

# THE FAA REAUTHORIZATION ACT OF 2018

## SECTION BY SECTION: H.R. 302

*A five-year reauthorization of federal aviation programs; reauthorizations of the Transportation Security Administration (TSA) and the National Transportation Safety Board (NTSB); a down payment on assistance to communities ravaged by Hurricane Florence and important disaster recovery reforms; provisions realigning and modernizing U.S. assistance to low and lower middle-income countries; and other measures.*

### DIVISION A – SPORTS MEDICINE LICENSURE

#### **Section 11. Short Title.**

This section provides the short title for this division as the “Sports Medicine Licensure Clarity Act of 2018.”

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

This section allows sports medicine professionals who have an agreement to provide health care services to an athlete, team, or staff member of the athlete or team to be covered by their medical liability insurance when they provide services outside of their state of licensure, as long as the services provided are within their scope of practice in their primary state and the professional discloses the nature and extent of such services to the entity that provides the professional with liability insurance.

### DIVISION B – FAA REAUTHORIZATION ACT OF 2018

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

This section defines “appropriate committees of Congress” as the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

## TITLE I – AUTHORIZATIONS

### SUBTITLE A – FUNDING OF FAA PROGRAMS

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

This section authorizes \$3.35 billion from the Airport and Airway Trust Fund for the FAA's Airport Improvement Program (AIP) account for each of the fiscal years 2018-2023.

#### **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: \$3.33 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 million for fiscal year 2019; \$10.732 million 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 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 DOT to engage an independent nonprofit research organization to conduct a study assessing the infrastructure needs of airports and existing financial resources for commercial service airports and make recommendations on the actions needed to upgrade the national aviation infrastructure system to meet the growing and shifting demands of the 21st century.

**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. Additionally, this section permits the leasing of airport land for less than fair market value 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 a lactation area for nursing mothers to feed their infants as well as a baby changing table in one men's and one women's restroom in each passenger terminal building. The section also makes the construction or installation of a lactation area eligible for AIP funding at any commercial service airport.

**Section 133. Contract Tower Program.**

This section reforms the Contract Tower Program and the Cost-Share Program and 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 certain federal funds.

**Section 134. Government share of project costs.**

This section makes a correction relating to the Federal share of certain multi-phase AIP projects that were underway in fiscal year 2011 to allow these projects to be completed at the originally intended cost share.

**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 now serve as primary airports 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.

**Section 141. Property conveyance releases.**

This section authorizes the DOT 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 FAA 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 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 DOT 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, within 180 days of the date of enactment, a request for proposal 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 amends 44502 of title 49, U.S.C., to allow an airport to transfer to the FAA an eligible air traffic system purchased through a government aid or grant program, and clarifies what spaces in airports the FAA cannot require an airport to provide without cost.

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

This section makes maintenance or rehabilitation projects considered necessary for safe operation at an airport eligible for DOT grants if each is listed as having an unclassified status under the most recent national plan of integrated airport systems. 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 Airport Improvement Program.

**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. It 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 amends current law to allow earthmoving activities at mountaintop airports be eligible for funding from the small airport fund.

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

This section authorizes the transfer of unused nonprimary entitlement (NPE) funds to an NPE set-aside in the FAA discretionary fund that shall be made 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 to ensure 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. The section also requires the 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 fiscal years 2018-2023 for supplemental airport discretionary grants and directs that half of these funds are made available for smaller airports.

**Section 159. State taxation.**

This section ensures that state or local governments may not levy or collect any new 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 renames the airport privatization pilot program as the Airport Investment Partnership Program. The 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. The FAA is required to clearly define the evaluation agenda for the pilot program, and airports must 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. This section makes certified remote towers AIP eligible.

**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 for certain snow removal and safety equipment storage facilities.

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

This section prohibits the DOT from regulating, directly or indirectly, the acquisition, use, lease, transfer, or disposal of airport property by an airport owner or operator if the land was not purchased with Federal funds, except to ensure airport safety and efficiency is maintained and that fair market value is received.

**Section 164. Seasonal airports.**

This section amends 47114 of title 49, U.S.C., 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 for the purposes of AIP apportionment.

**Section 165. Amendments to definitions.**

This section modifies and expands various definitions applicable to the Airport Improvement Program.

**Section 166. Pilot program sunsets.**

This section repeals two completed airport pilot programs.

**Section 167. Buy America requirements.**

This section requires the DOT to provide at least ten days of public notice when waiving Buy America and directs a reporting requirement to Congress about such waivers filed during the fiscal year.

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

### **Section 171. Funding eligibility for 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, airports are required 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 (noise designation level) 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 shall terminate 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 (DNL) 65 standard within 1 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, if asked by the airport owner and local community, 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. NextGen is the FAA's ongoing effort to modernize technology used for air traffic control.

### **Section 177. Lead emissions.**

This section requires a study from the National Research Council on aviation gasoline that assesses non-leaded fuel alternatives to the aviation gasoline currently 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 to serve as a regional liaison with the public on issues regarding aircraft noise, pollution, and safety.

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

This section directs the Administrator of the FAA 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 and submit a report to Congress. The section requires the FAA to issue a notice of proposed rulemaking to revise part 36 of title 14, C.F.R. (noise standards), to include supersonic aircraft in the applicability of that part. The FAA is also required to issue a notice of proposed rulemaking to modernize the application process to operate a civil aircraft at supersonic speeds. The FAA is further directed to review aircraft noise and performance data and consult with relevant federal agencies on whether regulations may be amended to allow supersonic flight of civil aircraft over the United States.

**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 achieve prompt development of a standard for pavements of nonprimary public-use airports that would be acceptable to the DOT. Such technical assistance shall indicate what would be acceptable to the FAA considering local conditions and locally available materials.

**Section 184. Eligibility of pilot program airports.**

This section allows the FAA to make grants to certain airports in the Airport Investment Partnership Program for total or partial federal reimbursement of eligible public use infrastructure projects that have been funded in advance by a nonpublic sponsor.

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

This section grants an exemption for 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 (noise level designation) aircraft.

**Section 187. Aircraft noise exposure.**

This section directs the FAA 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 part 150 of title 14, Code of Federal Regulations.

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

This section directs the FAA 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 FAA 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 DOT 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 U.S. Code to make general aviation airport construction or improvement projects subject to the coordinated and expedited environmental review process set forth in 49 U.S.C. 47171. This section also codifies a definition of "general aviation airport construction or improvement project".

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

This section substantially 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. The section also authorizes DOT to establish a zero-emission airport technology development program to facilitate the development of commercially viable zero-emission airport vehicles.

**TITLE II – FAA SAFETY CERTIFICATION REFORM**

**SUBTITLE A – GENERAL PROVISIONS**

**Section 201. Definitions.**

This section provides definitions for this title.

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

This section establishes a Safety Oversight and Certification Advisory Committee (SOCAC) comprised of industry stakeholders including general aviation, commercial aviation, aviation labor, aviation maintenance, and the Administrator of the FAA. 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 FAA 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 will ensure progress is being made toward eliminating delays, increasing accountability, and achieving full utilization of delegation, while maintaining leadership of the U.S. in international aviation. The findings will be publicly available on the FAA's website.

**Section 212. Organization Designation Authorizations.**

Organization designation authorization (ODA) are organizations, such as an aircraft manufacturer, to which the FAA has delegated certain type of authority. This section amends existing law by requiring that when overseeing an (ODA) holder, the FAA 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, it will submit a report to the FAA and relevant congressional committees on any findings and recommendations.

**Section 214. Type Certification Resolution Process.**

This section requires the FAA to develop 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."

**Section 216. ODA Staffing and Oversight.**

This section directs the FAA to report to Congress no later than 270 days after enactment on its progress with respect to the FAA's staffing and oversight of ODA.

**SUBTITLE C – FLIGHT STANDARDS REFORM****Section 221. Flight Standards Performance Objectives and Metrics.**

This section directs the FAA, 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 (Task Force). The Task Force will be comprised of 20 industry experts and stakeholders, and 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 FAA 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 FAA to establish a Regulatory 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 and receive a response.

**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 GAO 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 DOT to take appropriate actions to promote United States aerospace standards abroad, to defend approvals of United States 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 FAA 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 FAA 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 FAA 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 FAA 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 defines terms used in this title.

**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 will terminate 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 303. Safety critical staffing.**

This section instructs the DOT inspector general 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. 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 if necessary. In revising these performance standards, the FAA may consider various methods for improving detection and retrieval of flight data. The FAA is instructed to coordinate with international regulatory authorities and the International Civil Aviation Organization (ICAO) 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 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 not 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. This section requires a report to Congress 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 FAA and National Transportation Safety Board (NTSB) to study general aviation safety, including a review of all general aviation accidents since 2000. Based on the results of this study, the FAA, in consultation with the NTSB, shall make recommendations considered necessary to address general aviation safety issues, protect persons and property on the ground, and improve the safety of general aviation operators, and submit its report to the appropriate committees of Congress.

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

This section directs the FAA to initiate a Call to Action safety review for airline engine safety with stakeholders to discuss best practices and implement actions to address airline engine safety. The Administrator will submit a report on the results of the review.

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

This section states the sense of Congress on the necessity of 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 U.S.

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

This section requires the FAA to determine, in collaboration with the NTSB and part 135 industry stakeholders (commuter, on demand or air tour operators), what, if any, additional data should be reported as part of an accident or incident notice. The FAA shall 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 issues for more risk-based, data driven safety oversight.

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

This section states 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 air side 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, to update, as necessary, forms related to heliports and helipads, and to develop a new database related to such helicopter landing areas. This section 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 comprised of industry representatives, labor organizations, and safety experts to review and provide recommendations on pilot rest and duty rules for operations in part 135. The section further requires the FAA to submit a report on the committee's 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 FAA 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, as appropriate, no later than 180 days after the date of enactment.

**Section 317. Helicopter fuel system safety.**

This section requires that all newly manufactured helicopters 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 directs the FAA to assign the Aviation Rulemaking Advisory Committee the task of reviewing all regulations and policies related to designated pilot examiners. The ARC shall also make recommendations with respect to the regulatory and policy changes necessary to allow a designated pilot examiner to perform a daily limit of 3 new check rides for pilots being evaluated, 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 even if they have not undergone a review by the event review committee; however, these disclosures will have disclaimers that they have not gone through review. 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 the FAA to conduct an evaluation of providing additional ground based transmitters for Automatic Dependent Surveillance-Broadcasts to provide a minimum operational network in Alaska along major flight routes.

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

This section directs the GAO to conduct a study on the impact of a June 2015 order on FAA Compliance Policy and report to Congress on whether reports of safety incidents increased and whether reduced enforcement penalties increased the overall number of safety incidents that occurred.

**Section 325. Annual safety incident report.**

This section requires the FAA submit for the next six years 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 website educational materials for flight attendants, pilots, and aircraft maintenance technicians 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 requires the FAA to commission a study by the Airliner Cabin Environment Research Center of Excellence on bleed air in the cabins of commercial aircraft.

**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 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 FAA to submit a report on airline and passenger safety, including the overall use, age, and flight hours of commercial aircraft, 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 FAA 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 providing equal or higher levels of safety.

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

This section directs the FAA 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 these 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. The FAA is required to report to Congress on the results of the assessment.

**Section 332. Airport rescue and firefighting.**

This section directs the FAA to coordinate with the Administrator of the Environmental Protection Agency (EPA), aircraft manufacturers, and airports to no longer require the use of fluorinated chemicals to meet performance standards for firefighting foams no earlier than 3 years after the date of enactment. This section also requires the FAA to submit to the appropriate committees of Congress a report on the number and sufficiency of aircraft rescue and firefighting training facilities in each FAA region and a plan, if appropriate, to address any coverage gaps identified in the report.

**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 U.S. and work with international partners to ensure enforcement of regulations. This section allows appropriate exceptions for transportation of medical device batteries, and it establishes the Lithium Ion Battery Safety Working Group and the Lithium Battery Air Safety Advisory Committee to facilitate communications between and among key stakeholders—manufacturers of lithium ion cells and batteries, manufacturers whose products incorporate such batteries, and the federal government agencies regarding on the effectiveness and economic impacts of regulation of the transportation of lithium ion cells and batteries.

**Section 334. Runway safety.**

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

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

This section requires the FAA to modify its final rule on flight attendant duty period limitations and rest requirements to ensure a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours. The rest period cannot be reduced under any circumstances, and airlines are also required to develop fatigue risk management plans for flight attendants.

**Section 336. Secondary cockpit barriers.**

This section requires the FAA to issue an order requiring the installation of secondary cockpit barriers on new passenger aircraft.

**Section 337. Aircraft cabin evacuation procedures.**

This section requires the FAA to review the evacuation certification of transport-category aircraft. In conducting this review, the FAA is required to consult with the NTSB, relevant aircraft manufacturers, air carriers, and other relevant experts and Federal agencies, and is required to review relevant data with respect to evacuation certification. At the review's conclusion, FAA must submit a report to Congress.

**Section 338. Sense of Congress.**

This section states the sense of Congress that air carriers should have policies and procedures in place to address sexual misconduct.

**Section 339. Civil penalties for interference.**

This section increases the civil penalty for any individual who physically or sexually assaults, or threatens to assault, a member of a flight crew or cabin crew or individual onboard aircraft while on board an aircraft from \$25,000 to \$35,000.

**Section 339A. National in-flight sexual misconduct task force.**

This section establishes a Task Force comprised of relevant stakeholders and federal agencies to develop recommendations for air carriers in regard to training, reporting and collecting of data for incidents of allegations of sexual misconduct that occur on flights.

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

This section directs the Attorney General to establish a streamline reporting process for the reporting of incidents of alleged sexual misconduct onboard aircraft.

**SUBTITLE B – UNMANNED AIRCRAFT SYSTEMS**

**Section 341. Definitions; integration of civil unmanned aircraft systems into national airspace system.**

This section codifies definitions related to unmanned aircraft systems (UAS). Additionally, this section would update and codify current law regarding the integration of UAS into the national airspace system (NAS).

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

This section requires the DOT to update the comprehensive plan required by the FAA Modernization and Reform Act of 2012 (FMRA; P.L. 112-95; 49 U.S.C. 40101 note) and to submit a report to Congress regarding the alignment of UAS programs at DOT and the strategy to avoid duplication and leverage capabilities across programs.

**Section 343. Unmanned aircraft test ranges.**

This section reauthorizes and enhances the utilization of the seven existing UAS test ranges until September 30, 2023. This section updates the FAA's authority with respect to the test ranges, first authorized in 2012, by more clearly directing research priorities, improving coordination with the FAA, and enhancing protections for proprietary information to encourage more fruitful engagement with the private sector.

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

This section codifies a provision enacted in FMRA governing UAS operations in the Arctic.

**Section 345. Small unmanned aircraft safety standards.**

This section directs the FAA to establish a process to accept risk-based, consensus safety standards for small UAS and authorize the operation of small UAS designed, produced, or modified in accordance with these standards in lieu of the more cumbersome certification process used for the approval of other aircraft.

**Section 346. Public unmanned aircraft systems.**

This section codifies existing authority to authorize public (i.e., governmental) aircraft operations. This section also directs the FAA to permit the use of public actively tethered UAS (governmental UAS physically attached to a ground station with a tether that provides the UAS with power) that operate within specific parameters.

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

This section requires the FAA to update existing regulations authorizing carriage of property by operators of small UAS for compensation or hire within the United States not later than 1 year after the date of enactment. This section also authorizes the DOT to amend current regulations to establish economic authority for the carriage of property by small UAS for compensation or hire. Finally, this section states that, pending the update of regulations required by this section, a person may seek authority to carry property via a small UAS for compensation or hire using existing processes.

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

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

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

This section permits UAS operated by an institution of higher education for educational or research purposes to fall under the definition of recreational purpose. The FAA is authorized to establish regulations, procedures, and standards, as necessary, to facilitate the safe operation of UAS by institutions of higher education.

**Section 351. Unmanned aircraft systems integration pilot program.**

This section places the "Unmanned Aircraft System Integration Pilot Program" (IPP; as described in 82 Federal Register 50301) in law and adds a requirement for the DOT to notify Congress prior to initiating any additional rounds of agreements under this pilot program.

**Section 352. Part 107 transparency and technology improvements.**

This section requires the FAA to publish information on approved small UAS waivers and airspace authorizations and to provide real time data on application status.

**Section 353. Emergency exemption process.**

This section states the sense of Congress that the use of UAS by civil and public operators has become an increasingly important tool in response to a catastrophe, disaster or other emergency. It further directs the FAA to update and improve the Special Governmental Interest process to ensure that UAS operators, such as local law enforcement agencies and first responders, can continue to use UAS quickly and efficiently in response to a disaster or other emergency. This section also requires the FAA to develop best practices for the use of UAS by States and localities to respond in emergencies.

**Section 354. Treatment of unmanned aircraft operating underground.**

This section makes explicit that UAS operations underground are not subject to FAA regulation. This is consistent with existing regulations.

**Section 355. Public UAS operations by Tribal governments.**

This section allows certain tribal governments to operate unmanned aircraft as public aircraft.

**Section 356. Authorization of appropriations for Know Before You Fly campaign.**

This section authorizes \$1 million to be appropriated to the FAA for the "Know Before You Fly" educational campaign for each of FY 2019 through FY 2023.

**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 should be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.

**Section 358. UAS privacy review.**

This section directs the GAO, in consultation with the DOT and the National Telecommunications and Information Administration (NTIA), to carry out a review of the privacy issues and concerns associated with the operation of UAS in the NAS and to report to Congress.

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

This section requires the FAA to study and report to Congress on the use of UAS by fire departments and other emergency service management agencies.

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

This section requires the GAO to study appropriate fee mechanisms for the FAA to recover the costs of regulation and safety oversight of UAS and the provisions of air navigation services to UAS. This section requires the GAO to consider a number of factors including resources necessary for safe unmanned aircraft operations and best practices or policies of other countries and to report its recommendations to Congress.

**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 sense of Congress regarding the safety risks caused by unauthorized operation of UAS in proximity to airports and the safety risks of potential collisions between UAS and conventional passenger aircraft. Further, it 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 civil penalty for operating an unmanned aircraft or unmanned aircraft system that is equipped or armed with a dangerous weapon.

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

This section requires the FAA, in consultation with government agencies authorized to operate counter-unmanned aircraft system (C-UAS) systems, to review interagency coordination, standards for the authorized Federal use of these systems and to report to Congress.

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

This section requires the DOT to consult with the Department of Defense (DOD) on matters related to the deployment of C-UAS systems in the NAS.

**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 provide outreach, including a publicly available resource website, to State and local governments and provide guidance for local law enforcement agencies with respect to how to identify and respond to safety threats posed by UAS and to share information about how UAS can be used to aid law enforcement.

**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 DOD, and the Department of Labor, 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 directs the DOT to issue guidance for the expedited and timely access to special use airspace for public UAS in order to assist Federal, State, local, or tribal law enforcement organizations in conducting law enforcement, emergency response, or for other activities.

**Section 369. Applications for designation.**

This section amends Section 2209 of the FAA Extension, Safety, and Security Act of 2016 (FESSA; P.L. 114-190) by establishing rulemaking deadlines and including "railroad facilities" as an example of critical infrastructure and therefore eligible to petition the FAA to prohibit UAS operation in close proximity.

**Section 370. Sense of Congress on additional rulemaking authority.**

This section states the sense of Congress that UAS operations beyond the visual line of sight, at night, and over people have tremendous potential to spur economic growth and improve emergency response efforts, and that integrating UAS into the NAS that can conduct these sort of operations should remain a top priority for the FAA in its rulemakings.

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

This section directs the DOT to enter into an agreement with the National Academy of Public Administration (NAPA) to estimate and assess compliance with, and the effectiveness of, the FAA's Interim Final Rule entitled "Registration and Marking Requirements for Small Unmanned Aircraft (80 Fed. Reg. 78593). It also directs the DOT, upon receiving the assessment from NAPA, to develop metrics to measure compliance with the interim final rule (and any subsequent final rule) and report to Congress on the results of the assessment.

**Section 372. Enforcement.**

This section directs the FAA to establish a five-year pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of UAS that are not in compliance with applicable Federal aviation laws, including regulations. This section also directs the FAA to establish and publicize a mechanism for the public and Federal, State, and local law enforcement to report suspected unlawful operations of UAS and requires annual reporting to Congress. Finally, this section adds Chapter 448, as added by this Act, to the civil penalty regime under title 49 of U.S. Code.

**Section 373. Federal and local authorities.**

This section requires the GAO to conduct a study and report to Congress on the relative roles of Federal, State, local, and tribal governments in the regulation and oversight of low-altitude operations of UAS in the NAS. This section requires the GAO to consider specific factors while conducting its study, including the current state of the law with respect to Federal authority over low-altitude UAS operations and the current state of the law with respect to State, local, and tribal authority over low-altitude UAS operations.

**Section 374. Spectrum.**

This section requires the FAA, NTIA, and the Federal Communications Commission to submit to Congress a report on whether UAS operations should be permitted to operate on spectrum designated for aviation use. The report shall also include recommendations of other spectrum frequencies (such as LTE) that may be appropriate for flying UAS.

**Section 375. Federal Trade Commission authority.**

This section makes explicit the authority of the Federal Trade Commission to enforce violations of the privacy policies of commercial UAS operators.

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

This section directs the FAA, in consultation with other Federal agencies as appropriate, to develop a plan to allow for the implementation of UAS traffic management (UTM) services. As part of the implementation plan, this section directs the FAA to take specific actions, including developing safety standards to permit, authorize, or allow the use of UTM services and to outline the roles and responsibilities of industry and government in establishing UTM services.

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

This section directs the FAA, upon the request of a UTM service provider, to determine if certain UTM services may operate safely in the NAS before the completion of the implementation plan required under Section 376.

**Section 378. Sense of Congress.**

This section states the sense of Congress that commercial users of UAS, except those operating 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 and should make this privacy policy publicly available.

**Section 379. Commercial and governmental operators.**

This section requires the FAA to make available to the public, through a single location on the DOT's website, information regarding government and commercial operators authorized to operate UAS in the NAS. The information reference above includes where the UAS is 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 addresses technical legal issues associated with the codification of UAS-related provisions from FMRA.

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

This section amends section 1752 of title 18, U.S. Code, to establish criminal penalties for someone knowingly and willfully operating a UAS with the intent to knowingly and willfully direct or otherwise cause such UAS to enter or operate within or above a restricted building or grounds.

**Section 382. Prohibition.**

This section amends title 18, U.S. Code, to establish criminal penalties for someone who operates a UAS and knowingly or recklessly interferes with a wildfire suppression, or law enforcement or emergency response effort related to wildfire suppression.

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

This section directs the FAA to work with DOD, the Department of Homeland Security (DHS), and other relevant federal departments and agencies to ensure that C-UAS technologies do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the NAS. This section also directs the FAA to develop a plan for the certification, permitting, authorizing, or allowing the deployment of C-UAS technologies or systems and requires the FAA to test UAS hazard mitigation systems at 5 airports, including one airport that ranks in the top 10 of the FAA's most recent Passenger Boarding Data. This section permits detection and mitigation systems approved through this testing to be eligible for purchase by airports using AIP funds.

**Section 384. Unsafe operation of unmanned aircraft.**

This section amends title 18, U.S. Code, to make it a crime to knowingly or recklessly operate a UAS in a manner that interferes with or disrupts the operation of a manned aircraft or too close to a runway.

**SUBTITLE C – GENERAL AVIATION SAFETY**

**Section 391. Short Title.**

This section provides that this subtitle may be cited as the "Fairness for Pilots Act."

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

This section makes several amendments to the Pilot's Bill of Rights (P.L. 112-153). This section imposes new requirements for notifications with respect to FAA investigations relating to airman certificates. This section establishes requirements for the FAA to provide a copy of the releasable portion of the investigative report to the holder of an airman certificate who is the subject of certain enforcement actions. If the FAA fails to adhere to the requirements of this section, the certificate holder may move to dismiss the complaint before an administrative law judge (ALJ) who may order appropriate relief if the FAA fails to establish good cause for failure to comply with this section. This section also defines the portions of an investigative report considered releasable.

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

This section requires the FAA to provide the airmen with notification for the reasoning behind a reexamination prior to reexamination.

**Section 394. Expediting updates to NOTAM Program.**

This section amends the Pilot's Bill of Rights to require the NOTAM Program notices be maintained in a public repository that is accessible on the internet, machine readable, and searchable. After the FAA completes the NOTAM Program, this section prohibits the enforcement of a NOTAM violation if the NOTAM was not included in the repository before the flight commenced. The FAA is also prohibited from enforcing NOTAM violations until the FAA certifies to the appropriate committees of Congress that it has implemented the changes to the NOTAM system required by this section unless the enforcement of the NOTAM violation directly relates to national security.

**Section 395. Accessibility of certain flight data.**

This section requires the FAA, upon receipt of a request for a covered flight record from an individual if the record is not within the FAA's possession, to request the record from either the contract tower or other contractor. Furthermore, if the FAA issues a Notice of Proposed Certificate Action based on evidence in a covered flight record, the FAA will provide the record and extend the time the individual has to respond. The FAA will issue within 180 days of enactment of the Act regulations or guidance to ensure compliance.

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

This section requires the FAA to designate the appropriate legal counsel of the FAA as an appropriate official for purposes of section 13.11 of 14 CFR.

**TITLE IV – AIR SERVICE IMPROVEMENTS**

**SUBTITLE A – AIRLINE CUSTOMER SERVICE IMPROVEMENTS**

**Section 401. Definitions.**

This section provides definitions for this title.

**Section 402. Reliable air service in American Samoa.**

This section requires the DOT to 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 DOT 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 on its website or through other means 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 DOT 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 DOT 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 DOT 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 current law to require that airline personnel who interact regularly with passengers are trained on recognizing and responding to potential human tracking victims.

**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 DOT of Transportation to study and publicize a cost-benefit analysis to air carriers and consumers on 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 rules.

**Section 412. Strollers.**

This section inserts a new section of code into title 49 that prohibits an air carrier from denying a passenger the ability to check a stroller at the gate if the stroller has been used to transport the child traveling on the same flight as the passenger. This section provides an exemption for instances where there is a safety or security risk posed by the size or weight of 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 the rate at which air carriers change the itinerary of a passenger, more than 24 hours before departure, when the new itinerary involves additional stops, or departs three hours earlier or later, and compensation or other more suitable air transportation is not offered. As part of the review, the DOT shall consider airline refund policies and alternative travel options provided by the carrier in such situations.

**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 directs the DOT to complete an evaluation of the aviation consumer protection portion of the DOT's website to identify improvements that could be made, including a mechanism to allow consumers to access information regarding each complaint filed with the Aviation Consumer Protection Division, and develop a plan to implement these improvements.

**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 an advisory committee to review and develop recommendations to improve transparency, consumer protection and DOT's oversight of the air ambulance industry and submit a report to Congress. The DOT is directed to review the recommendations of the advisory committee and, as necessary, issue regulations or other guidance.

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

This section requires each air ambulance provider to include the phone number to the DOT's hotline for consumer complaints on any bill or invoice provided to the air ambulance consumer. This section amends 41712 of title 49, U.S.C., to clarify that, upon complaint of an air ambulance consumer, the DOT may investigate and determine whether or not an action taken by an air carrier is unfair or deceptive.

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

This section requires the DOT to submit a report to Congress on how the DOT will conduct oversight of air ambulance providers and provide a timeline for issuance of any guidelines concerning unfair and deceptive practices of air ambulance providers.

**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 not taken 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 require all carriers providing passenger air transportation to include the DOT's hotline number for consumer complaints on any electronic confirmation of ticket purchase and prominently displayed at airport ticket counters.

**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 directs there be an Aviation Consumer Advocate position within the Aviation Consumer Protection Division. This section would also provide the functions of the Aviation Consumer Advocate. Finally, this section requires the DOT, through the Aviation Consumer Advocate, to submit an annual 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 requires the DOT to review air carrier policies and revise regulations to clarify there is no maximum level of compensation a covered air carrier may pay to a passenger involuntarily denied boarding and that an air carrier must proactively offer to pay compensation to a passenger who is denied board on an oversold flight. 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. Finally, this section allows 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 generally require large ticket agents, which are those with \$100 million or more in annual income, to adopt minimum customer service standards.

**Section 428. 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 DOT a one-page summarized 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 must also be available in a prominent location 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 airport accessibility best practices for individuals with disabilities, air carrier training policies related to assisting passengers with disabilities and review of accessibility best practices.

**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 DOT, 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 DOT 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. The DOT is directed to work with stakeholders, including disability organizations and covered air carriers, in developing the Airline Passengers with Disabilities Bill of Rights and requires covered air carriers to submit to the DOT their plans to ensure their employees receive training on these protections and responsibilities. The section also directs air carriers to post the Airline Passengers with Disabilities Bill of Rights on the carrier's website and provide a copy to passengers with disabilities requesting pre-flight accommodations.

**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 passengers bringing service animals and emotional support animals in aircraft cabins, including health and safety documentation. The DOT would consider whether to align the definition of service animal with that of the Americans with Disabilities Act of 1990 (P.L. 101-236) and reasonable measures to ensure pets are not claimed as service animals. 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 directs the advisory committee established in section 439 of this Act to review current regulations with respect to practices for ticketing, pre-flight seat assignments and stowing of assistive devices for passengers with disabilities and provide recommendations on whether or not current regulations for these practices should be modified for passengers 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. The Advisory Committee shall identify and assess disability-related access barriers for passengers with disabilities and the extent to which the program and activities of the DOT are addressing the barriers identified. The Advisory Committee shall submit an annual report to the DOT on the needs of passengers with disabilities in air travel.

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

This section directs the DOT 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 DOT 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 no later than 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.

**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.

**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 Secretary finds that a community's subsidy-per-passenger for a fiscal year is lower than any of the previous three fiscal years. Additionally, the Secretary shall waive application of this cap if the subsidy-per-passenger cap for a fiscal year is less than the ten percent higher than the highest subsidy-per-passenger than any of the three previous fiscal 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 multi-year efforts of the Administration to modernize the air transportation system.

**Section 503. Return on investment report.**

This section requires the FAA to annually submit a report to Congress which assesses the expectations, priorities, and status of the NextGen portfolio and to use that report to develop a priority list of all NextGen programs and activities. This section also requires the FAA to 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 air traffic control (ATC) operational contingency plans and update such plans to address potential air traffic facility outages that could have a major impact on operation of the NAS. Additionally, the FAA is required to submit a report to Congress on the review, including any recommendations for ensuring that air traffic facility outages do not have a major impact on the operation of the NAS.

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

This section requires the FAA, in collaboration with the NextGen Advisory Committee, to identify any known and potential barriers for aircraft owners to comply with the FAA's 2020 ADS-B Out mandate (which requires most manned aircraft to be equipped with a surveillance technology in which an aircraft determines its position via satellite navigation and periodically broadcasts it, enabling it to be tracked by the FAA), and to develop and send to Congress a plan that addresses any barriers.

**Section 506. Securing aircraft avionics systems.**

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

**Section 507. Human factors.**

This section directs the FAA to recognize and incorporate, in early design phases of all relevant NextGen programs, the human factors and procedural and airspace implications of stated goals and associated technical changes. It also ensures a human factors specialist is directly involved with the NextGen approval process.

**Section 508. Programmatic risk management.**

This section directs the FAA to solicit input from probability and statistics specialists 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 FAA to initiate a review of the FAA's cybersecurity strategic framework created under the FAA Extension, Safety, and Security Act of 2016, and modify the framework to address any identified deficiencies.

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

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

**Section 512. Air shows.**

This section encourages the FAA 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 of general aviation aircraft owners, operators, labor, and government representatives to assess the oversight and authorization processes and requirements for aircraft under part 91 (which are small, non-commercial aircraft). This section sunsets the program on the day the report to Congress is submitted, and requires the FAA to implement the recommendations of the Task Force within 1 year of the date of enactment.

**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 DOT 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 covered part 121 air carrier (which is essentially a large airline) operating in a non-contiguous state to conduct operations to or from a destination in a non-contiguous state if certain operational weather requirements are met.

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

This section directs the FAA 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 to ensure that they continue to provide critical safety functions.

**Section 519. FAA data transparency.**

This section directs the FAA and the Chief Operating Officer (COO) of the FAA to complete an initial data report assessing the air traffic control system, and for the DOT IG to validate the model used to complete the calculations.

**Section 520. Intra-agency coordination.**

This section requires the FAA to implement a policy that designates the Associate Administrator for Commercial Space Transportation (AST) as the primary liaison between the commercial space transportation industry and the FAA and works to improve coordination between AST, the Air Traffic Organization, and industry.

**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 within 30 days of enactment and submit a report to Congress within 180 days of the initiation of the audit.

**Section 522. Automatic dependent surveillance-broadcast.**

This section repeals the “ADS-B In” rulemaking 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, which is an aviation research and development, and test and evaluation facility that serves as the national scientific test base for the FAA, with that of the Civil Aeromedical Institute, which is the medical certification, research, education, and occupational health wing of the FAA's Office of Aerospace Medicine..

**Section 525. Geosynthetic materials.**

This section directs the FAA 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 designates 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 museum.

**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 (LIT VORTAC).

**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 analyzing the economic effects of temporary flight restrictions (TFR) on airports or aviation-related businesses located or based in an area covered by the TFR and on methods to mitigate identified negative economic effects.

**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.

**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 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 these 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 DOT to establish an advisory panel comprised of 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, the Administrator of the FAA, and Congress on the results of the review and evaluation as well as any recommendations.

**Section 534. NextGen delivery study.**

This section directs the DOT IG to initiate a study on the potential impacts of a significantly delayed, diminished, or completely failed delivery of NextGen initiatives and to report to Congress on the results of the study.

**Section 535. Study on allergic reactions.**

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

**Section 536. Oxygen mask design study.**

This section directs the FAA 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 a GAO assessment and report on 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, United States Code.

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

This section requires the Secretary 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 Secretary or the Administrator can take when a report is received, how the DOT or the FAA decide to allocate resources, challenges the DOT and the FAA face in identifying illegal operators, and recommendations for improving efforts to combat illegal charter operations.

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

This section authorizes the use of the Aero Spacelines Super Guppy Turbine aircraft for transport of oversized space launch vehicle or spacecraft components while continuing to qualify as a public aircraft operation, provided that the aircraft is owned and operated by NASA, the commercial operation is conducted completely in U.S. airspace, and no commercially available domestic air alternative exists.

**Section 542. Prohibited airspace assessment.**

This section requires the DOT 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 processes to resolve persistent challenges for special use airspace requests.

**Section 544. Agency procurement reporting requirements.**

This section requires the DOT to submit a report on the value of acquisitions made by the FAA from entities that manufacture supplies outside of the U.S.

**Section 545. FAA organizational reform.**

This section replaces the FAA Chief NextGen Officer with a Chief Technology Officer reporting directly to the COO and outlines minimum qualifications, responsibilities, and other conditions of employment and performance of the office.

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

This section directs the FAA to digitize information, process, operations, and functions to the Civil Aviation Registry through electronic or remote means. This section also amends existing U.S. Code to add a surcharge on future in-person transactions with the Registry, and requires the FAA 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 through fiscal 2023 to provide ATC services on a preferential basis to aircraft equipped with certain NextGen avionics.

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

This section states the 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 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. Lastly, this section allows the Administrator to waive any positive benefit-cost requirement for AWOS when used for regional emergency needs.

**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 DOT to enter into agreement with the Transportation Research Board (TRB) to conduct a study on 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 FAA to initiate a rulemaking to increase the duration of registration for noncommercial general aviation aircraft to seven years. In carrying out the rulemaking, the FAA may consider any events, circumstances or any other condition that would necessitate renewal prior to expiration of an aircraft registration.

**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 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 NY/NJ/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 FAA 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 authorizes an air carrier that is the prospective employer of a pilot to request and receive information about such an individual from the National Driver Register through an organization approved by the DOT for purposes of obtaining and transmitting the information directly to the prospective employer or an authorized agent.

**Section 564. Regulatory reform.**

This section states that Federal Advisory Committee Act rules do not apply to aerospace-related rulemaking committees under the DOT's jurisdiction, per the Secretary's discretion. This provides the same flexibility to aerospace-related rulemaking committees that aviation rulemaking committees have, which may expedite rulemakings for which there is stakeholder consensus.

**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 the FAA determines the unleaded aviation gasoline as a replacement for an approved leaded gasoline, identifies the aircraft and engines that are eligible to use the qualified replacement, and adopts a process for eligible aircraft to operate using the qualified replacement in a safe manner. Furthermore, this section ensures that existing certification processes may be used for unleaded aviation gasoline certification.

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

This section directs the Administrator to block the registration number of an aircraft from public dissemination when asked by the private aircraft owner or operator.

**Section 567. Federal Aviation Administration workforce review.**

This section requires GAO 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 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 those individuals.

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

This section directs the DOT to conduct a review to determine whether a federal credit assistance program would be beneficial and feasible for certain airport-related projects, with the review required to include consideration of expanding eligibility of existing Federal credit assistance programs and establishing a new credit assistance program for such projects. Upon completion of the review, the DOT will submit a report to certain House and Senate Committees.

**Section 571. Spectrum availability.**

This section states the sense of Congress 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 requires owners and operators of trains and rail lines to pay 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 Department of Defense hospitals in Guam. This section requires a report to Congress on eligibility and access to DOD facilities by FAA employees 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 covered towers that are between 50 and 200 feet tall to either mark the towers or include them in an FAA database, or in the case of meteorological towers which must be marked and included in the database. This section defines what towers are considered "covered towers" for the purposes of this section, and requires the FAA to develop a database with appropriate protections for proprietary information.

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

This section requires the FAA to issue regulations establishing minimum dimensions for passenger seats on aircraft operated by air carriers in interstate air transportation, including minimums for seat pitch, width, and length, as necessary for the safety of passengers.

**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 that was established by the Fixing America's Surface Transportation Act (P.L. 114-94).

**Section 579. Regulatory streamlining.**

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

**Section 580. Spaceports.**

This section states the sense of Congress on the importance of state and local government owned or operated spaceports and highlights such spaceports' contributions to U.S. infrastructure improvements, national security, and civil government capabilities. This section directs the DOT to identify, within AST, a centralized policy office to be known as the Office of Spaceports and describes the functions and organization of the office. This section also requires various reports on spaceports to be delivered to Congress.

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

This section establishes definitions for "space support vehicle" and "space support vehicle flight" and creates a special rule for space support vehicle operations.

**Section 582. Portability of repairman certificates.**

This section assigns the Aviation Rulemaking Advisory Committee the task of making recommendations, as appropriate, to allow a repairman certificate to 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 and establish an Interagency Working Group to develop recommendations and guidance in carrying out the public awareness campaign.

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

This section amends existing law to provide liability protection for volunteer pilots performing within the scope of their responsibilities on behalf of nonprofit organizations to provide patient and medical transport (including medical transport for veterans), disaster relief, humanitarian assistance, or other similar charitable missions.

**TITLE VI – AVIATION WORKFORCE**

**SUBTITLE A – YOUTH IN AVIATION**

**Section 601. Student Outreach Report.**

This section requires the FAA to report to the appropriate committees of Congress on outreach efforts to inspire students interested in aviation and aeronautical careers. The report must describe the FAA's existing outreach efforts that cater to elementary and secondary students who are interested in careers in science, technology, engineering, and mathematics (STEM).

**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 to develop recommendations and strategies on how the FAA can facilitate and encourage high school students to enroll in STEM courses and courses of study related to aviation careers. This task force is also required to identify and develop pathways for students to secure registered apprenticeships, workforce development programs, or careers in the aviation industry of the United States. The task force shall sunset upon the submittal of a final report to Congress.

**SUBTITLE B – WOMEN IN AVIATION**

**Section 611. Sense of Congress regarding women in aviation.**

This section states 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 FAA to create and facilitate the Women in Aviation Advisory Board. The board shall promote 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 states the sense of Congress on the importance 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 GAO to conduct a study on various factors and best practices influencing the supply of young individuals in the aviation and aerospace industry and submit a report to Congress no later than one year after the date of enactment.

**Section 623. Sense of Congress on hiring veterans.**

This section states the sense of Congress that the aviation industry should hire more veterans.

**Section 624. Aviation maintenance industry technical workforce.**

This section directs the FAA to issue a final rule within 180 days of enactment to modernize the training programs at aviation maintenance technician schools. This section requires the GAO to conduct a study and issue recommendations on aviation workforce data and workforce needs in the aviation maintenance sector and submit a 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. It also directs the FAA to establish a program to provide grants (\$5 million/year for FY 2019-23) for eligible projects to support the education of future pilots and the development of the aircraft pilot workforce. Eligible projects include those that create and deliver curricula designed to prepare high school students to become aircraft pilots, aerospace engineers, or unmanned aircraft systems operators.

**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 Departments of Education and Labor, to establish a process to designate consortia of public, 2-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 will have to meet to be designated a Center of Excellence under this section.

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

This section requires the FAA to establish a collegiate training initiative program relating to UAS by making new agreements or continuing existing agreements with institutions of higher education under which the institutions prepare students for careers involving UAS.

**TITLE VII – FLIGHT R&D ACT**

**SUBTITLE A – GENERAL PROVISIONS**

**Section 701. Short title.**

This section establishes the short title of the bill as the “FLIGHT R&D Act.”

**Section 702. Definitions.**

This section defines terms used in this 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 ensures that safety related activities are the highest priority of the FAA's Research, Engineering, and Development account and requires that at least 70 percent of the amount appropriated to this account be used for safety research and development projects.

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

### **Section 711. Assistant Administrator for Research and Development.**

This section directs the Administrator to appoint an Assistant 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 the Administrator and to Congress about the needs, objectives, plans, approaches, content, and accomplishments of all aviation research and development activities and programs carried out. This section also outlines the responsibilities of the FAA and advisory committee in working together and transparency requirements.

## **SUBTITLE C – UNMANNED AIRCRAFT SYSTEMS**

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

This section states that the DOT shall submit the unmanned aircraft systems roadmap to Congress on an annual basis.

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

### **Section 731. Cyber testbed.**

This section directs the FAA to develop an integrated Cyber Testbed for research, development, testing, evaluation, and validation of air traffic control modernization technologies before they enter the NAS as being compliant with FAA data security regulations within six months after the date of enactment. The Cyber Testbed shall be part of an integrated research and development test environment capable of creating, identifying, defending, and solving cybersecurity-related problems for the NAS.

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

This section requires the National Oceanic and Atmospheric Administration and the FAA to complete a joint 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 FAA, in consultation with the National Aeronautics and Space Administration (NASA), to submit a comprehensive research plan for the certification of new technologies into the NAS to Congress. The plan is required to 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 FAA, in coordination with NASA, to conduct a review of current and planned research on the use of advanced aircraft technologies, innovative materials, alternative fuels, additive manufacturing, and novel aircraft designs to increase aircraft fuel efficiency and to report to Congress.

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

This section directs the FAA 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 aircraft and engine technology (CLEEN) aircraft, engine technologies, and jet fuels for civil subsonic airplanes.

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

This section authorizes the FAA to carry out a program for the research and development of airfield pavement technologies under which the FAA makes grants to, and enters into cooperative agreements with, institutions of higher education and nonprofit organizations.

**SUBTITLE F – GEOSPATIAL DATA**

**Section 751. Short Title; Findings.**

This section establishes the short title of this subtitle as the “Geospatial Data Act of 2018” and makes findings.

**Section 752. Definitions.**

This section defines the terms used in this subtitle.

**Section 753. Federal Geographic Data Committee.**

This section codifies the continuation of an existing federal interagency committee, the Federal Geographic Data Committee (FGDC), established under OMB Circular A-16. The FGDC is the primary entity for developing, implementing, and reviewing the policies, practices, and standards relating to geospatial data according to the guidelines and requirements issued by OMB. This section states that the Secretary of the Department of the Interior (DOI) and Director of Office of Management and Budget (OMB) shall serve as Chairperson and Vice Chairperson of the committee, respectively, requires that the FGDC make available the annual summaries and evaluations of covered agency performance to the National Geospatial Advisory Committee (NGAC), and sets additional reporting requirements.

**Section 754. National Geospatial Advisory Committee.**

This section codifies the National Geospatial Advisory Committee (NGAC) and includes language specifying that the NGAC would be administered in DOI. Similar to its current charge, the NGAC will continue providing advice and recommendations to the chairperson of the FGDC relating to the management of federal and national geospatial programs, the development of the National Spatial Data Infrastructure (NSDI), and other activities relating to the implementation of this subtitle. The NGAC is also required to review and comment on geospatial policy and management issues and ensure that the views of representatives of non-federal interested parties involved in national geospatial activities are conveyed to the FGDC.

**Section 755. National Spatial Data Infrastructure**

This section defines NSDI as “the technology, policies, criteria, standards, and employees necessary to promote geospatial data sharing throughout the Federal Government, State, tribal, and local governments, and the private sector (including nonprofit organizations and institutions of higher education).” This section establishes goals of the NSDI and mandates that NGAC prepare and maintain a strategic plan.

**Section 756. NGDA Data Themes.**

This section requires the FGDC to designate for management by federal agencies 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 requires the FGDC to establish standards for each of the NGDA data themes, including rules, conditions, guidelines, and characteristics, and also establishes content standards for metadata. These standards are required to be consistent with international standards to the maximum extent practicable and be periodically reviewed and updated. At the request of DOD and the intelligence community, this section also contains an exclusion from public disclosure of any information that could reasonably be expected to cause damage to the national interest, security, or defense of the nation, including information relating to geospatial intelligence data activities, as determined in consultation with the Director of National Intelligence.

**Section 758. GeoPlatform.**

This section directs the FGDC to operate an electronic service providing public access to geospatial data and metadata to be known as the GeoPlatform (many refer to this as the geospatial data "clearinghouse"). The GeoPlatform is required to be made available through the Internet, be accessible through a common interface, 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. Additionally, this section prohibits the GeoPlatform from storing or serving proprietary information or data acquired under a license by the federal government, unless authorized by the data provider.

**Section 759. Covered Agency Responsibilities.**

This section establishes the responsibilities and reporting requirements for each covered agency under this subtitle. This section requires the Inspector General of each covered agency (or the senior ethics official of a covered agency without an Inspector General), to submit to Congress an audit not less than once every two years of the collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data by the covered agency.

**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, as determined by the FGDC. The prohibition under this section will be effective five years from the date on which standards for each NGDA theme are established by the FGDC.

**Section 759B. Savings provision**

This section establishes a savings provision for the subtitle and states that "Nothing in this subtitle shall repeal, amend, or supersede any existing law unless specifically provided in this subtitle."

**Section 759C. Private sector**

This section authorizes the FGDC and each covered agency to rely upon and use the private sector in the U.S. for the provision of geospatial data and services, to the maximum extent practical.

## 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 will 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.

## DIVISION C – NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT

### **Section 1101. Short Title.**

This section provides the short title of this division as the National Transportation Safety Board Reauthorization Act.

### **Section 1102. Definitions.**

This section defines the terms “Board,” “Chairman,” and “Most Wanted List” for this division.

### **Section 1103. Authorization of Appropriations.**

This section authorizes appropriations for the NTSB for FYs 2019 to 2022. This section authorizes \$111.4 million in FY 2019, with \$1 million increases in authorized funding for each fiscal year until FY 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 through a public hearing or docket if the NTSB determines such information is relevant to the accident or incident and ensures no individuals are identifiable. The NTSB already has this authority for transcripts and written depictions of visual information. This section applies to both cockpit and surface vehicle recordings.

### **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 detailing the methodology used to prioritize and select recommendations on the Most Wanted List of safety enhancements, including 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 Government Accountability Office (GAO) to examine and evaluate the NTSB report.

**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, 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, as well as a summary of the specific safety benefits and all other effects identified by each study, report, or expert. This section does not require the NTSB to complete a methodology section if the recommendation is only for the dissemination of information on an agency best practices document or on an existing regulatory requirement.

**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, similar to the existing database of aviation accidents, to improve the quality of accident data the NTSB makes available to public and the selection of accidents for investigation.

**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 that result in any loss of life.

**Section 1110. Government Accountability Office Report on Investigation Launch Decision-making Processes.**

This section requires the GAO to audit the process and procedures the NTSB uses to select surface transportation accidents to investigate and adds to 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 5 years, of its previously issued recommendations that are classified as open to determine if a recommendation should be updated, closed or reissued. The NTSB is required to justify each determination and submit a report to Congress

**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.

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

The short title is 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 defines certain terms used in the title.

### **Section 1304. Issuance of orders.**

This section requires the 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 would include terms establishing a “Concrete Masonry Products Board” to carry out a generic promotion, research, and information program for concrete products. The terms of the order would 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 would be 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 would outline referendum procedures.

### **Section 1308. Petition and review.**

This section allows a person, subject to the order, to file a petition with the Secretary and would establish 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 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 contains 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 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 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 would be 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 3 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 (the “Corporation”).

### **Section 1413. Management of Corporation.**

This section establishes the positions of Chief Executive Officer (CEO), Deputy Chief Executive Officer, Chief Risk Officer, and 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, also 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. 95-4525 U.S.C. App.) 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 withto 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 the Corporation’s 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.

In addition, 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 includes provisions regarding 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 and 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 a financial commitment 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 and, for projects in countries that are 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 before the project receives 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 involving the a government of which has repeatedly provided support for acts of international terrorism. This section also prohibits the Corporation from supporting a projects that benefits involving any entities 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. 87-19522 U.S.C. 2197) to the Corporation, such as including criminal penalties for acts of fraud against the Corporation and a prohibitions on insurance payments in connection with projects involving 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 Ttitle VI.

**Section 1462. Reorganization plan.**

This section requires the President to transmit to the appropriate cCommittees 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 tTransfers 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 guarantyeep programs authorized by the Foreign Assistance Act of 1961 to the Corporation. This section also authorizes the transfer of USAID's Office of Private Capital and Microenterprise, the enterprise funds, and all sovereign loan accounts to the Corporation.

**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 also 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 provides the short title of the division as the “Preventing Emerging Threats Act of 2018.”

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

This section authorizes the Department of Homeland Security (DHS) and the Department of Justice (DOJ) personnel to take action necessary to mitigate a credible threat posed by a UAS to the covered facilities or assets defined in this title by waiving criminal liability under section 46502 of title 49, United States Code, and sections 32, 1030, 1367 and chapters 119 and 206 of title 18, United States Code. The types of action approved personnel, in coordination with the Department of Transportation (DOT), can take against a UAS include the ability to detect, track, disrupt, seize, or destroy the UAS, as necessary. The section mandates that the guidance and regulations issued by DHS and DOJ must include privacy protections consistent with First and Fourth Amendment protections and applicable Federal laws, and communications are intercepted only to the extent necessary, but no longer than 180 days, unless necessary to investigate or prosecute a violation of the law. This section defines “covered facility or asset” as those defined by the Secretary of Homeland Security or the Attorney General, in coordination with DOT and relating to any of the following missions: U.S. Customs and Border Protection security or protection operations; US Secret Service protection operations; Federal Protective Service protection of DHS facilities; US Marshalls and FBI protection of personnel; DOJ and BOP protection of high-risk facilities; National Special Security Events designated by the Secretary of Homeland Security; Special Event Assessment Rating Events; when a state governor requests assistance for a mass gathering event that would not otherwise fall into the security for special event category; and active Federal law enforcement investigations, emergency responses, or security operations carried out by DHS or DOJ. This section also provides a sunset of four years after enactment of the bill.

**Section 1603. Protecting against unmanned aircraft.**

This section authorizes the U.S. Coast Guard the same authorities to take action necessary to mitigate a credible threat posed by a UAS granted in Section 1602. The missions authorized must relate to the functions of the U.S. Coast Guard relating to security or protection of facilities and assets assessed to be high-risk and a potential target for unlawful unmanned aircraft activity. The section further describes those actions to include security or protection of a facility, vessels operated by the Coast Guard or that the Coast Guard is assisting in escorting, assistance in protecting the President or Vice President, protection of special security events, and the air defense of the United States.

**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 provides the short title of this division as the "Maritime Transportation Security Act."

**Section 1802. Definitions.**

This section defines terms used in this division.

**Section 1803. Coordination with TSA on maritime facilities.**

This section directs the Secretary of the Department of Homeland Security (DHS) to ensure that the Commandant of the Coast Guard and the Administrator of the Transportation Security Administration are coordinating their adjacent security responsibilities.

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

This section requires DHS 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, in coordination with the Under Secretary responsible for overseeing the critical infrastructure protection, cybersecurity, and other related programs of DHS, to develop a maritime cybersecurity risk assessment model to evaluate current and future cybersecurity risks that could affect the maritime transportation system, as well as a process to report and share these risks and incidents.

**Section 1806. Facility inspection intervals.**

This section requires the Commandant to ensure that certain facilities are given a no notice security inspection at least yearly and eliminates the requirement for a second annual evaluation of a facility's security plan.

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

This section requires DHS 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 GAO to report on the state of the Coast Guard's Deployable Specialized Forces within one year of enactment of this bill.

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

This section repeals the requirement for the establishment of operational centers for port security and secure systems of transportation, but does not affect operational centers already established. The section further requires the Secretary of Homeland Security to notify Congress at least 1 year before ceasing operations for any operational centers previously established.

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

This section requires GAO to report on duplication of mission and activities by the U.S. Customs and Border Protection (CBP) and other agencies. This section also requires DHS to provide a report in response to GAO's report on the duplication of efforts by the CBP.

**Section 1811. Maritime security capabilities assessments.**

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

**Section 1812. Container security initiative.**

This section requires DHS 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 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 place and in use.

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

This section requires 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**

**1901. Short title; table of contents; references.**

This section provides that this title may be cited as the "TSA Modernization Act."

**1902. Definitions.**

This section defines the terms "Administrator," "appropriate committees of Congress," "ASAC," "Department," "explosive detection canine team," "Secretary," and "TSA" used in this title.

## **SUBTITLE A – ORGANIZATION AND AUTHORIZATIONS**

### **1903. Authorization of appropriations.**

This section provides authorizations of appropriations for the TSA for salaries, operations, and maintenance of the Transportation Security Administration (TSA) at an amount of \$7,849,247,000 for FY 2019, \$7,888,494,000 for FY 2020, and \$7,917,936,000 for FY 2021.

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

This section makes technical and conforming amendments to title 49 of the United States Code to reflect the current title of the TSA Administrator and the transfer of the TSA from the Department of Transportation to the Department of Homeland Security (DHS). This section sets a 5-year term for any current or future TSA Administrator, and makes the Deputy Administrator a position appointed by the President. This section also 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.

### **1905. Transportation Security Administration organization.**

This section amends title 49 of the United States Code to account for key areas of the leadership and organizational structure of the TSA, consistent to a large extent with current practice. The TSA Administrator is required to appoint individuals, each of whom reports directly to the TSA Administrator or the TSA 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; 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. This section preserves the status quo where TSA has primary jurisdiction over all modes of transportation security, with the exception of having a supportive role for maritime transportation security.

### **1906. Transportation Security Administration efficiency.**

This section requires the Administrator to conduct and report to Congress on a comprehensive, agency-wide efficiency review to identify and effectuate spending reductions and savings by streamlining and restructuring TSA.

### **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 recommend reforms to the TSA's personnel management system, and report to the Administrator and Congress on any proposed, mutually-agreed upon recommendations. This section permits the Administrator to implement any report recommendations to the extent authorized under law.

### **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; where TSA and the Office of Personnel Management (OPM) differ in their interpretation of deeming LEAP as basic pay as it related to TSA criminal investigators or FAMs, and OPM did not accept such pay as retirement-creditable basic pay, retroactively deem any LEAP received by TSA criminal investigators or FAMs prior to enactment of the Act as retirement-creditable basic pay; and require OPM to implement these changes within three months of enactment of the Act.

**1909. Rank Awards Program for Transportation Security Administration Executives and Senior Professionals.**

This section allows TSA executives and senior professionals to be recognized for meritorious service to the agency through a meritorious or distinguished executive rank awards program, consistent with other components of DHS.

**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**

**1911. Third party testing and evaluation of screening technology.**

This section directs the TSA to develop and implement a program within one year of enactment that enables third party operational and detection testing and verification of security screening technology as an alternative to the TSA's testing and evaluation process before acquisition or deployment. To the extent practicable and permissible under the law and in consideration of U.S. national security interests, 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 is also 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. 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. Finally, this section requires GAO to evaluate the third party testing and verification program.

**1912. Transportation security administration systems integration facility.**

This section codifies the existing Transportation Security Administration Systems Integration Facility (TSIF) to test and evaluate advanced transportation security screening technologies related to TSA's mission. The Administrator is required to notify the appropriate congressional committees when testing conducted by the TSIF exceeds 180 days from the date the technology was turned over to TSIF by the owner.

**1913. Opportunities to pursue expanded networks for business.**

This section requires TSA to submit a strategy to promote a diverse technology industry marketplace, including by increasing the participation of small business innovators, to the appropriate committees of Congress. Furthermore, the strategy is required to outline specific actions TSA will take to foster diversification within the technology stakeholder marketplace. The strategy must also include plans for how TSA could assist small business innovators throughout the acquisition process. One year after the submission of the strategy, GAO is required to submit to Congress a review of the strategy.

#### **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).

#### **1915. Transportation Security Laboratory.**

This section requires the DHS Secretary, in consultation with the Administrator and the Undersecretary for Science and Technology, to review whether the TSA is the most appropriate component to administer the Transportation Security Laboratory (TSL). This section allows the Secretary to direct the TSA to administer the TSL if the review identifies the TSA as the most appropriate component. Finally, this section requires the Secretary to conduct periodic reviews on the screening technology test and evaluation process conducted at the TSL to improve the coordination, collaboration, and communication between the TSL and the TSA.

#### **1916. Innovation Task Force.**

This section requires the TSA to establish an Innovation Task Force (ITF) composed of TSA and industry representatives 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. 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.

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

This section amends changes made to the Homeland Security Act of 2002 by the Transportation Security Acquisition Reform Act 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 5-year technology investment plan and information about acquisitions completed during the preceding Fiscal Year.

#### **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 requires TSA and U.S. Customs and Border Protection (CBP) to consult on the deployment of biometric technology, and report to Congress on the operational security impact, the potential privacy effects, and potential bias (related to race, gender, or age) of using biometric technologies.

**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 are authorized at \$15,000,000 for each of FY 2019 through FY 2021, and the Federal share of the cost of the pilot program under this section must not exceed 85 percent of the total cost of the program. The section also requires a GAO report on the pilot program.

**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 FY 2019 through FY 2021, consistent with FY 2018 funding.

**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 only if it can do so in a way that does not increase public area security risks. This section also defines 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.

**1923. GAO report on deployment of screening technologies across airports.**

This section requires GAO to study and report to Congress on whether the TSA allocates resources, including advanced imaging and computed tomography technologies, appropriately based on risk at Category X, I, II, III, and IV airports at which security screening operations are conducted or overseen by the TSA

**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 Congress within two years after enactment assessing the extent to which the performance objectives have been met.

**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, and conduct a feasibility study of using computed tomography technology to screen air cargo.

## SUBTITLE C – PUBLIC AREA SECURITY

### **1926. Definitions.**

This section defines the terms used in this section including “behavioral standards,” “medical standards,” and technical standards.”

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

This section requires TSA to establish a working group to determine ways to support decentralized, non-Federal domestic canine breeding capacity to produce high quality explosives detection canines and modernize canine training standards. The working group would be required to develop and submit to Congress a strategy and proposed behavioral, medical, and technical standards and recommendations.

### **1928. Third party domestic canines.**

This section requires the TSA, not later than 120 days after the date of enactment of this Act, 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, not later than 180 days after enactment, to test and certify the capabilities of canines in accordance with the TSA-developed standards, and create an approved vendor list including any third party with which the TSA enters into an agreement.

This section also requires the TSA to develop and implement a process for the TSA to procure third party explosives detection canines certified under the TSA-developed standards, and directs the TSA to authorize an aviation stakeholder to contract with, procure or purchase, and deploy one or more third party explosives detection canine teams certified under the TSA-developed standards. Finally, this section allows a large hub airport to provide, on an in-kind basis, a certified canine to the TSA for deployment as a passenger screening canine.

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

This section requires the TSA to use, not later than 180 days after the date of enactment of this Act and to the extent practicable, 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.

### **1930. VIPR team statistics**

This section requires the TSA to notify the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, and annually thereafter, 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. This section also authorizes a minimum of 30, but not more than 60, VIPR teams for FY19-21.

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

This section instructs TSA, in coordination with the National Protection and Programs Directorate, to establish a working group to promote collaborative engagement between the DHS and public and private sector stakeholders to develop non-binding recommendations for enhancing security in public areas of transportation facilities (including facilities that are surface transportation assets). The TSA must report to Congress on the working group's organization, participation, activities, findings, and non-binding recommendations for the immediately preceding 12-month period annually for five years, and may publish a public version as would be informative to the public.

This section requires the Secretary to inform owners and operators of surface transportation assets about the availability of technical assistance, including vulnerability assessment tools and cybersecurity guidelines, to help protect and enhance the resilience of public areas of such assets; and, subject to the availability of appropriations, provide such technical assistance to requesting owners and operators of surface transportation assets.

This section requires the Secretary to publish on DHS's website and widely disseminate and periodically update best practices for protecting and enhancing the resilience of public areas of transportation facilities (including facilities that are surface transportation assets), along with associated frameworks or templates for implementation.

### **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, continue to disseminate relevant intelligence products and conduct classified briefings on a regular basis, and 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.

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

This section directs the TSA, in consultation with the Aviation Security Advisory Committee (ASAC), to submit to GAO and Congress a study examining the shared cost and feasibility to airports, airlines, and the TSA of implementing enhanced employee inspection measures at all access points between non-secured areas and secured areas at a statistically significant number of Category I, II, III, IV, and X airports. The study must assess the cost, operational efficiency, and security effectiveness of requiring all employees to present for inspection at every access point between secure and non-secure areas of the airport, and of deploying certain screening technologies. The GAO must review the study and report to Congress on the results of its review.

#### **1934. Securing airport worker access points**

This section requires the TSA to assess credentialing standards in consultation with domestic and foreign air carriers, airport operators, and labor unions to ensure that insider threats are adequately addressed. This section requires TSA to revise the application submitted by individuals applying for a secure airport area access credential to require submission of social security numbers in order to strengthen security vetting effectiveness. The TSA must also consult with airports and airlines to identify advanced technologies that could be used for securing employee access to secure airport areas, report to Congress on the number of credentialed airport worker populations that are being continuously vetted through the Federal Bureau of Investigation's (FBI's) Rap Back Service, enhance insider threat education and mitigation for TSA personnel, and create a centralized database of individuals who have had their secure airport area credentials revoked.

#### **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 LEO Reimbursement Program, and would authorize appropriations for this program of \$55,000,000 for each of FY 2019 through FY 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.

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

This section requires the TSA to provide an update to the 2012 National Strategy for Airport Perimeter and Access Control Security. 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 certain goals and objectives, finalized outcome based performance measures and performance levels for each relevant goal and objective, and input from airport operators.

### **SUBTITLE D – PASSENGER AND CARGO SECURITY**

#### **1937. PreCheck Program**

This section requires the TSA to expand PreCheck Program enrollment opportunities by requiring the TSA to enter into an agreement not later than 180 days after enactment 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, meets the definition of a qualified anti-terrorism technology under section 865 of the Act of 2002, and is determined by the TSA Administrator to provide a risk assessment that is as effective as fingerprint-based criminal history record checks conducted by the FBI. This section also sets target enrollment for the PreCheck Program at the following levels: 7,000,000 passengers before October 1, 2019; 10,000,000 passengers before October 1, 2020; and 15,000,000 passengers before October 1, 2021. According to the TSA, current enrollments are at 7 million passengers.

This section also requires the TSA to enter into, not later than 90 days after the date of enactment of this Act, 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 makes eligible under the PreCheck Program active duty and reserve members of the Armed Forces (including the National Guard) and cadets or midshipmen of military service academies.

#### **1938. PreCheck expedited screening.**

This section requires that, not later than 18 months after enactment, TSA ensure that only travelers who are members of a trusted traveler program use TSA PreCheck security screening lanes at TSA checkpoints. This section still allows, however, any traveler who is determined to be low-risk based on age by the Administrator and who is not a member of a trusted traveler program to utilize TSA PreCheck security lanes at TSA checkpoints when traveling on the same itinerary as a member of a trusted traveler program. This section establishes a pilot program regarding risk-modified screening protocols for non-PreCheck lanes that are different from standards screening lanes.

#### **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 to identify and implement any improvements that can be made to such programs, including by streamlining and integrating the requirements and operations, increasing information and data sharing, and allowing the public to access and link applications for enrollment in these programs from one online portal.

#### **1940. Passenger security fee.**

This section ensures that the aviation passenger security fee will be credited as offsetting collections to appropriations made for aviation security measures carried out by the TSA beginning in FY2027 when the diversion of such fees to deficit reduction ends.

#### **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 would require 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.

#### **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 to the Administrator on whether the program should be modified or if the program's objectives are being met by other fulfilled mandates.

#### **1943. Establishment of air cargo security division.**

This section establishes an air cargo security division within TSA that must carry out all policy and engagement with stakeholders.

#### **1944. Air cargo regulation review.**

This section requires TSA to submit a report regarding efforts to improve the Certified Cargo Screening Program established in 2009, including the program's effectiveness at addressing evolving threats to air cargo and information sharing with stakeholders, and any Program vulnerabilities.

**1945. GAO air cargo review.**

This section requires GAO to review DHS's pre-screening procedures for air cargo; TSA's air cargo computed tomography technology pilot program; the effectiveness of DHS's risk-based strategy for examining air cargo; and DHS's information sharing procedures with stakeholders regarding air cargo related threats.

**1946. Screening partnership program updates .**

This section facilitates the participation of airports in the Screening Partnership Program, which allows an airport to apply for the private screening of property and passengers by a company chosen from a list of qualified companies created by the TSA and pursuant to a contract with the TSA. It requires that the TSA either approve or deny such an application within 60 days after receipt, compared to 120 days currently. If the application is approved, the TSA is required (to the extent practicable) to enter into a contract with a company to provide screening services within 120 days after the selection of the company by the operator, compared to 180 days currently. The airport operator may nominate to the head of the contracting activity an individual to participate in the evaluation of proposals for the award of such contract. The contract price must be equal to or less than the cost to the Federal Government to provide such screening services. This section also requires TSA to conduct a feasibility study of modifying the Screening Partnership Program to allow an individual airport terminal to participate.

**1947. Screening performance assessments.**

This section requires TSA to make available on a quarterly basis to airport directors an assessment of screening performance of that airport compared to the average for an equivalent airport category, and a briefing on the results of the performance data.

**1948. Transportation security training programs.**

This section authorizes the existing TSA Academy for initial and recurring training of security screening personnel based on updates to screening procedures and technologies, including in response to weaknesses identified in covert tests at airports.

**1949. Traveler redress improvement.**

This section requires the TSA, using existing resources, systems, and processes, to ensure the availability of the Department of Homeland Security Traveler Redress Inquiry Program redress process to adjudicate inquiries for individuals. TSA is also required to review, update, and make public the Privacy Impact Assessment for the Secure Flight programs to ensure the assessment accurately reflects the operation of such programs, and identify and review the screening rules established by TSA.

**1950. Improvements for screening of passengers with disabilities.**

This section requires the TSA to revise the training of security screening personnel in relation to passengers with disabilities, including passengers with disabilities who participate in the TSA PreCheck program. The revisions conducted by the Administrator must be carried out in consultation with nationally-recognized veterans and disability organizations.

### **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 U.S. 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 U.S.; 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 U.S.; 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.

### **1952. General aviation airports.**

This section requires the TSA to report on the deployment of the advanced passenger prescreening system for general aviation, 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. It 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 report to Congress on the implementation of a number ASAC recommendations, including those regarding general aviation access to Ronald Reagan Washington National Airport and the vetting of persons seeking flight training in the United States. 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**

### **1953. Last point of departure airports; security directives.**

This section requires the TSA, to the maximum extent practicable, 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. The GAO is required to review and report to Congress, not later than 1 year after enactment, on the effectiveness of the TSA process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at LPD airports. 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, and to notify Congress not later than 1 day after the TSA determines that a foreign air carrier is in violation of applicable security requirements.

### **1954. Last point of departure airport assessment.**

This section updates the Secretary's assessment of foreign airports to include a consideration of screening and vetting foreign airport workers.

**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.

**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 International Civil Aviation Organization (ICAO) and notify Congress of any proposed international improvements to aviation security not later than 90 days after enactment. The TSA and ICAO are required to take any action they consider necessary to advance such aviation security proposals and brief the appropriate committees of Congress on the implementation of such proposals not later than 180 days after enactment.

**1957. Aviation security in Cuba.**

This section requires the TSA 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 the TSA to provide Congress with a confidential briefing on airport security measures in Cuba.

**1958. Report on airports used by Mahan Air.**

This section requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, Secretary of State, Secretary of Treasury, and the Director of National Intelligence, to annually report to Congress on the activities of the Iranian-owned air carrier Mahan Air. This unclassified, public report must include a list of all airports at which Mahan Air aircraft have landed over the preceding two years and a determination of whether and explanation why additional security measures should be imposed on flights to the United States that originate from airport served by Mahan Air.

## **SUBTITLE F – COCKPIT AND CABIN SECURITY**

### **1959. Federal air marshal service updates.**

This section requires the TSA to develop a standard written agreement not later than 60 days after enactment for all future negotiations and agreements between the federal government and foreign governments regarding Federal air marshal (FAM) 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 TSA Administrator or another authorized federal representative, except in specific instances. For every such agreement, the TSA is required to transmit a copy of the agreement to the appropriate committees of Congress within 30 days of the date the agreement is signed or, if there is no written agreement, to submit to the appropriate committees of Congress the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security. 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.

### **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.

### **1961. Flight deck safety and security.**

This section requires the TSA, not later than 90 days after enactment, 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.

### **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, including ASAC, 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 prohibits 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.

### **1963. Federal flight deck officer program improvements.**

This section facilitates the participation of pilots in the Federal flight deck officer (FFDO) program. Specifically, it requires the TSA to designate additional firearms training facilities for recurrent and requalifying training of FFDOs, allow FFDOs to requalify at private or government-owned gun ranges approved by the TSA, and 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 maintaining training effectiveness. It also requires the TSA to periodically review initial and recurrent training requirements and evaluate how training requirements, including the length of training, could be streamlined while maintaining the effectiveness of the training. In accordance with any applicable TSA application appeals processes, an inactive FFDO must be 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, to the extent practicable and in a manner that does not jeopardize existing Federal air marshal agreements, the policies relating to the carriage of firearms on 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.

## **SUBTITLE G – SURFACE TRANSPORTATION SECURITY**

### **1964. Surface transportation security assessment and implementation of risk-based strategy.**

This section requires the TSA to conduct a new threat assessment for surface transportation using current threat intelligence and 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.

### **1965. Risk-based budgeting and resource allocation.**

This section requires that TSA budgets and resource allocation plans reflect the risk-based security strategy developed under section 1964 and clearly delineate resources for surface transportation security and aviation security. Further, this section requires TSA notify Congress if agency resources, including staff, were used for purposes not related to transportation security. This section also requires the Administrator to provide Congress with a 5-year capital investment plan.

### **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.

### **1967. Transparency.**

This section requires TSA to publish on a public website information regarding the status of overdue surface transportation rulemakings. This section also requires the Department of Homeland Security Inspector General (DHS IG) to review the required regulations to see if they are still necessary or relevant.

**1968. TSA counterterrorism asset deployment.**

This section requires TSA to provide at least two weeks' notice prior to terminating the deployment of a resource that has been deployed to a transportation facility for at least six months. There is an exception during times of urgent need.

**1969. Surface Transportation Security Advisory Committee.**

This section requires the Administrator to establish a surface transportation security advisory committee to advise, consult with, report to, and make recommendations to the Administrator on policies, rulemakings, and initiatives, among other issues. The Administrator shall appoint stakeholders representing each mode of transportation and representatives from relevant associations, labor organizations, users of the transportation system, and law enforcement.

**1970. Review of the explosives detection canine team program.**

This section requires the DHS IG to conduct a review of the explosives detection canine team program including the deployment strategy for the teams, the training program, the use of assets, and monitoring of assets. The Inspector General shall consider whether TSA's method to analyze risk to transportation facilities and systems is appropriate.

**1971. Expansion of national explosives detection canine team program.**

This section allows for the expansion of canine teams by up to 70 canine teams upon passage of the legislation and increase it further to over 200 teams once the IG report in section 1970 is complete and any recommendations are considered.

**1972. Study on security standards and best practices for passenger transportation systems.**

This section requires the GAO to conduct a study that identifies how TSA identifies best practices by comparing foreign transportation security standards and practices for mass transit, passenger rail networks, and public areas of other transportation systems.

**1973. Amtrak security upgrades.**

This section allows Amtrak to use security grant funding for a broader range of activities, including to improve passenger manifest systems to ensure that passengers can be identified.

**1974. Passenger rail vetting.**

This section requires the TSA Administrator, at the request of the Amtrak Board of Directors, to issue a decision on Amtrak's use of the Transportation Security Administration's Secure Flight Program or a similar passenger vetting system to enhance passenger rail security.

**1975. Study on surface transportation inspectors.**

This section requires the Administrator to submit to Congress, and the GAO, a strategy to guide the operations of surface transportation security inspectors. This section also requires the GAO to review the strategy and provide any further recommendations.

**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.

**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.

**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.

**1979. Cargo container scanning technology review.**

This section requires a review of new technologies to meet the 100% cargo scanning mandate, and authorizes a cargo screening pilot program to assess the impacts of a possible solution on the supply chain.

**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.

**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.

**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.

**1983. Surface transportation stakeholder survey.**

This section requires the Secretary to conduct a survey of stakeholders responsible for securing surface transportation regarding resource challenges.

**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**

**1985. National strategy for transportation security review.**

This section requires the GAO to update and evaluate how much of the 2018 Biennial National Strategy for Transportation Security has been implemented throughout Federal transportation security programs, budgets, research, and related efforts.

**1986. Risk scenarios.**

This section requires the Secretary of Homeland Security 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 ranking of each priority by mode of transportation and the methodologies used to assess risks.

**1987. Integrated and unified operations centers.**

This section requires the TSA 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 TSA Administrator to report to Congress regarding the establishment of these operations centers.

**1988. National Deployment Force.**

This section establishes a National Deployment Office (NDO) within the Transportation Security Administration. The head of the NDO must be responsible for maintaining a National Deployment Force that will provide the TSA with rapid and efficient response capabilities. The NDO must 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 of Homeland Security, including National Special Security events; response in the aftermath of any manmade disaster, including terrorist attack; and other situations determined by the TSA Administrator.

**1989. Information sharing and cybersecurity.**

This section requires the Administrator to facilitate regular meetings between TSA airport directors and local security officials and to develop a plan to improve information and best practice sharing with local stakeholders. This section also requires the Administrator to periodically update and enhance TSA cybersecurity protocols in alignment with NIST guidance.

**1990. Security technologies tied to foreign threat countries.** This section requires the Secretary of Homeland Security to submit to Congress an assessment of technology threats posed by terrorists or other foreign entities to the transportation sector.

## **SUBTITLE I - CONFORMING AND MISCELLANEOUS AMENDMENTS**

### **1991. Title 49 amendments.**

The provisions in this title generally makes technical and conforming edits to title 49 of the United States Code, including updating the current title of the TSA Administrator and transferring authorities granted to the Under Secretary of Transportation for Security at the Department of Transportation to the Administrator of the TSA under the DHS.

### **1992. Table of contents of chapter 449.**

This section contains revisions to the table of contents of chapter 449.

### **1993. Other laws; Intelligence Reform and Terrorism Prevention Act of 2004.**

This section contains technical corrections to chapter 449 of title 49, United States Code.

### **1994. Savings provisions.**

This section contains a savings clause clarifying the role of the TSA Administrator.

***This section by section was compiled by the Senate Committee on Commerce, Science, and Transportation with input from relevant House and Senate Committees.***