Limitation on use of federal Funds.

This section prohibits the use of federal funds by a covered agency for the collection, production, acquisition, maintenance, or dissemination of geospatial data that does not comply with applicable standards established under section 757 of the Act.

## Section 759B. Savings provision.

This section establishes a savings provision for the subtitle.

## Section 759C. Private sector.

This section directs the FGDC to rely upon and use private sector technology and services to the maximum extent practicable for government geographic data collection and processing.

## **SUBTITLE G—MISCELLANEOUS**

## Section 761. NextGen research.

This section directs the FAA to submit a report to Congress specifying the top five priority research areas for the implementation and advancement of NextGen, and outline why these research areas are important, what other federal agencies

are involved in this research, and provide an estimate on when the research identified would be completed.

Section 762. Advanced Materials Center of Excellence.

This section codifies the authorization for the Advanced Materials Center of Excellence, which focuses on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

## **TITLE VIII - AVIATION REVENUE PROVISIONS**

Section 801. Expenditure authority from Airport and Airway Trust Fund.

This section authorizes expenditures from the Airport and Airway Trust Fund through October 1, 2023.

Section 802. Extension of taxes funding Airport and Airway Trust Fund.

This section extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2023.

### **DIVISION C - NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT**

Section 1101. Short title.

This section includes a short title, the National Transportation Safety Board Reauthorization Act, and table of contents.

Section 1102. Definitions.

This section provides definitions for the division.

Section 1103. Authorization of appropriations.

This section authorizes appropriations for NTSB for fiscal years 2019 to 2022. This division authorizes \$111.4 million in fiscal year 2019, with \$1 million increases in authorized funding for each fiscal year until fiscal year 2022.

#### Section 1104. Still images.

This section adds authority for the NTSB to include still images obtained from a video recorder as information that may be disclosed by the NTSB through a public hearing or docket if it determines such information is relevant to the accident or incident, with the exception that no individuals may be readily identifiable in any still image. The NTSB already has this authority for transcripts and written depictions of visual information. Like the current authority, this section applies to both cockpit and surface vehicle recordings. This section makes other conforming and clerical changes for consistency in discovery proceedings.

#### Section 1105. Electronic records.

This section clarifies that an electronic record is included in the definition of a record that the NTSB may inspect during reasonable hours.

#### Section 1106. Report on Most Wanted List methodology

This section requires the NTSB to submit a report to Congress on the process by which the Most Wanted List is determined, including, among other things, a detailed description of the extent to which the NTSB evaluates the level of risk, potential risk reduction, practicality and feasibility of achieving the risk reduction, and any alternate means of reducing the risk. This section also requires the GAO to examine and evaluate the NTSB report on its Most Wanted List methodology.

#### Section 1107. Methodology.

This section requires the NTSB to add a methodology section for each recommendation and, with each investigation report in which a recommendation is issued by the Board, to better document the process and information used by the NTSB to justify each safety recommendation. The methodology section is required to include a description of the NTSB's use of external information, including studies, reports, and experts, other than the findings of a specific accident investigation, if any were used to inform or support the recommendation; the documentation of external information would include a brief summary of the specific safety benefits and all other effects identified by each study, report, or expert.

The methodology section would also be required to include a brief summary of any examples of actions taken by regulated entities prior to the publication of the safety recommendation; the NTSB would be allowed to limit the number of examples to three if it knew of more than three such examples. Finally, the methodology section is required to include a brief summary of the NTSB's collection and analysis of the specific accident investigation information most relevant to the recommendation.

The section does not require the NTSB to complete a methodology section if the recommendation is only for person to disseminate information on agency best practices document or on an existing regulatory requirement. The section is not intended to delay the publication of the findings, cause, or probable cause of an NTSB investigation, but the methodology section is intended to be published concurrently with any investigative report that includes a recommendation.

## Section 1108. Multimodal accident database management system.

This section requires the NTSB to establish and maintain a multi-modal accident database management system for Board investigators. The purpose of the database is to improve the quality of accident data the NTSB makes available to public and to improve the selection of accidents for investigation. A similar database already exists for aviation accidents, and this section requires a database for accidents that are investigated by the NTSB across other modes of transportation.

## Section 1109. Addressing the needs of families of individuals involved in accidents.

This section expands requirements for the NTSB to provide services to families of passengers involved in aircraft and passenger rail accidents that the NTSB investigates. Previously, the requirement applied to such accidents with a major loss of life; this section applies to such accidents with any loss of life.

## Section 1110. Government Accountability Office report on investigation launch decision-making processes.

This section requires the GAO to audit, as determined necessary by the Comptroller General or the appropriate Committees of Congress, the process and procedures the NTSB uses to select surface transportation accidents to investigate. This section adds to other existing requirements for the GAO to audit the NTSB.

## Section 1111. Periodic review of safety recommendations.

This section requires the NTSB to conduct a review, every five years, of its previously issued recommendations that are classified as open. The NTSB would be required to determine whether each recommendation should be updated, closed or reissued in light of changed circumstances, more recently issued recommendations, the availability of new technologies, or new information making the recommendation ineffective or insufficient for achieving its objective. The NTSB would be required to justify each determination. The section requires the NTSB submit a report to Congress after each review.

## Section 1112. General organization.

This section allows for limited instances in which a majority of NTSB members can communicate without requiring a full public meeting. During such communications, no vote may be taken, the NTSB General Counsel must be present, and only NTSB members or staff may attend. If applicable, at least one member of Board from each political party is required to be present at the meeting. In addition, the NTSB is required to disclose meeting topics and participants within two business days of the meeting, unless the discussion relates to an ongoing proceeding, in which case the disclosure must be made on the date of the final NTSB decision. This section also requires the NTSB to provide a summary with as much general information as possible on any sensitive matter withheld from the public based on current law. The STB has similar authority regarding nonpublic collaborative discussions.

This section also lengthens the term of the Chairman and Vice Chairman from two years to three years. This change is



intended to create more continuity in agency leadership. This section also eliminates the requirement that the NTSB maintain an employee in every state located more than 1,000 miles from a regional office. Finally, this section allows the agency to acquire unmanned aircraft systems for use in NTSB investigations.

Section 1113. Technical and conforming amendments.

This section clarifies the term “public aircraft,” because the current definition references the wrong paragraph of existing law. This section makes other technical corrections.

## **DIVISION D – DISASTER RECOVERY REFORM ACT OF 2018**

Section 1201. Short title.

This section establishes this division as the “Disaster Recovery Reform Act of 2018”.

Section 1202. Applicability.

This section provides definitions for the subtitle.

Section 1203. Definitions.

This section provides definitions for the subtitle.

Section 1204. Wildfire prevention.

This section aids states affected by wildfires with hazard mitigation assistance.

Section 1205. Additional activities.

This section allows hazard mitigation assistance to be used for activities that help reduce the risk of future damage, hardship, loss, or suffering in any area affected by a wildfire or windstorm.

## Section 1206. Eligibility for code implementation and enforcement.

This section amends the Stafford Act to provide assistance to state and local governments for building code and flood plain management.

## Section 1207. Program improvements.

This section makes improvements to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, P.L. 93-288) programs such as streamlining provisions to speed up recovery and improve facilitation of hazard mitigation.

## Section 1208. Prioritization of facilities.

This section establishes guidance and training on responding to special needs facilities.

## Section 1209. Guidance on evacuation routes.

This section requires the Federal Emergency Management Agency (FEMA) and the Federal Highway Administration to develop guidance on evacuation routes.

## Section 1210. Duplication of benefits.

This section provides for waiver flexibility to incentivize recovery and ensure victims of disaster can receive disaster assistance faster. The section also clarifies the eligibility of projects under hazard mitigation assistance.

## Section 1211. State administration of assistance for direct temporary housing and permanent housing construction.

This section authorizes states to use federal disaster assistance to directly administer temporary and permanent housing assistance for disaster victims.

## Section 1212. Assistance to individuals and households.

This section amends the Stafford Act to account for necessary costs in the amount of assistance available to individuals with disabilities.

## Section 1213. Multifamily lease and repair assistance.

This section amends the Stafford Act to allow greater flexibility and options for housing disaster victims.

## Section 1214. Private nonprofit facility.

This section clarifies eligibility under the definition of "private non-profit facility."

## Section 1215. Management costs.

This section amends the Stafford Act to establish fixed rates to reimburse states and local governments for direct and indirect administrative costs incurred to implement disaster recovery projects.

## Section 1216. Flexibility.

This section allows for certain waivers related to disaster assistance debts only if such assistance was distributed based on an error by FEMA, there was no fault on behalf of the debtor, and the collection of the debt would be against equity and good conscience. This section also clarifies a three-year statute of limitations for FEMA to recover household and individual assistance and implements a statute of limitations recovery of assistance from recipients after a disaster where there is no evidence of fraud, waste, or abuse.

## Section 1217. Additional disaster assistance.

This section helps improve the economic recovery of regions affected by hurricanes and other disasters.

## Section 1218. National veterinary emergency teams.

This section establishes a pilot program for veterinarians to accompany urban search and rescue teams to take care of the search and rescue of canines and to provide guidance to communities on pet care and sheltering during disasters.

## Section 1219. Right of arbitration.

This section clarifies and extends FEMA's dispute resolution process.

## Section 1220. Unified Federal environmental and historic preservation review.

This section requires the FEMA Administrator (Administrator) to review the expedited inter-agency environmental and historic preservation review process and survey other agencies' categorical exclusions and requires the Administrator to issue regulations to implement any recommendations, including categorical exclusions, identified in the report and survey.

#### Section 1221. Closeout incentives.

This section allows the Administrator to develop incentives that would encourage state, local, and tribal governments to closeout expenditures and activities on a timely basis related to disaster or emergency assistance.

#### Section 1222. Performance of services.

This section provides for the Administrator to appoint temporary FEMA employees, after serving continuously for one-year.

#### Section 1223. Study to streamline and consolidate information collection.

This section directs the FEMA Administrator, along with other appropriate federal agencies, to conduct a study and develop a plan and an innovative means for sharing information among disaster assistance agencies.

#### Section 1224. Agency accountability.

This section directs FEMA to provide regular reports regarding disaster spending, disaster contracts, and other related disaster activities.

#### Section 1225. Audit of contracts.

This section prohibits FEMA from reimbursing any contract that prohibits oversight or auditing.

#### Section 1226. Inspector general audit of FEMA contracts for tarps and plastic sheeting.

This section requires the IG to audit FEMA contracts for tarps and plastic sheeting in response to Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands.

## Section 1227. Relief organizations.

This section clarifies and ensures certain relief organizations may provide assistance in disaster response.

## Section 1228. Guidance on inundated and submerged roads.

This section ensures guidance is developed to allow FEMA to more accurately evaluate damages to inundated roads.

## Section 1229. Extension of assistance.

This section extends assistance authorized under the Stafford Act related to Hurricanes Irma and Maria.

## Section 1230. Guidance and recommendations.

This section requires the FEMA Administrator to provide recommendations on how common areas of condominiums and housing cooperatives may be eligible for disaster assistance.

## Section 1231. Guidance on hazard mitigation assistance.

This section requires guidance to localities on upkeep of properties bought out pursuant to FEMA's mitigation program.

## Section 1232. Local impact.

This section directs FEMA to appropriately weigh and consider severe local impact when evaluating whether to recommend a major disaster declaration.

## Section 1233. Additional hazard mitigation activities.

This section allows hazard mitigation assistance to be used for activities that help reduce the risk of future damage, hardship, loss, or suffering in any area affected by earthquakes.

## Section 1234. National public infrastructure predisaster hazard mitigation.

This section amends the Stafford Act to modify the predisaster hazard mitigation program to ensure investments are made before disaster strikes to minimize loss of life and reduce disaster costs.

## Section 1235. Additional mitigation activities.

This section clarifies the activities eligible for hazard mitigation assistance under the Stafford Act.

## Section 1236. Guidance and training by FEMA on coordination of emergency response plans.

This section requires to Administrator to provide guidance and training related to the coordination of emergency response plans for facilities that store hazardous materials.

## Section 1237. Certain recoupment prohibited.

This section establishes the conditions under which disaster funding may be recouped by the agency.

## Section 1238. Federal assistance to individuals and households and nonprofit facilities.

This section allows for the waiver of passport replacement fees for disaster victims.

## Section 1239. Cost of assistance estimates.

This section requires the Administrator to review the factors considered in making a recommendation to the President for a disaster declaration.

## Section 1240. Report on insurance shortfalls.

This section requires the Administrator to report on self-insurance.

## Section 1241. Post disaster building safety assessment.

This section requires the Administrator to issue guidance for building safety assessments that includes both architects and engineers.

## Section 1242. FEMA updates on national preparedness assessment.

This section requires the Administrator to report on the national preparedness assessment of capability gaps.

Section 1243. FEMA report on duplication in non-natural disaster preparedness grant programs.

This section requires the Administrator to report on duplicative grant programs.

Section 1244. Study and report.

This section requires the Administrator to secure a report through the National Academy of Medicine.

Section 1245. Review of assistance for damaged underground water infrastructure.

This section requires the Administrator to review the eligibility of underground water infrastructure for disaster assistance.

Section 1246. Extension.

This section extends the implementation deadlines for certain activities.

## **DIVISION E - CONCRETE MASONRY**

Section 1301. Short title.

This section includes a short title, the Concrete Masonry Products Research, Education, and Promotion Act.

Section 1302. Declaration of policy.

This section contains Congressional findings that concrete masonry products are important to the U.S. economy and that nothing in the title would be construed to control production of concrete masonry products.

### Section 1303. Definitions.

This section provides definitions for the division.

### Section 1304. Issuance of orders.

This section would require the Secretary of Commerce (Secretary) to issue an order to manufacturers of concrete masonry products, to publish the order in the Federal Register within 90-days after receiving a proposed order or a request for a proposed order, and to provide for no less than a 30-day comment period.

### Section 1305. Required terms in orders.

This section sets the terms for the order required under section 1304. The order includes terms establishing a Concrete Masonry Products Board (Board) to carry out a generic promotion, research, and information program for concrete products. The terms of the order require manufacturers and importers to maintain and make available specified records.

### Section 1306. Assessments.

This section requires concrete manufacturers to pay assessments with respect to concrete manufactured and marketed in the United States. No less than 50 percent of the assessments paid by a manufacturer are required to be used to support research, education, and promotion programs and projects in support of the geographic region of that manufacturer.

### Section 1307. Referenda.

This section provides for a 60-day period preceding the proposed effective date of an order, during which the Secretary would conduct a referendum for order approval among the manufacturers required to pay assessments. This section also outlines referendum procedures.

### Section 1308. Petition and review.

This section allows a person, subject to the order, to file a petition with the Secretary and establishes jurisdiction in federal district court for review of the petition.

### Section 1309. Enforcement.

This section establishes jurisdiction in federal district court for enforcement of the order.



## Section 1310. Investigation and power to subpoena.

This section confers upon the Secretary investigatory powers, including subpoena authority, as necessary to administer this legislation.

## Section 1311. Suspension or termination.

This section directs the Secretary to suspend or terminate any order or provision that obstructs or does not tend to effectuate the purposes of this title or that is not favored by a majority of persons voting in a referendum.

## Section 1312. Amendments to orders.

This section protects the petition and review provisions of section 1308 from further amendment.

## Section 1313. Effect on other laws.

This section would contain an explicit non-preemption clause concerning other federal or State law authorizing research, education, and promotion relating to concrete masonry products.

## Section 1314. Regulations.

This section authorizes the Secretary to issue additional regulations as may be necessary to carry out this title consistent with the power vested in the Secretary under this title.

## Section 1315. Limitation on expenditures for administrative expenses.

This section provides that funds appropriated to carry out this title may not be used for the payment of the expenses or expenditures of the Board in administering the order.

## Section 1316. Limitations on obligation of funds.

This section limits the sums the Board may obligate in each fiscal year.

## Section 1317. Study and report by the Government Accountability Office.

This section requires a GAO study to examine how the Board spends assessments collected, including the following:

the extent to which the Board's reported activities would help achieve its annual objectives; the market impact of the Board's activities, including changes in demand, market share of competing products, overall market size, jobs, prices, cost to the federal government; whether key statutory requirements are met; and the issues regarding the program's oversight and administration. The study is submitted to Congress and the Secretary.

Section 1318. Study and report by the Department of Commerce.

This section requires a study and report by the Secretary to examine the propriety and efficacy of applying the commodity check-off program model to a non-agricultural industry, no later than three years after the date of enactment of this title.

## **DIVISION F–BUILD ACT OF 2018**

Section 1401. Short title.

This division includes a short title, the Better Utilization of Investments Leading to Development Act of 2018 or the BUILD Act of 2018.

Section. 1402. Definitions.

This section provides definitions for the division.

## **TITLE I–ESTABLISHMENT**

Section 1411. Statement of policy.

This section sets forth the policy of the United States to facilitate market-based private sector development and inclusive economic growth in less developed countries through the provision of credit, capital, and other financial support to further U.S. foreign policy interests, help private sector actors overcome market gaps without distorting markets, and help countries transition from recipients of bilateral development assistance toward increased self-reliance.

## Section 1412. United States International Development Finance Corporation.

This section establishes the U.S. International Development Finance Corporation (Corporation).

## Section 1413. Management of Corporation.

This section establishes the positions of Chief Executive Officer (CEO), Deputy Chief Executive Officer, Chief Development Officer, and Chief Risk Officer.

This section also establishes a Board of Directors for the Corporation, composed of officers from the Departments of State, Treasury, and Commerce and the U.S. Agency for International Development (USAID), the CEO of the Corporation, and four other individuals appointed by the President selected from lists submitted by congressional leadership.

Lastly, this section, establishes a Development Advisory Council to advise the Board on development objectives of the Corporation.

## Section 1414. Inspector General of the Corporation.

This section amends the Inspector General Act of 1978 (P.L. 95-452) to establish an Inspector General for the Corporation.

## Section 1415. Independent accountability mechanism.

Requires the Board to establish a transparent and independent accountability mechanism to evaluate the Corporation's compliance to statutory mandates, provide a forum for resolving concerns regarding the impacts of specific Corporation-supported projects, and provide advice regarding Corporation projects, policies, and practices.

# **TITLE II—AUTHORITIES**

## Section 1421. Authorities relating to provision of support.

This section authorizes the Corporation to make loans, loan guarantees, limited equity investments, and to issue political risk insurance. This section requires a clearly defined development rationale for equity investments and limits equity investments to no more than 30 percent of the aggregate equity investments for a project and no more than 35 percent of the Corporation's aggregate exposure.

This section also authorizes feasibility studies for the planning, development, and management of potential bilateral and multilateral development projects.

This section authorizes the Corporation to establish and operate enterprise funds subject to safeguards and oversight mechanisms. Sets forth the purposes for which such funds may be established, including the promotion of economic freedom and private sector development. This section establishes purposes for enterprise funds, reporting requirements, and regular auditing procedures. This section caps the authority of each enterprise fund at ten years after the first expenditure of the fund and limits administrative expenses to no more than three percent per annum of available funds.

#### Section 1422. Terms and conditions.

This section imposes terms and conditions on support provided by the Corporation, caps the final maturity of loans and loan guarantees at 25 years, limits loan guarantees to transactions involving lenders determined to be responsible by the Corporation and requires the Corporation to prescribe standards for use in periodically assessing the credit risk of new and existing loans or loan guarantees.

#### Section 1423. Payment of losses.

This section provides for payment for default on a guaranteed loan to the holder of the loan and directs the Corporation to pursue recovery of the loss from the borrower and the Attorney General to take appropriate action to enforce any rights accruing to the United States under the Act.

#### Section 1424. Termination.

This section terminates title II authorities seven years after the date of enactment of this Act and terminates the Corporation upon liquidation of its portfolio.

## **TITLE III—ADMINISTRATIVE AND GENERAL PROVISIONS**

#### Section 1431. Operations.

This section requires bilateral investment agreements and claims settlement procedures.

#### Section 1432. Corporate powers.

This section authorizes contractual and other operating and legal authorities of the Corporation.

#### Section 1433. Maximum contingent liability.

This section sets forth the maximum contingent liability of the Corporation at \$60 billion.

#### Section 1434. Corporate funds.

This section establishes a Corporate Capital Account in the Treasury to consist of funds made available to the Corporation to discharge its liabilities. This section also authorizes transfer of revenues collected by the Overseas Private Investment Corporation (OPIC) to the Corporation. Requires the Corporation to annually assess a dividend to the Treasury if the Corporation's insurance portfolio is more than 100 percent reserved.

#### Section 1435. Coordination with other development agencies.

This section encourages the Corporation to use relevant data of the Department of State, USAID, Millennium Challenge Corporation and other departments or agencies that have a development function to better inform the Corporation's decisions regarding the provision of support under title II.

### **TITLE IV—MONITORING, EVALUATION, AND REPORTING**

#### Section 1441. Establishment of risk and audit committees.

This section establishes risk and audit committees to carry out oversight of the Corporation and its risk governance structure.

#### Section 1442. Performance measures, evaluation, and learning.

This section requires the Corporation to develop a performance measurement system to evaluate and monitor projects supported by the Corporation.

#### Section 1443. Annual report.

This section requires the Corporation to submit annual reports to the appropriate Committees of Congress, including assessments of the economic and social development impacts of projects supported by the Corporation.

#### Section 1444. Publicly available project information.

This section requires the Corporation to make information about projects supported by the Corporation publicly available.

#### Section 1445. Engagement with investors.

This section requires the Corporation, in cooperation with USAID, to develop a strategic relationship with private entities focused on the nexus of business opportunities and development priorities to pursue projects consistent with State Department and USAID goals.

#### Section 1446. Notifications to be provided by the corporation.

The section requires the Corporation to notify the appropriate Committees of Congress prior to making any financial support for a project in excess of \$10 million and after entering into a bilateral agreement with a foreign government.

### **TITLE V—CONDITIONS, RESTRICTIONS, AND PROHIBITIONS**

#### Section 1451. Limitations and preferences.

This section sets a ceiling of five percent of the maximum contingent liability of the Corporation to be issued to any single entity. This section also establishes preferences for projects sponsored by or involving U.S. investors, for countries in compliance with international trade obligations, among others.

#### Section 1452. Additionality and avoidance of market distortion.

This section requires the Corporation to ensure private sector entities are afforded opportunities to support the project

instead of the project receiving support from the Corporation. This section requires the Corporation to develop appropriate safeguards, policies, and guidelines to ensure that Corporation investments supplement but do not compete with or crowd out private sector entities.

Section 1453. Prohibition on support in countries that support terrorism or violate human rights and with sanctioned persons.

This section prohibits the Corporation from supporting projects in a country the government of which has repeatedly provided support for acts of international terrorism. This section prohibits the Corporation from supporting a project that benefits any entity subject to sanctions imposed by the United States.

Section 1454. Applicability of certain provisions of law.

Applies four subsections of the Foreign Assistance Act of 1961 (P.L. 87-195) to the Corporation, such as criminal penalties for acts of fraud against the Corporation and prohibitions on insurance payments in connection with final judgments concluding certain acts constituted a violation of the Foreign Corrupt Practices Act of 1977 (P.L. 95-213).

## **TITLE VI—TRANSITIONAL PROVISIONS**

Section 1461. Definitions.

This section provides definitions for the title.

Section 1462. Reorganization plan.

This section requires the President to transmit to appropriate Committees of Congress within 120 days of enactment a reorganization plan regarding the transfer and consolidation or reorganization of agencies under this Act in addition to a report on coordination between the Corporation and USAID.

Section 1463. Transfer of functions.

This section Transfers functions, personnel, assets, and liabilities of the Overseas Private Investment Corporation (OPIC), USAID's Development Credit Authority, and the existing Legacy Credit portfolio under the Urban Environment Program and any other direct loan programs and non-Development Credit Authority guarantee programs authorized by the Foreign Assistance Act

of 1961. This section authorizes the transfer of USAID's Office of Private Capital and Microenterprise, the enterprise funds and all sovereign loan accounts.

#### Section 1464. Termination of Overseas Private Investment Corporation and other superseded authorities.

This section provides for the termination of OPIC and associated statutory authorities.

#### Section 1465. Transitional authorities.

This section authorizes non-Corporation officials to assist the Corporation with the transfer and integration of agency elements into the Corporation. This section also establishes authority for acting officials at the Corporation during the transition period and for the transfer of personnel, assets, and obligations from existing agencies to the Corporation.

#### Section 1466. Savings provisions.

This section states that completed administrative actions of an agency shall not be affected by the enactment of this Act or the transfer of such agency to the Corporation. This section provides for the continuance of pending proceedings notwithstanding the transfer of operations to the Corporation.

#### Section 1467. Other terminations.

This section terminates offices for transferred positions.

#### Section 1468. Incidental transfers.

This section authorizes the Director of the Office of Management and Budget to make additional dispositions of personnel, assets, and liabilities in connection with functions transferred by the Act.

#### Section 1469. Reference.

This section states that references in federal law to transferred offices shall be deemed to refer to the appropriate component of the Corporation.



Section 1470. Conforming amendments.

This section makes a series of conforming amendments to existing statutory authorities.

## **DIVISION G—SYRIA STUDY GROUP**

Section 1501. Syria Study Group.

This section establishes a working group, the Syria Study Group, to examine and make recommendations on the military and diplomatic strategy of the United States with respect to the conflict in Syria.

## **DIVISION H - PREVENTING EMERGING THREATS**

Section 1601. Short title.

This section includes a short title, the Preventing Emerging Threats Act of 2018.

Section 1602. Protection of certain facilities and assets from unmanned aircraft.

This section provides the Secretary of Homeland Security and Attorney General with the authority to protect certain facilities and assets from unmanned aircraft.

Section 1603. Protecting against unmanned aircraft.

This section provides the United States Coast Guard with the authority to protect certain facilities and assets from unmanned aircraft.

## **DIVISION I - SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF, 2018**

This division provides supplemental appropriations in the amount of \$1.68 billion for disaster relief purposes.

## **DIVISION J - MARITIME SECURITY**

Section 1801. Short title.

This section includes a short title, the Maritime Transportation Security Act.

Section 1802. Definitions.

This section provides definitions for the division.

Section 1803. Coordination with TSA on maritime facilities.

This section directs the Commandant of the Coast Guard to coordinate with the Administrator of the Transportation Security Administration (TSA) for adjacent security responsibilities.

Section 1804. Strategic plan to enhance the security of the international supply chain.

This section requires the Secretary of the DHS (Secretary) to provide a report on the security of the international supply chain every three years.

Section 1805. Cybersecurity information sharing and coordination in ports.

This section requires the Commandant of the Coast Guard (Commandant) to develop a maritime cybersecurity risk assessment model to evaluate current and future cybersecurity risks that could affect the maritime transportation system. This section also requires the Commandant to establish a process to report and share maritime cybersecurity risks and to report these incidents to Congress.

## Section 1806. Facility inspection intervals.

This section requires the Commandant to ensure that certain facilities are given no notice security inspections at least once a year.

## Section 1807. Updates of maritime operations coordination plan.

This section requires the Secretary to update the Maritime Operations Coordination Plan within 180 days of enactment of this bill and then biennially thereafter.

## Section 1808. Evaluation of Coast Guard deployable specialized forces.

This section requires the GAO to report on the state of the Coast Guard's Deployable Specialized Forces (DSF).

## Section 1809. Repeal of interagency operational centers for port security and secure systems of transportation.

This section repeals the requirement for the establishment of interagency operational centers for port security and secure systems of transportation.

## Section 1810. Duplication of efforts in the maritime domain.

This section requires the GAO to report on duplication of Air and Maritime Operations activities by the U.S. Customs and Border Protection (CBP) and other agencies. This section also requires the Secretary to provide a report in response to the GAO's report on duplication of effort by the CBP.

## Section 1811. Maritime security capabilities assessments.

This section requires the Secretary to annually report the number and type of maritime assets and personnel available to respond to maritime border incidents.

## Section 1812. Container Security Initiative.

This section requires the Secretary to provide an update on the effectiveness of and improvements needed to the Container Security Initiative.

### Section 1813. Maritime border security review.

This section requires DHS to conduct a maritime border threat assessment, including an assessment of improvements needed at seaports to prevent terrorism, as well as the flow of drugs and other illicit goods.

### Section 1814. Maritime border security cooperation.

This section requires the Coast Guard to partner with other federal, state, and local agencies to increase maritime border security by leveraging existing technologies that are already in use.

### Section 1815. Transportation worker identification credential appeals process.

This section requires the DHS to develop and submit to Congress a report outlining the average completion time of an appeal process for a transportation worker identification credential card, as well as reasons for the delay and recommendations for shortening the duration of the appeal process.

### Section 1816. Technical and conforming amendments.

This section makes technical changes to several titles.

## **DIVISION K - TRANSPORTATION SECURITY**

### **TITLE I - TRANSPORTATION SECURITY**

#### Section 1901. Short title; references.

This section includes a short title, the TSA Modernization Act.

#### Section 1902. Definitions.

This section provides definitions for the division.

## SUBTITLE A - ORGANIZATION AND AUTHORIZATIONS

### Section 1903. Authorization of appropriations.

This section provides an authorization of appropriations for the TSA for salaries, operations, and maintenance of the TSA at an amount of \$7,849,247,000 for fiscal year 2018, and \$7,888,494,000 for fiscal year 2019, and \$7,917,936,000 for fiscal year 2021.

### Section 1904. Administrator of the Transportation Security Administration; 5-year term.

This section makes technical and conforming amendments to title 49, USC to reflect the current title of the TSA Administrator (Administrator) and the transfer of the TSA from the DOT to the DHS. This section outlines the pay scale and qualifications necessary for an individual to serve as the Administrator, Deputy Administrator, as well as the functions of each position. This section sets a five-year term for any Administrator serving a term that began after August 1, 2017.

### Section 1905. Transportation Security Administration organization.

This section amends title 49, USC to account for key areas of the leadership and organizational structure of the TSA consistent with current practice. The Administrator is required to appoint individuals, each of whom would report directly to the Administrator or the Administrator's designated direct report, to be responsible for each of the following areas: aviation security operations and training; surface transportation security operations and training; air cargo security operations; security policy and industry engagement; international strategy and operations; trusted and registered traveler programs; technology acquisition and deployment; inspection and compliance; civil rights, liberties, and traveler engagement; and legislative and public affairs.

### Section 1906. Transportation Security Administration efficiency.

This section requires the Administrator to conduct a comprehensive, agency-wide efficiency review to identify and effectuate spending reductions and savings by streamlining and restructuring TSA. In the review, the Administrator shall consider the elimination of unnecessarily duplicative programs; the elimination of unnecessary rules, regulations, directives, or procedures; and the reduction of overall operating expenses, including costs associated with the number of personnel. The Administrator must also report to Congress on the results and potential savings of the review. Since its creation in 2001, following the September 11 terrorist attacks, TSA has struggled to accomplish its mission in an efficient manner. Low employee morale, leadership turnover and bureaucracy, prolonged airport wait times, and failed internal investigations are just a few of the challenges that TSA continues to face. This section seeks to address these issues by forcing an internal accounting of the agency with an emphasis on efficiency, organization, and savings in order to improve TSA's ability to focus on its important transportation security mission.

### Section 1907. Personnel management system review.

This section requires the Administrator to convene a working group consisting of representatives of the TSA and representatives of the labor organization representing security screening personnel to discuss reforms to the TSA's personnel management system, including appeals to the Merit Systems Protection Board and grievance procedures.

#### Section 1908. TSA leap pay reform.

This section amends the definition of basic pay under title 5 to include law enforcement availability pay (LEAP) received by TSA criminal investigators or federal air marshals (FAMs) after September 11, 2001.

#### Section 1909. Rank awards program for transportation security administration executives and senior professionals.

This section establishes a rank awards program for TSA executives and senior professionals to recognize meritorious service to the agency.

#### Section 1910. Transmittals to Congress

This section requires the TSA to transmit each report, legislative proposal, or other communication of the Executive Branch related to the TSA, and required to be submitted, directly to Congress or the appropriate committees of Congress.

### **SUBTITLE B - SECURITY TECHNOLOGY**

#### Section 1911. Third party testing and verification of screening technology.

This section directs the TSA to develop and implement a program that enables third party testing and verification of security screening technology as an alternative to the TSA's testing and evaluation process before acquisition or deployment. The TSA is required to share detection testing information and standards with appropriate international partners and coordinate with them to harmonize TSA testing and evaluation with relevant international standards.

The TSA also is required to develop and oversee a testing and verification framework for third party testing using a phased implementation approach to allow the TSA and the third party to establish best practices. The TSA is required to request that the Airborne Surveillance and Control's (ASAC) Security Technology Subcommittee, in consultation with relevant industry representatives, develop and submit recommendations for the third party testing and verification framework. This section also directs the TSA to prioritize field testing and evaluation of security screening technology at airports and on site at manufacturing companies, including by third parties, whenever possible.

#### Section 1912. Transportation security administration systems integration facility.

This section authorizes the establishment of the TSA Systems Integration Facility (TSIF) to test and evaluate advanced transportation security screening technologies related to TSA's mission. The TSIF will evaluate such technology to enhance the security of transportation systems through screening and threat mitigation and detection; conduct testing of such technologies to meet requirements for acquisitions and procurement; provide original equipment manufacturers with test plans to minimize

requirement interpretation disputes; collaborate with other technical laboratories and facilities to augment capabilities; and deliver advanced security screening technology that enhances overall security of domestic transportation systems.

The Administrator of the TSA will ensure adequate staffing and resources for the TSIF to prevent unnecessary delays, ensure that the issuance of final paperwork certification does not exceed 45 days, and collaborate with stakeholders to close capability gaps in transportation security. The Administrator shall notify the appropriate Committees of Congress when testing conducted by the TSIF exceeds 180 days from the date the technology was turned over to TSIF by the owner. This notification will include: information relating to the arrival date of such technology, an explanation to clarify the cause of the delay, and an estimated time frame for completion. Additionally, any transportation security technology that fails testing and evaluation by the TSIF may be retested and evaluated. The authority given to the Administrator will not affect the responsibilities of any other officers within DHS or other agencies within the U.S. government in regards to research, development and testing.

#### Section 1913. Opportunities to pursue expanded networks for business.

This section requires TSA to submit a strategy to diversify the technology stakeholder marketplace, including by increasing the participation of small business innovators, to Congress. This strategy shall evaluate how current solicitation, testing, evaluation, piloting, acquisition, and procurement processes impact the Administrator's ability to acquire innovative technology from stakeholders, including small businesses, who have not previously done business with TSA. Furthermore, the strategy will outline specific actions TSA will take to foster diversification within the technology stakeholder marketplace, including modifications to existing acquisition policies and processes. The strategy will also include plans for how TSA may assist small business innovators throughout the acquisition process. For example, the strategy shall include a feasibility assessment of partnering with non-profit organizations to help provide small business innovators with the resources needed to commercialize their homeland security technology solutions.

In addition, the assessment shall explore the possibility of utilizing a venture capital partnership between the private sector and the intelligence community to help businesses commercialize innovative security-related technologies. To do so, TSA may either establish an organization, modeled after the In-Q-tel program, or increase its engagement with the In-Q-tel program, either directly or through the Science and Technology Directorate at DHS. Finally, nothing in the section shall be construed as requiring TSA to lower the standards for security technology. One year after the submission of the strategy, the Comptroller General shall submit a review to Congress that addresses how the strategy TSA developed resulted in increased participation of small business innovators and diversified the technology stakeholder marketplace.

#### Section 1914. Reciprocal recognition of security standards.

This section directs the TSA, in coordination with appropriate international aviation security authorities, to develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment. This validation process is required to ensure that the certification process of each participating international security partner or recognized certification authority complies with detection, qualification, and information security, including cybersecurity, standards of the TSA, DHS, and the National Institute of Standards and Technology (NIST).

#### Section 1915. Transportation Security Laboratory.

This section authorizes the TSA to administer the existing Transportation Security Laboratory (TSL), and requires the

TSA to conduct periodic reviews on the screening technology test and evaluation process conducted at the TSL to identify any improvements that should be made to better support and facilitate acquisition decisions.

#### Section 1916. Innovation Task Force

This section requires the TSA to establish an Innovation Task Force (ITF) to cultivate innovations in aviation security, develop and recommend how to streamline requirements, and accelerate the development and introduction of innovative security technologies and improvements to aviation security operations. The ITF is chaired by a designee of the TSA Administrator and be composed of members of offices within the TSA, other relevant components of DHS, and industry representatives that the Administrator considers appropriate. This section requires the ITF to identify and develop innovative technologies or emerging security capabilities designed to enhance aviation security, conduct quarterly meetings with industry, and submit to the appropriate committees of Congress an annual report on the effectiveness of key performance data from task force sponsored projects and checkpoint enhancements.

#### Section 1917. 5-Year technology investment plan update.

This section amends the Homeland Security Act of 2002 (P.L. 107-296) to require the TSA Administrator to annually submit to Congress an appendix to the budget request and publish in an unclassified format in the public domain an update of the five-year technology investment plan and information about acquisitions completed during the preceding fiscal year.

#### Section 1918. Maintenance of security-related technology.

This section establishes a preventive maintenance program for security-related technologies deployed at airports.

#### 1919. Biometrics expansion.

This section instructs the TSA, not later than 270 days after the date of enactment and in coordination with CBP to do the following: assess the operational security impact of biometric technology to identify passengers; assess the effects on privacy of the expansion of the use of biometric technology, including methods to mitigate any risks to privacy related to the collection of biometric data; and facilitate, if appropriate, the deployment of such technology at checkpoints, screening lanes, bag drop and boarding areas, and other areas where such deployment would enhance security and facilitate passenger movement. This section also requires the TSA to submit to the appropriate committees of Congress a report on such assessments and deployment and to publish the privacy assessment on a publicly accessible website, if practicable.

#### Section 1920. Pilot program for automated exit lane technology.

This section directs the TSA, not later than 90 days after the date of enactment, to establish a pilot program in partnership with applicable airport directors to implement and evaluate the use of automated exit lane technology at small hub and nonhub airports. Appropriations to carry out this pilot program is authorized at \$15,000,000 for each of fiscal year 2019 through fiscal year 2021, and the federal share of the cost of the pilot program under this section would not exceed 85 percent of the total cost of the program. The section also requires the GAO, not later than two-years after the date of implementation of the pilot program, to report to the appropriate Committees of Congress on the pilot program, including the extent of airport participation and how



the program was implemented, the results of the pilot program and any reported benefits, and the feasibility of expanding the pilot program to additional airports.

#### Section 1921. Authorization of appropriations; exit lane security.

This section authorizes appropriations for the TSA's monitoring of passenger exit lane security at the amount of \$77,000,000 for fiscal year 2019 through fiscal year 2021. This is consistent with fiscal year 2017 funding.

#### Section 1922. Real-time security checkpoint wait times.

This section directs the TSA, not later than 18 months after the date of enactment, to make publicly available information on wait times at each airport security checkpoint. The TSA is required to provide this information in real time via technology and publish it both online and in physical locations at the applicable airport terminal in a manner that does not increase public area security risks. This section also would define the term "wait time" as the period beginning when a passenger enters a queue for a screening checkpoint and ending when the passenger has exited the checkpoint.

#### Section 1923. GAO report on deployment of screening technologies across airports.

This section requires the GAO to assess the cost to the TSA or an airport to redesign airport security areas to fully deploy advanced imaging technologies at airports where the TSA conducts or oversees security screening operations. This study would identify the costs to the TSA or an airport to purchase, install, and maintain advanced imaging technologies and assets. This section also requires the GAO to submit a report to the appropriate Committees of Congress.

#### Section 1924. Screening technology review and performance objectives.

This section requires the TSA to establish performance objectives for the testing and verification of security technology, including testing and verification conducted by third parties, to ensure that progress is made toward reducing the time for each phase of testing while maintaining security, eliminating testing and verification delays, and increasing accountability. This section also requires the TSA to establish and continually track performance metrics for each type of security technology submitted for testing and verification to use these metrics to generate data on an ongoing basis, and to measure progress toward the achievement of the performance objectives established in this section. Finally, this section requires the TSA to submit a report to the appropriate Committees of Congress assessing the extent to which the performance objectives established.

#### Section 1925. Computed tomography pilot programs.

This section directs the TSA to carry out a pilot program to test the use of screening equipment using computed tomography technology to screen baggage at passenger screening checkpoints at airports.

## **SUBTITLE C - PUBLIC AREA SECURITY**

### Section 1926. Definitions.

This section provides definition for the subtitle.

### Section 1927. Explosives detection canine capacity building.

This section authorizes the TSA to use the other transaction authority under title 49, USC, section 114(m) or other authority that the TSA Administrator considers appropriate, to expedite the deployment of additional canine. To determine best practices for the use of third parties to test and certify the capabilities of canines, this section requires the TSA to consult with the Secretary of State, the Secretary of Defense, non-profit organizations that train, certify, and provide the services of canines, and institutions of higher education with research programs related to the use of canines for the screening of individuals and property before entering into an agreement with a third party. The TSA is required to develop and maintain a list of names from each third party from which the TSA procures explosive detection canines and make the list available to appropriate transportation stakeholders.

This section requires the TSA to develop and implement a process for the TSA to procure third party explosives detection canine certified under the TSA-developed standards, and directs the TSA to authorize an aviation stakeholder in coordination with the Federal Security Director at an applicable airport, to contract with, procure or purchase, and deploy one or more third party explosives detection canine teams certified under the TSA-developed standards to augment public area security at that stakeholder's airport. Finally, this section allows a large hub airport to provide, a certified canine to the TSA for deployment as a passenger screening canine. This section requires that such canines become the responsibility of the large hub airport unless the TSA agrees to a different outcome.

### Section 1928. Third party domestic canines.

This section requires the TSA to develop and issue standards that a third party explosives detection canine must satisfy to be certified for the screening of individuals and property in public areas of an airport. This section requires the Administrator to develop guidance, in consultation with transportation stakeholders, canine providers, law enforcement, and transportation security providers, on the coordination of development and deployment of explosives detection canine teams for use by transportation stakeholders to enhance public area security at transportation hubs, including airports.

This section also requires the TSA to enter into an agreement with at least one third party to test and certify the capabilities of canines in accordance with the TSA-developed standards. Before entering this agreement, this section requires the TSA to do the following: evaluate the third party's ability to effectively evaluate canine teams; designate at least three evaluation centers to which vendors may send canine teams for testing and certification by the third party; and periodically assess the program at the evaluation centers to ensure the proficiency of the canine team beyond the initial testing and certification by the third party.

### Section 1929. Tracking and monitoring of canine training and testing.

This section requires the TSA to use a digital monitoring system for all training, testing, and validation or certification of

public and private canine assets utilized or funded by the TSA to facilitate improved review, data analysis, and record keeping of canine testing performance and program administration.

#### Section 1930. VIPR team statistics.

This section requires the TSA to notify the appropriate committees of Congress of the number of Visible Intermodal Prevention and Response (VIPR) teams available for deployment at transportation facilities, including the number of VIPR team operations that include explosive detection canine teams and the distribution of VIPR team operations deployed across different modes of transportation.

#### Section 1931. Public area security working group .

This section establishes a working group to promote collaborative engagement between the TSA and public and private stakeholders to develop non-binding recommendations for enhancing security in public areas for transportation facilities.

#### Section 1932. Public area best practices.

This section requires the TSA to periodically submit to Federal Security Directors, appropriate security directors for other modes of transportation, and other appropriate aviation security stakeholders information on any best practices developed by the TSA or appropriate stakeholders related to protecting infrastructure from emerging threats to public spaces of transportation venues. The TSA is required to expand and improve its information sharing with appropriate stakeholders, to continue to disseminate relevant intelligence products and conduct classified briefings on a regular basis, and to encourage transportation security stakeholders to utilize mass notification systems to disseminate information to transportation community employees, travelers, and the general public. This section also requires the DHS, in coordination with the TSA, to expand public awareness programs to include transportation network public area employees. Finally, this section would allow an air carrier, airport, or airport operator to utilize the Federal Bureau of Investigation's (FBI's) Rap Back Service, and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to an employee with access to an airport or its perimeter.

#### Section 1933. Airport worker access controls cost and feasibility study.

This section amends the Homeland Security Act of 2002 by directing the Administrator in consultation with the Aviation Security Advisory Committee (ASAC) to submit to the appropriate Committees of Congress, a cost and feasibility study of a statistically significant number of airports. The study should concern the cost and feasibility of all employee entry and exit points that lead to secure areas of airports being comprised of a secure door with a card and pin entry or biometric technology, surveillance video that is stored for at least 30 days, and advanced screening technology. The advanced screening technology ought to include one of the following: a magnetometer, explosive detection canines or trace swabbing, advanced imaging technology, or x-ray bag screening technology

## Section 1934. Securing airport worker access points.

This section requires the Administrator, working with airport operators, to identify advanced technologies that will secure employee access to secure and sterile areas of the airport. The Administrator shall submit to the appropriate Committees of Congress an annual transparency report on the frequency, methodology, strategy, and effectiveness of employee screenings at airports.

## Section 1935. Law Enforcement Officer Reimbursement Program.

This section directs the TSA to increase the number of awards and total amount of each award under the Law Enforcement Officer (LEO) Reimbursement Program, and authorizes appropriations for this program of \$55,000,000 for each of fiscal year 2019 through fiscal year 2021. This section also requires the TSA to review and, if necessary, revise the regulations and compliance policies related to the LEO Reimbursement Program to reduce any administrative burdens on applicants or recipients.

## Section 1936. Airport perimeter and access control security.

This section requires the Administrator to provide an update to the 2012 National Strategy for Airport Perimeter and Access Control Security (National Strategy). This updated National Strategy shall include all information from the Risk Assessment of Airport Security as well as information pertaining to airport security-related activities, the status of TSA efforts to address the goals and objectives, finalized outcome-based performance measures and performance levels for each relevant goal and objective listed, and input from airport operators.

# **SUBTITLE D - PASSENGER AND CARGO SECURITY**

## Section 1937. PreCheck Program.

This section requires the TSA to administer and expand, the PreCheck Program by requiring the TSA to enter into an agreement with at least two private sector entities to increase the methods and capabilities available for the public to enroll in the program. At least one of these agreements is required to include a start-to-finish secure online or mobile enrollment capability and vetting by means other than biometrics, such as risk assessment, if the vetting is evaluated and certified by the Secretary of Homeland Security (Secretary), meets the definition of a qualified anti-terrorism technology, and is determined by the Administrator to provide a risk assessment that is as effective as fingerprint-based criminal history record checks conducted by the FBI. At least one of these agreements also is required to include start-to-finish secure online or mobile enrollment capability and vetting of an applicant by means of biometrics if the collection meets the standards developed by NIST, protects any personally identifiable information, and is evaluated and certified by the Secretary. This section also sets target enrollment for the PreCheck Program.

This section also requires the TSA to enter into at least two agreements to market the PreCheck Program and to implement a long-term strategy for partnering with the private sector to encourage enrollment in the program. This section also enhances identity verification of enrollees in the PreCheck Program by requiring the TSA to coordinate with appropriate components of the DHS to verify the identities and citizenships of enrollees, partner with the private sector to use biometrics and authentication standards to facilitate enrollment, and leverage existing resources of airports to expedite identity verification. The TSA is required to ensure that PreCheck Program screening lanes are open and available to enrollees during high-volume times at appropriate airports, and make efforts to provide expedited screening to enrollees in standard lanes when PreCheck Program screening lanes are closed. The TSA is required to initiate an assessment to identify any security vulnerabilities in the program's

vetting process and is required to ensure that the PreCheck Program's enrollment capabilities are undertaken in addition to any other related TSA program, initiative, or procurement. Finally, this section requires that any funds expended to expand PreCheck enrollment are expended in a manner that includes the requirements of this section.

#### Section 1938. PreCheck expedited screening.

This section requires that TSA ensure that only travelers who are members of a trusted traveler program use TSA PreCheck security screening lanes at TSA checkpoints. However, any traveler under the age of 12 or over the age of 75 who is not a member of a trusted traveler program may utilize TSA PreCheck security lanes at TSA checkpoints when traveling on the same itinerary as a member of a trusted traveler program.

#### Section 1939. Trusted traveler programs; collaboration.

This section requires the TSA, in consultation with the CBP, to review the PreCheck Program and each trusted traveler program administered by the CBP, and to identify and implement any improvements that can be made to such programs, including by streamlining and integrating the requirements and operations of such programs, increasing information and data sharing across such programs, and allowing the public to access and link applications for enrollment in these programs from one online portal. In conducting this review, the TSA, in consultation with the CBP, is required to identify any law, including any regulation, policy, or procedure that may inhibit collaboration among DHS agencies regarding these programs and recommend any action that can be taken to eliminate such barriers to collaboration or implementation. Finally, this section requires that the TSA, in consultation with the CBP, submit to the appropriate Committees of Congress a report on the findings of this review.

#### Section 1940. Passenger security fee.

This section amends a statutory provision imposing a uniform security fee on passengers of air carriers by, beginning on October 1, 2027, crediting such fees as offsetting collections to appropriations made for aviation security measures carried out by the TSA.

#### Section 1941. Third party canine teams for air cargo security.

This section directs the TSA to develop and issue standards for the use of third party explosives detection canine assets for the primary screening of air cargo, and requires the TSA to facilitate the deployment of such assets that meet the TSA-developed certification standards. This section also requires that the TSA-developed certification standards be made available to vendors seeking to train and deploy third party explosive detection canine assets and that all costs for the training, certification, and use of the supplied canines be borne by private industry and not the federal government.

#### Section 1942. Known Shipper Program review.

This section requires the TSA to direct the Air Cargo Subcommittee of ASAC to conduct a comprehensive review and security assessment of the Known Shipper Program and submit its findings and recommendations on whether the program should be modified or if the program's objectives are being met by other fulfilled mandates.

### Section 1943. Establishment of air cargo security division.

This section establishes an air cargo security division within TSA that shall carry out all policy and engagement with stakeholders. This division must be headed by an individual in the executive service of TSA with at least four full-time equivalents, which will ensure that TSA prioritizes air cargo security. This section does not intend for the establishment of this division to increase TSA's budget or operating costs, therefore the division must be comprised of existing TSA staff.

### Section 1944. Air cargo regulation review.

This section requires TSA to submit a report regarding efforts to improve the Certified Cargo Screening Program (Program) established in 2009. The report shall review the Program's effectiveness at addressing threats to air cargo as well as the Program's vulnerabilities and effectiveness of information sharing with stakeholders. The report shall also include information on actions taken in response to the review findings.

### Section 1945. GAO review.

This section requires the Comptroller General to: review DHS's pre-screening procedures for air cargo; review TSA's pilot program; assess the effectiveness of DHS's risk-based strategy for examining air cargo; and review DHS's information sharing procedures with stakeholders regarding air cargo related threats.

### Section 1946. Screening partnership program updates.

This section allows an operator of an airport, airport terminal, or airport security checkpoint to submit to the Administrator an application to carry out the screening of passengers and property at the airport by personnel of a qualified private screening company pursuant to a contract with the TSA.

### Section 1947. Screening performance assessments.

This section allows an operator of an airport, airport terminal, or airport security checkpoint, if the operator chooses, to submit to the TSA an application for a private screening company, chosen from a list of qualified companies created by the TSA, to carry out the screening of property and passengers pursuant to a contract with the TSA. Also, the section requires that the TSA either approve or deny such an application within 30 days after receipt. If the application is approved, the TSA is required to enter into a contract with a company to provide screening services within 90 days after the selection of the company by the operator. The contract price is equal to or less than the cost to the federal government to provide such screening services. This section also requires the TSA to approve or deny each application to the Screening Partnership Program made before enactment.

### Section 1948. Transportation security training programs.

This section requires the Administrator to establish recurring training of security screening personnel regarding updates to screening procedures and technologies, including in response to weaknesses identified in covert tests at airports.

## Section 1949. Traveler redress improvement.

This section requires the Administrator, using existing resources, systems, and processes, to ensure the availability of the DHS Traveler Redress Inquiry Program redress process to adjudicate inquiries for individuals.

## Section 1950. Improvements for screening of passengers with disabilities.

This section requires the Administrator to revise the training of security screening personnel in relation to passengers with disabilities. The revisions conducted by the Administrator is carried out in consultation with nationally-recognized veterans and disability organizations.

## Section 1951. Air cargo advance screening program.

This section directs CBP and TSA to establish an air cargo advance screening (ACAS) program that would do the following: collect advance electronic information from air carriers within the supply chain regarding cargo being transported to the United States by air; require the transmission of cargo information at the earliest point practicable prior to it being loaded onto the aircraft destined to or transiting through the United States; establish appropriate communications systems with freight forwarders, shippers, and air carriers; establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and identify opportunities in which the information furnished in compliance with the ACAS program could be used by the TSA. This section requires the CBP and TSA to inspect all high-risk cargo prior to the loading of such cargo onto aircraft at the last point of departure or at an earlier point in the supply chain.

## Section 1952. General aviation airports.

This section requires the TSA to report on the deployment of the advanced passenger prescreening system, including the reasons for the delay in deploying the system and a detailed schedule of actions necessary for such deployment. This section allows the TSA to provide screening services to a charter air carrier in an area other than the primary passenger terminal of an applicable airport if certain conditions are met and the charter air carrier agrees in writing to compensate the TSA for all reasonable costs, including overtime, of providing the screening services. This section also allows the TSA to designate one or more full-time employees of the TSA to be a liaison with general aviation stakeholders.

This section requires the TSA submit to the appropriate Committees of Congress a report on the implementation of the following ASAC recommendations: the recommendation regarding general aviation access to Ronald Reagan Washington National Airport; the recommendation regarding the vetting of persons seeking flight training in the U.S.; and any other recommendations relevant to the security of general aviation adopted before the date of enactment. Finally, this section requires the administrator, in consultation with the ASAC, to report on the feasibility of requiring a security threat assessment before an individual could obtain training from a private flight school to operate an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds.



## **SUBTITLE E - FOREIGN AIRPORT SECURITY**

### Section 1953. Last point of departure airports; security directives

This section requires the TSA to consult and notify trade association representatives for affected air carriers and relevant federal agencies prior to making changes to security standards via security directives and emergency amendments for last points of departure. This section requires the GAO to review the effectiveness of the TSA process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure (LPD) airports, and submit a report on its findings and any recommendations to the appropriate Committees of Congress. This section also requires the TSA to immediately rescreen passengers and baggage arriving from an airport outside the United States upon discovery of specific threat intelligence.

### Section 1954. Last point of departure airport assessment.

This section updates the Secretary's assessment of foreign airports to include a consideration of screening for vetting foreign airport workers.

### Section 1955. Tracking security screening equipment from last point of departure airports.

This section requires the TSA, before any donation of security screening equipment to a foreign LPD airport operator, to report to Congress on how foreign government officials will document and track removal or disposal of screening equipment to ensure that it does not come into the possession of terrorists or otherwise pose a risk to security. The TSA is also required to collaborate with other aviation authorities to advance a global standard for each international airport to document and track the removal and disposal of any security screening equipment to ensure that the equipment does not come into the possession of a terrorist or otherwise pose a security risk.

### Section 1956. International security standards.

This section directs the TSA, in consultation with other federal agencies, to review security-related standards across the global aviation system. This section requires the TSA to identify best practices for the following: enhancing security by collaborating with foreign partners involved in aviation security; identifying foreign entities that have not yet implemented international standards; improving processes for issuing security-related directives to air carriers; and assessing cyber-related threats to screening equipment. This section requires the TSA to consult with the Ambassador to the ICAO (Ambassador) and notify the appropriate Committees of Congress. The Administrator and Ambassador are required to take any action they consider necessary to advance such aviation security proposals and brief the appropriate Committees of Congress.

### Section 1957. Aviation security in Cuba.

This section requires the Administrator to direct all public charters operating flights between the United States and Cuba to provide updated flight schedules as well as implement a mechanism that corroborates and validates flight schedule data to more reliably track the public charter operations of air carriers between the United States and Cuba. The section also requires TSA to provide Congress with a confidential briefing on airport security measures in Cuba.



## Section 1958. Report on airports used by Mahan Air.

This section requires the Secretary, in consultation with the Secretary of Transportation, Secretary of State, Secretary of Treasury, and the Director of National Intelligence to submit to Congress a report that lists all airports at which aircraft owned or controlled by Mahan Air has landed during the two years preceding the submission of the report.

## **SUBTITLE F - COCKPIT AND CABIN SECURITY**

### Section 1959. Federal air marshal service updates.

This section requires the TSA to develop a standard written for all future negotiations and agreements between the United States government and foreign governments regarding federal air marshal coverage of flights to and from the United States. Not later than 180 days after enactment, all such agreements are required to be in writing and signed by the Administrator or another authorized United States government representative. This section also requires the TSA to endeavor to acquire automated capabilities or technologies for scheduling federal air marshal service missions based on current risk modeling.

### Section 1960. Crew member self-defense training.

This section requires the TSA, in consultation with the FAA, to continue to carry out and encourage increased participation by air carrier employees in the TSA's voluntary self-defense training program.

### Section 1961. Flight deck safety and security.

This section requires the TSA to consult with the FAA to complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft, as well as any appropriate measures that should be taken based on such risks. This section also requires the TSA, in coordination with the FAA, to disseminate RTCA Document (DO-329) Aircraft Secondary Barriers and Alternative Flight Deck Security Procedure to aviation stakeholders, including air carriers and flight crew, to convey effective methods and best practices to protect the flight deck.

### Section 1962. Carriage of weapons, explosives, and incendiaries by individuals.

This section requires the TSA to periodically review and amend the interpretive rule that provides guidance to the public on the types of property prohibited from being carried on an airplane. Before amending the interpretive rule to include or remove a prohibited item from the list, the TSA is required to consult with appropriate aviation security stakeholders, and to research and evaluate the impact of the action on security risks or screening operations and whether the amendment is consistent with international standards and guidance. This section also would prohibit amending the interpretive rule to allow any knife into an airport sterile area or the cabin of an aircraft, with the exception of plastic or round bladed butter knives. For any amendment to the interpretive rule, the TSA is required to publish the amendment in the Federal Register and notify the appropriate Committees of Congress no later than three days before such publication.

## Section 1963. Federal flight deck officer program improvements.

This section requires the TSA to designate additional firearms training facilities for recurrent and requalifying training of Federal Flight Deck Officers (FFDO) and allow FFDOs to requalify at TSA-approved firearms training facilities. This section also requires the TSA to periodically review requalification training intervals and assess whether it is appropriate and sufficient to adjust the time between each requalification training to facilitate continued participation in the FFDO program while still maintaining the effectiveness of the training. This section requires the TSA to periodically review initial and recurrent training requirements and evaluate how training requirements could be streamlined while maintaining the effectiveness of the training. Moreover, and in accordance with any applicable TSA application appeals processes, an inactive FFDO is able to return to active status upon successful completion of a recurrent training program.

This section also provides that the TSA may not establish medical or physical standards for a pilot to become a FFDO that are inconsistent with or more stringent than FAA requirements for the issuance of the required airman medical certificate under existing regulations. Finally, this section harmonizes the policies relating to the carriage of firearms on flights in foreign air transportation by FFDOs with the policies of the federal air marshal program for carrying firearms on such flights and carrying out FFDO duties, notwithstanding Annex 17 of the ICAO.

## SUBTITLE G - SURFACE TRANSPORTATION SECURITY

### Section 1964. Surface transportation security assessment and implementation of risk-based strategy.

This section requires the Administrator to conduct a new threat assessment for surface transportation using current threat intelligence. This section requires the Administrator to develop and implement a multi-modal strategic plan to mitigate threats identified in the threat assessment. This section also requires the Administrator to regularly update the threat assessment, and brief Congress on the findings of, and updates to, the assessment, and strategic review.

### Section 1965. Risk-based budgeting and resource allocation.

This section requires that TSA budgets and resource allocation plans are reflect the risk-based security strategy and clearly indicate which resources will be used for surface transportation security and which will be dedicated to aviation. This section further requires TSA to notify Congress if agency resources, including staff, were used for purposes not related to transportation security.

### Section 1966. Surface transportation security management and interagency coordination review.

This section requires a GAO review of TSA's surface transportation program management structure, including how staff are allocated to different modes of transportation, and how the programs are developed, managed and implemented.

## Section 1967. Transparency.

This section requires TSA to publish on a public website information regarding the status of overdue surface transportation rulemakings. This section would further require the DHS IG review the required regulations to see if they are still necessary or relevant.

## Section 1968. TSA counterterrorism asset deployment.

This section requires - except during times of urgent need- if TSA deploys provides a resource to a transportation facility for six months or more, the Administrator shall provide at least two weeks' notice prior to terminating the deployment.

## Section 1969. Surface Transportation Security Advisory Committee.

This section requires the Administrator to establish a surface transportation security advisory committee to provide stakeholders and the public the opportunity to coordinate with the agency and comment on policy and pending regulations.

## Section 1970. Review of the explosives detection canine team program.

This section requires the DHS IG to conduct a review of the National Explosives Detection Canine Team Program to determine whether there is an adequate number of canine screening teams in passenger rail, mass transit, and other surface transportation.

## Section 1971. Expansion of national explosives detection canine team program.

This section would allow for the expansion of canine teams by up to 70 canine teams upon passage of the legislation and increase it further to up to 200 animals once the DHS IG report in section 9 is complete.

## Section 1972. Study on security standards and best practices for passenger transportation systems.

This section requires the GAO to conduct a study that compares relating to the security standards and practices for mass transit, passenger rail networks, and public areas of other transportation systems.

## Section 1973. Amtrak security upgrades.

This section allows Amtrak to use security grant funding to improve passenger manifest systems to ensure that passengers can be identified.

#### Section 1974. Passenger rail vetting.

This section authorizes the use of TSA passenger vetting systems for rail passengers, at the request of the Amtrak Board of Directors.

#### Section 1975. Study on surface transportation inspectors.

This section requires GAO to submit a report to Congress that reviews the effectiveness of surface transportation security inspectors, including hiring practices and training standards. The report will also determine the extent to which the TSA has used a risk-based, strategic approach to determine the appropriate number of surface transportation security inspectors and if the TSA's surface transportation inspection policies are risk-based.

#### Section 1976. Security awareness program.

This section requires the Administrator to establish a program to promote surface transportation security through the training of surface transportation operators and frontline employees. The training would focus on recognizing, assessing, and responding to suspicious items or actions that could indicate a threat to transportation. This section also requires the Administrator to maintain a national telephone hotline to report suspicious activity.

#### Section 1977. Voluntary use of credentialing.

This section authorizes the voluntary use of Transportation Worker Identification Credential (TWIC) for security at transportation facilities other than ports.

#### Section 1978. Background records checks for issuance of hazmat licenses

This section ensures that individuals who have undergone a security threat assessment for a TWIC do not have to pay for a duplicative assessment to be run for a hazardous materials endorsement.

#### Section 1979. Cargo container scanning technology review.

This section requires a review of new technologies to meet the 100 percent cargo scanning mandate, and authorize a cargo screening pilot program to assess the impacts of a possible solution on the supply chain.

#### Section 1980. Pipeline security study.

This section requires the GAO to conduct a study on the roles and responsibilities of DHS and DOT in regards to pipeline security.

#### Section 1981. Feasibility assessment.

This section requires the Secretary to develop and submit to Congress a study outlining the feasibility of modifying the security of surface transportation assets through next-generation technologies, credential authentication, and access to advanced passenger vetting systems.

#### Section 1982. Best practices to secure against vehicle-based attacks.

This section requires the Secretary to disseminate best practices to stakeholders regarding ways to enhance transportation security against the threat of vehicle-based attacks.

#### Section 1983. Surface transportation stakeholder survey.

This section requires the Secretary to begin conducting a survey of stakeholders responsible for securing surface transportation regarding resource challenges.

#### Section 1984. Nuclear material and explosive detection technology.

This section requires the Secretary, in coordination with the Director of NIST and the head of each relevant federal department or agency researching nuclear material detection systems or explosive detection systems, research, facilitate, and, to the extent practicable, deploy next generation technologies, including active neutron interrogation, to detect nuclear material and explosives in transportation systems and transportation facilities.

### **SUBTITLE H - TRANSPORTATION SECURITY**

#### Section 1985. National strategy for transportation security review.

This section requires the Comptroller General to evaluate how much of the 2016 National Strategy has been implemented throughout federal transportation security programs, budgets, research, and related efforts.

## Section 1986. Risk scenarios.

This section requires the Secretary to annually develop risk-based priorities across all transportation modes that consider threats and vulnerabilities. This section also requires the Secretary to submit a report to Congress that includes details of all of the risk assessments including the ranks of each, priority within each mode of transportation, and the methodologies used to assess risks.

## Section 1987. Integrated and unified operations centers.

This section requires the Administrator to make available a framework for establishing an operations center that will oversee the daily operations of a transportation facility that promotes response coordination to major events. Additionally, this section requires the Administrator to report to Congress regarding the establishment of these operations centers.

## Section 1988. National Deployment Force.

This section establishes a National Deployment Office (NDO) within the TSA. The head of the National Deployment Office shall be responsible for maintaining a National Deployment Force (NDF) comprised of Transportation Security Officers, who will provide the TSA with rapid and efficient response capabilities. The NDO shall augment homeland security operations, including in the following situations: airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support or other reasons; special events requiring enhanced security determined by the Secretary, including National Special Security events; response in the aftermath of any manmade disaster, including terrorist attack; and other situations determined by the Administrator.

## Section 1989. Information sharing and cybersecurity.

This section requires the Administrator to facilitate regular meetings between TSA airport directors and local security officials. The section also requires the Administrator to develop a plan to improve information and best practice sharing with local stakeholders. Finally, the Administrator is required to periodically update and enhance TSA cybersecurity protocols in alignment with NIST guidance.

## Section 1990. Security technologies tied to foreign threat countries.

This section requires the Secretary to submit an assessment of terrorist and other threats to the transportation sector posed by the use of security technologies developed or manufactured by firms that are owned or closely linked to the governments of countries that are known to pose a cyber or homeland security threat.

## **SUBTITLE I - CONFORMING AND MISCELLANEOUS AMENDMENTS**

## Section 1991. Title 49 amendments.

This section makes technical and conforming edits to title 49, USC including by updating the current title of the

Administrator and transferring authorities granted to the Under Secretary of Transportation for Security at the DOT to the Administrator of the TSA under the DHS.

Section 1992. Table of contents of chapter 449.

This section contains revisions to the table of contents of chapter 449.

Section 1993. Other laws; Intelligence Reform and Terrorism Prevention Act of 2004.

This section contains technical corrections to chapter 449 of title 49, USC.

Section 1994. Savings provisions.

This section contains a savings clause clarifying the role of the Administrator.