115TH CONGRESS
1ST SESSION

S.

To authorize the programs of the Transportation Security Administration relating to transportation security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself, Mr. NELSON, Mr. BLUNT, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To authorize the programs of the Transportation Security Administration relating to transportation security, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-
4 ERENCES.
5 (a) SHORT TITLE.—This Act may be cited as the
6 “TSA Modernization Act”.
7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

See. 1. Short title; table of contents; references.
See. 2. Definitions.
TITLE I—ORGANIZATION AND AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Administrator of the Transportation Security Administration; five-year term.
Sec. 103. Transportation Security Administration organization.
Sec. 104. Transmittals to Congress.

TITLE II—AVIATION SECURITY

Subtitle A—Security Technology

Sec. 211. Third party testing and evaluation of screening technology.
Sec. 212. Reciprocal recognition of security standards.
Sec. 213. Transportation Security Laboratory.
Sec. 214. Innovation Task Force.
Sec. 215. 5-year technology investment plan update.
Sec. 216. Biometrics expansion.
Sec. 217. Pilot program for automated exit lane technology.
Sec. 218. Authorization of appropriations; exit lane security.
Sec. 219. Real-time security checkpoint wait times.
Sec. 220. GAO report on universal deployment of advanced imaging technologies.

Subtitle B—Public Area Security

Sec. 221. Third party canines.
Sec. 222. Tracking and monitoring of canine training and testing.
Sec. 223. VIPR team statistics.
Sec. 224. Public area best practices.
Sec. 225. Law Enforcement Officer Reimbursement Program.

Subtitle C—Passenger and Cargo Security

Sec. 231. PreCheck Program.
Sec. 232. Trusted traveler programs; collaboration.
Sec. 233. Passenger security fee.
Sec. 234. Third party canine teams for air cargo security.
Sec. 235. Known Shipper Program review.
Sec. 236. Screening partnership program updates.
Sec. 237. Screening performance assessments.
Sec. 238. TSA Academy review.

Subtitle D—Foreign Airport Security

Sec. 241. Last point of departure airports; security directives.
Sec. 242. Tracking security screening equipment from last point of departure airports.
Sec. 243. International security standards.

Subtitle E—Cockpit and Cabin Security

Sec. 251. Federal air marshal service updates.
Sec. 252. Crew member self-defense training.
Sec. 253. Flight deck safety and security.
Sec. 254. Carriage of weapons, explosives, and incendiaries by individuals.

TITLE III—CONFORMING AND MISCELLANEOUS AMENDMENTS
Sec. 301. Title 49 amendments.
Sec. 302. Table of contents of chapter 449.
Sec. 303. Other laws; Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 304. Savings provisions.

(e) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the TSA.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(3) ASAC.—The term “ASAC” means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.
(4) Secretary.—The term “Secretary” means the Secretary of Homeland Security.

(5) TSA.—The term “TSA” means the Transportation Security Administration.

TITLE I—ORGANIZATION AND AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 114(w) is amended to read as follows:

“(w) Authorization of Appropriations.—There are authorized to be appropriated to the Transportation Security Administration for salaries, operations, and maintenance of the Administration—

“(1) $7,810,196,000 for fiscal year 2018;

“(2) $7,849,247,000 for fiscal year 2019; and

“(3) $7,888,494,000 for fiscal year 2020.”.

SEC. 102. ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION; FIVE-YEAR TERM.

(a) In General.—Section 114, as amended by section 101, is further amended—

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

(2) by amending subsection (b) to read as follows:

“(b) Leadership.—
“(1) HEAD OF TRANSPORTATION SECURITY ADMINISTRATION.—

“(A) APPOINTMENT.—The head of the Administration shall be the Administrator of the Transportation Security Administration (referred to in this section as the ‘Administrator’). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) QUALIFICATIONS.—The Administrator must—

“(i) be a citizen of the United States;

and

“(ii) have experience in a field directly related to transportation or security.

“(C) TERM.—Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after August 1, 2017, the term of office of an individual appointed as the Administrator shall be 5 years.

“(2) DEPUTY ADMINISTRATOR.—

“(A) APPOINTMENT.—There is established in the Transportation Security Administration a Deputy Administrator, who shall assist the Ad-
ministrator in the management of the Transportation Security Administration. The Deputy Administrator shall be appointed by the President. The Deputy Administrator shall be Acting Administrator during the absence or incapacity of the Administrator or during a vacancy in the office of Administrator.

“(B) QUALIFICATIONS.—The Deputy Administrator must—

“(i) be a citizen of the United States;

and

“(ii) have experience in a field directly related to transportation or security.”;

(3) in subsections (c) through (n), (p), (q), and (r), by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(4) by amending subsection (d) to read as follows:

“(d) FUNCTIONS.—The Administrator shall be responsible for—

“(1) carrying out chapter 449, relating to civil aviation security, and related research and development activities;
“(2) security in land-based transportation, including railroad, highway, pipeline, public transportation, and over-the-road bus; and

“(3) supporting the Coast Guard with maritime security.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

Section 114, as amended by subsection (a), is further amended—

(1) in subsection (g)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Subject to the direction and control of the Secretary” and inserting “Subject to the direction and control of the Secretary of Homeland Security”; and

(ii) in subparagraph (D), by inserting “of Homeland Security” after “Secretary”; and

(B) in paragraph (3), by inserting “of Homeland Security” after “Secretary”;

(2) in subsection (j)(1)(D), by inserting “of Homeland Security” after “Secretary”;

(3) in subsection (k), by striking “functions transferred, on or after the date of enactment of the
Aviation and Transportation Security Act,” and inserting “functions assigned”; 

(4) in subsection (l)(4)(B), by striking “Administrator under subparagraph (A)” and inserting “Administrator of the Federal Aviation Administration under subparagraph (A)”;

(5) in subsection (n), by striking “Department of Transportation” and inserting “Department of Homeland Security”;

(6) in subsection (o), by striking “Department of Transportation” and inserting “Department of Homeland Security”;

(7) in subsection (p)(4), by striking ”Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(8) in subsection (s)—

(A) in paragraph (3)(B), by inserting “†” after “Act of 2007”; and

(B) in paragraph (4)—

(i) in the heading, by striking “SUBMISSIONS OF PLANS TO CONGRESS” and inserting “SUBMISSION OF PLANS”;

(ii) by striking subparagraph (A);
(iii) by redesignating subparagraphs 
(B) through (E) as subparagraphs (A) 
through (D), respectively;

(iv) in subparagraph (A), as redesign-
nated—

(I) in the heading, by striking 
“SUBSEQUENT VERSIONS” and insert-
ing “IN GENERAL”; and

(II) by striking “After December 
31, 2015, the” and inserting “The”;

and

(v) in subparagraph (B)(ii)(III)(cc), 
as redesignated, by striking “for the De-
partment” and inserting “for the Depart-
ment of Homeland Security”;

(9) by redesignating subsections (u), (v), and 
(w) as subsections (t), (u), and (v), respectively;

(10) in subsection (t), as redesignated—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph 
(E) as subparagraph (D);

(B) in paragraph (2), by inserting “of 
Homeland Security” after “Secretary”; 

(C) in paragraph (4)(B)—
(i) by inserting “of Homeland Security” after “Department”; and

(ii) by inserting “of Homeland Security” after “Secretary”;

(D) by amending paragraph (6) to read as follows:

“(6) ANNUAL REPORT ON PLAN.—The Secretary of Homeland Security shall annually submit to the appropriate congressional committees a report containing the Plan.”; and

(E) in paragraphs (7) and (8), by inserting “of Homeland Security” after “Secretary”; and

(11) in subsection (u), as redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “or the Administrator” after “Secretary of Homeland Security”; and

(ii) in subparagraph (C)(ii), by striking “Secretary’s designee” and inserting “Secretary of Defense’s designee”;

(B) in subparagraphs (B), (C), (D), and (E) of paragraph (3), by inserting “of Homeland Security” after “Secretary” each place it appears;
(C) in paragraph (4)(A), by inserting “of Homeland Security” after “Secretary”;

(D) in paragraph (5), by inserting “of Homeland Security” after “Secretary”; and

(E) in paragraph (7)—

(i) in subparagraph (A), by striking “Not later than December 31, 2008, and annually thereafter, the Secretary” and inserting “The Secretary of Homeland Security shall”; and

(ii) by striking subparagraph (D).

(c) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR OF THE TSA.—

(A) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Homeland Security for Management the following:

“Administrator of the Transportation Security Administration.”.

(B) BONUS ELIGIBILITY.—Section 101(c)(2) of the Aviation and Transportation Security Act (5 U.S.C. 5313 note) is amended—
(i) by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and
(ii) by inserting “of Homeland Security” after “Secretary”.

(2) **DEPUTY ADMINISTRATOR OF THE TSA.**—
Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Administrator, Federal Aviation Administration the following:

“Deputy Administrator, Transportation Security Administration.”.

**SEC. 103. TRANSPORTATION SECURITY ADMINISTRATION ORGANIZATION.**
Section 114, as amended by sections 101 and 102, is further amended by adding at the end the following:

“(w) **LEADERSHIP AND ORGANIZATION.**—
“(1) **IN GENERAL.**—For each of the areas described in paragraph (2), the Administrator of the Transportation Security Administration shall appoint at least 1 individual who shall—
“(A) report directly to the Administrator or the Administrator’s designated direct report; and
“(B) be responsible and accountable for that area.

“(2) AREAS DESCRIBED.—The areas described in this paragraph are as follows:

“(A) Aviation security operations and training, including risk-based, adaptive security focused on airport checkpoint and baggage screening operations, cargo inspections, workforce training and development programs, and other specialized programs designed to secure air transportation.

“(B) Surface transportation security operations and training, including risk-based, adaptive security focused on accomplishing security systems assessments, reviewing and prioritizing projects for appropriated surface transportation security grants, operator compliance with voluntary industry standards, workforce training and development programs, and other specialized programs designed to secure surface transportation.

“(C) Security policy and industry engagement and planning, including the development, interpretation, promotion, and oversight of a unified effort regarding risk-based, risk-reduc-
ing security policies and plans (including stra-
tegic planning for future contingencies and se-
curity challenges) between government and
transportation stakeholders, including airports,
domestic and international airlines, general
aviation, air cargo, mass transit and passenger
rail, freight rail, pipeline, highway and motor
carriers, and maritime.

“(D) International strategy and oper-
ations, including agency efforts to work with
international partners to secure the global
transportation network.

“(E) Trusted and registered traveler pro-
grams, including the management and mar-
eting of the agency’s trusted traveler initia-
tives, including the PreCheck Program, and co-
ordination with trusted traveler programs of
other Department of Homeland Security agen-
cies and the private sector.

“(F) Technology acquisition and deploy-
ment, including the oversight, development,
testing, evaluation, acquisition, deployment, and
maintenance of security technology and other
acquisition programs.
“(G) Inspection and compliance, including the integrity, efficiency and effectiveness of the agency’s workforce, operations, and programs through objective audits, covert testing, inspections, criminal investigations, and regulatory compliance.

“(H) Civil rights, liberties, and traveler engagement, including ensuring that agency employees and the traveling public are treated in a fair and lawful manner consistent with federal laws and regulations protecting privacy and prohibiting discrimination and reprisal.

“(I) Legislative and public affairs, including communication and engagement with internal and external audiences in a timely, accurate, and transparent manner, and development and implementation of strategies within the agency to achieve congressional approval or authorization of agency programs and policies.

“(3) NOTIFICATION.—The Administrator shall transmit to the appropriate committees of Congress—

“(A) not later than 180 days after the date of enactment of the TSA Modernization Act, a
list of the names of the individuals appointed under paragraph (1); and

“(B) an update of the list not later than 5 days after any new individual is appointed under paragraph (1).”.

SEC. 104. TRANSMITTALS TO CONGRESS.

With regard to each report, legislative proposal, or other communication of the Executive Branch related to the TSA and required to be submitted to Congress or the appropriate committees of Congress, the Administrator shall transmit such communication directly to the appropriate committees of Congress.

TITLE II—AVIATION SECURITY Subtitle A—Security Technology

SEC. 211. THIRD PARTY TESTING AND EVALUATION OF SCREENING TECHNOLOGY.

(a) IN GENERAL.—In carrying out the responsibilities under section 114(e)(1), the Administrator shall develop and implement, not later than 1 year after the date of enactment of this Act, a program to enable a vendor of related screening technology to obtain testing and verification, including as an alternative to the TSA’s test and evaluation process, by an appropriate third party, of such technology before acquisition or deployment.

(b) DETECTION TESTING.—
(1) **IN GENERAL.**—The third party testing and verification program authorized under subsection (a) shall include detection testing to evaluate the performance of the security technology system regarding the probability of detection, the probability of false alarm, and such other indicators that the system is able to meet the TSA’s mission needs.

(2) **COORDINATION WITH FINAL QUALIFICATION PROCESSES.**—To the extent practicable, but without compromising the integrity of the TSA test and evaluation process, the Administrator shall coordinate the third party detection testing under paragraph (1) with subsequent final Federal Government qualification processes.

(3) **RESULTS.**—The results of the third party detection testing under paragraph (1) shall be considered final if the results are approved by the Administration in accordance with approval standards developed by the Administrator.

(4) **INTERNATIONAL STANDARDS.**—To the extent practicable and permissible under law, the Administrator shall—

(A) share detection testing information and standards with appropriate international partners; and
(B) coordinate with the appropriate international partners to harmonize TSA testing and evaluation with relevant international standards to maximize the capability to detect explosives and other threats.

(c) Operational Testing.—

(1) In general.—Subject to paragraph (2), the third party testing and verification program authorized under subsection (a) shall include operational testing.

(2) Limitation.—Third party operational testing under paragraph (1) may not exceed 1 year.

(d) Alternative.—Third party testing under subsection (a) shall replace as an alternative, at the discretion of the Administrator, the testing at the Transportation Systems Integration Facility, including operational testing for—

(1) health and safety factors;

(2) operator interface;

(3) human factors;

(4) environmental factors;

(5) throughput; and

(6) baggage handling systems.

(e) Testing and Verification Framework.—

(1) In general.—The Administrator shall—
(A) establish a framework for the third party testing and for verifying a security technology is operationally effective and able to meet the TSA’s mission needs before it may enter or re-enter, as applicable, the operational context at an airport or other transportation facility; and

(B) use phased implementation to allow the TSA and the third party to establish best practices.

(2) RECOMMENDATIONS.—The Administrator shall request ASAC’s Security Technology Subcommittee, in consultation with representatives of the security manufacturers industry, to develop and submit to the Administrator recommendations for the third party testing and verification framework.

(f) FIELD TESTING.—The Administrator shall prioritize the field testing and evaluation of security technology and equipment at airports and on site at security technology manufacturers whenever possible as an alternative to the Transportation Systems Integration Facility.

SEC. 212. RECIPROCAL RECOGNITION OF SECURITY STANDARDS.

(a) IN GENERAL.—The Administrator, in coordination with the European Civil Aviation Conference and Ca-
nadian Air Transport Security Authority, shall develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment.

(b) REQUIREMENT.—The validation process shall ensure that the certification process of each participating international security partner or recognized certification authority complies with TSA security standards.

SEC. 213. TRANSPORTATION SECURITY LABORATORY.

(a) IN GENERAL.—The Secretary, acting through the Administrator, shall administer the Transportation Security Laboratory.

(b) PERIODIC REVIEWS.—The Administrator shall review the screening technology test and evaluation process conducted at the Transportation Security Laboratory to improve the coordination, collaboration, and communication between the Transportation Security Laboratory and the Office of Acquisition Program Management at the TSA to identify factors contributing to acquisition inefficiencies, develop strategies to reduce acquisition inefficiencies, facilitate more expeditious initiation and completion of testing, and identify how laboratory practices can better support acquisition decisions.
SEC. 214. INNOVATION TASK FORCE.

(a) IN GENERAL.—The Administrator shall establish an innovation task force—

(1) to cultivate innovations in aviation security;

(2) to develop and recommend how to prioritize and streamline requirements for new approaches to aviation security;

(3) to accelerate the development and introduction of new innovative aviation security technologies and improvements to aviation security operations; and

(4) to provide industry with access to the airport environment during the technology development and assessment process to demonstrate the technology and to collect data to understand and refine technical operations and human factor issues.

(b) ACTIVITIES.—The task force shall—

(1) conduct activities to identify and develop an innovative technology, emerging security capability, or process designed to enhance aviation security, including—

(A) by conducting a field demonstration of such a technology, capability, or process in the airport environment;
(B) by gathering performance data from such a demonstration to inform the acquisition process; and

(C) by enabling a small business with an innovative technology or emerging security capability, but less than adequate resources, to participate in such a demonstration;

(2) conduct at least quarterly collaboration meetings with industry, including air carriers, airport operators, and other aviation security stakeholders to highlight and discuss best practices on innovative security operations and technology evaluation and deployment; and

(3) 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.

(c) COMPOSITION.—

(1) APPOINTMENT.—The Administrator, in consultation with the Chairperson of ASAC shall appoint the members of the task force.

(2) CHAIRPERSON.—The task force shall be chaired by the Administrator’s designee.

(3) REPRESENTATION.—The task force shall be comprised of representatives of—
(A) the relevant offices of the TSA;

(B) if considered appropriate by the Administrator, the Science and Technology Directorate of the Department of Homeland Security;

(C) any other component of the Department of Homeland Security that the Administrator considers appropriate; and

(D) such industry representatives as the Administrator considers appropriate.

(d) Rule of Construction.—Nothing in this section shall be construed to require the acquisition or deployment of an innovative technology, emerging security capability, or process identified, developed, or recommended under this section.

(e) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force established under this section.

SEC. 215. 5-YEAR TECHNOLOGY INVESTMENT PLAN UPDATE.

Section 1611(g) of the Homeland Security Act of 2002 (6 U.S.C. 563(g)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting “The Administrator shall, in collaboration with relevant industry and government
stakeholders, annually submit to Congress in an appendix to the budget request and publish in an unclassified format in the public domain—”;

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

(3) in paragraph (2), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(3) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted.”.

SEC. 216. BIOMETRICS EXPANSION.

Not later than 270 days after the date of enactment of this Act, the Administrator, in coordination with the Commissioner of Customs and Border Protection, shall—

(1) assess the operational and security impact of using biometric technology to identify passengers;

(2) facilitate, if appropriate, the deployment of such biometric technology at checkpoints, screening lanes, bag drop and boarding areas, and other areas where such deployment would enhance security and facilitate passenger movement; and

(3) submit to the appropriate committees of Congress a report on the assessment under paragraph (1) and deployment under paragraph (2).
SEC. 217. PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).

(b) Partnership.—The Administrator shall carry out the pilot program in partnership with the applicable airport directors.

(c) Cost Share.—The Federal share of the cost of the pilot program under this section shall not exceed 85 percent of the total cost of the program.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the pilot program under this section $15,000,000 for each of fiscal years 2018 through 2020.

(e) GAO Report.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the pilot program, including—

   (1) the level of airport interest and participation in the pilot program;
(2) what return on investment, if any, was achieved by each program participant; and
(3) recommendations regarding whether to expand or discontinue the pilot program.

SEC. 218. AUTHORIZATION OF APPROPRIATIONS; EXIT LANE SECURITY.

There is authorized to be appropriated to carry out section 44903(n)(1) of title 49, United States Code, $77,000,000 for each of fiscal years 2018 through 2020.

SEC. 219. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Administrator shall make available to the public information on wait times at each airport security checkpoint.

(b) Requirements.—The information described in subsection (a) shall be provided in real time via technology and published—

(1) online; and
(2) in physical locations at the applicable airport terminal.

(c) Considerations.—The Administrator shall make the information described in subsection (a) available to the public in a manner that does not increase public area security risks.
(d) Definition of Wait Time.—In this section, the term “wait time” means the period beginning when a passenger enters a queue for a screening checkpoint and ending when the passenger has begun divestment of items requiring screening at that checkpoint.

SEC. 220. GAO REPORT ON UNIVERSAL DEPLOYMENT OF ADVANCED IMAGING TECHNOLOGIES.

(a) Study.—The Comptroller General of the United States shall conduct a study of the cost to the TSA or an airport to redesign, if necessary, airport security areas to fully deploy advanced imaging technologies at each airport at which security screening operations are conducted or overseen by the TSA.

(b) Cost Analysis.—As a part of the study conducted under subsection (a), the Comptroller General shall identify the costs that would be incurred by the TSA or the airport—

(1) to purchase the equipment and other assets necessary to deploy advanced imaging technologies at the airport;

(2) to install such equipment, including any related variant, and assets in the airport; and

(3) to maintain such equipment and assets.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall
submit to the appropriate committees of Congress a report on the findings of the study under subsection (a).

**Subtitle B—Public Area Security**

**SEC. 221. THIRD PARTY CANINES.**

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, to increase the supply of canine teams for use by the TSA and aviation stakeholders, the Administrator shall develop and issue standards that a third party explosives detection canine team must satisfy to be certified for the screening of individuals and property, including detection of explosive vapors among individuals and articles of property, in public areas of an airport under section 44901 of title 49, United States Code.

(b) **AGREEMENT.**—Subject to subsections (c), (d), and (e), not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with at least 1 third party entity to test and certify the capabilities of canine teams in accordance with the standards under subsection (a).

(c) **EXPEDITED DEPLOYMENT.**—In entering into an agreement under subsection (b), the Secretary shall use—

(1) the other transaction authority under section 114(m) of title 49, United States Code; or
(2) such other authority of the Secretary as the Secretary considers appropriate to expedite the deployment of additional canine teams.

(d) Process.—Before entering into an agreement under subsection (b), the Administrator shall—

(1) evaluate and verify a third party entity’s ability to effectively evaluate the capabilities of canine teams;

(2) designate at least 3 evaluation centers to which vendors may send canine teams for testing and certification by the third party entity; and

(3) periodically assess the program at evaluation centers to ensure the proficiency of the canine team beyond the initial testing and certification by the third party entity.

(e) Consultation.—To determine best practices for the use of third party entities to test and certify the capabilities of canine teams, the Administrator shall consult with the following entities before entering into an agreement under subsection (b):

(1) The Secretary of State.

(2) Non-profit organizations that train, certify, and provide the services of canines for various purposes.
(f) OVERSIGHT.—The Administrator shall establish a process to ensure appropriate oversight of the certification program and compliance with the standards under subsection (a), including periodic audits of participating third party entities.

(g) AUTHORIZATION.—

(1) TSA.—The Administrator shall develop and implement a process for the TSA to procure third party explosives detection canine teams certified under this section.

(2) AVIATION STAKEHOLDERS.—

(A) IN GENERAL.—The Administrator shall authorize an aviation stakeholder, under the oversight of and in coordination with the Federal Security Director at an applicable airport, to contract with, procure or purchase, and deploy 1 or more third party explosives detection canine teams certified under this section to augment public area security at that airport.

(B) APPLICABLE LARGE HUB AIRPORTS.—Notwithstanding any law to the contrary and subject to the other provisions of this paragraph, an applicable large hub airport may provide a certified canine contracted with, or procured or purchased under subparagraph (A) on
an in-kind basis to the TSA to be deployed as
a passenger screening canine at that airport un-
less the applicable large hub airport consents to
the use of that certified canine elsewhere.

(C) HANDLERS.—Not later than 30 days
before an applicable large hub airport begins
training a canine under subparagraph (B), the
airport shall notify the TSA of such training
and the Administrator shall assign a TSA ca-
nine handler to participate in the training with
that canine, as appropriate.

(D) LIMITATION.—The Administrator may
not reduce the staffing allocation model for an
applicable large hub airport based on that air-
port’s participation in canine testing and certifi-
cation under this paragraph.

(h) DEFINITIONS.—In this section:

(1) APPLICABLE LARGE HUB AIRPORT.—The
term “applicable large hub airport” means a large
hub airport (as defined in section 40102 of title 49,
United States Code) that has less than 100 percent
of the allocated passenger screening canine teams
staffed by the TSA.
(2) AVIATION STAKEHOLDER.—The term “aviation stakeholder” includes an airport, airport operator, and air carrier.

SEC. 222. TRACKING AND MONITORING OF CANINE TRAINING AND TESTING.

Not later than 180 days after the date of enactment of this Act, the Administrator shall use, to the extent practicable, a digital monitoring system for all training, testing, and validation or certification of public and private canine assets utilized by the TSA to facilitate improved review, data analysis, and record keeping of canine testing performance and program administration.

SEC. 223. VIPR TEAM STATISTICS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Administrator shall notify the appropriate committees of Congress of the number of VIPR teams available for deployment at transportation facilities, including—

(1) the number of VIPR team operations that include explosive detection canine teams; and

(2) the distribution of VIPR team operations deployed across different modes of transportation.

(b) Annex.—The notification under subsection (a) may contain a classified annex.
SEC. 224. PUBLIC AREA BEST PRACTICES.

(a) In General.—The Administrator shall, in accordance with law and as received or developed, periodically submit to Federal Security Directors and appropriate aviation security stakeholders information on any best practices developed by the TSA or appropriate aviation stakeholders related to protecting aviation infrastructure from emerging threats to public spaces of transportation venues.

(b) Information Sharing.—The Administrator shall, in accordance with law—

(1) in coordination with the Office of the Director of National Intelligence and industry partners, implement improvements to the Air Domain Intelligence and Analysis Center to encourage increased participation from aviation stakeholders and enhance government and industry aviation security information sharing on aviation security threats, including on cybersecurity threat awareness; and
(2) expand and improve the City and Airport Threat Assessment or similar program to public and private aviation stakeholders to capture, quantify, communicate, and apply applicable intelligence to inform airport mitigation measures, such as—

(A) quantifying levels of risk by airport that can be used to determine risk-based security mitigation measures at each location;

(B) determining random and surge employee inspection operations based on changing levels of risk; and

(C) targeting any high-risk employee groups and specific points of risk within the airport perimeter for such mitigation measures as random inspections;

(3) continue to disseminate Transportation Intelligence Notes, tear-lines, and related intelligence products to appropriate transportation security stakeholders on a regular basis; and

(4) continue to conduct both regular routine and threat-specific classified briefings between the TSA and appropriate aviation and other transportation sector stakeholders on an individual or group basis to provide greater information sharing between public and private sectors.
(c) MASS NOTIFICATION.—The Administrator shall encourage aviation security stakeholders to utilize mass notification systems, including the Integrated Public Alert Warning System of the Federal Emergency Management Agency and social media platforms, to disseminate information to transportation community employees, travelers, and the general public, as appropriate.

(d) PUBLIC AWARENESS PROGRAMS.—The Secretary of Homeland Security, in coordination with the Administrator, shall expand public programs of the Department and the TSA that increase security threat awareness, education, and training to include transportation network public area employees, including airport and transportation vendors, local hotels, cab and limousine companies, ridesharing companies, cleaning companies, gas station attendants, cargo operators, and general aviation members.

(e) AVIATION EMPLOYEE VETTING.—The Administrator shall allow an air carrier, airport, or airport operator, in addition to any background check required for initial employment, to utilize the Federal Bureau of Investigation’s Rap Back Service and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to an employee with access to an airport or its perimeter,
regardless of whether the employee is seeking access to a public or secured area of the airport.

SEC. 225. LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—In accordance with section 44903(c)(1) of title 49, United States Code, the Administrator shall increase the number of awards, and the total funding amount of each award, under the Law Enforcement Officer Reimbursement Program—

(1) to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads;

(2) to increase the presence of law enforcement officers at screening checkpoints;

(3) to reduce the response times of law enforcement officers during security incidents; and

(4) to provide visible deterrents to potential terrorists.

(b) COOPERATION BY ADMINISTRATOR.—In carrying out subsection (a), the Administrator shall use the authority provided to the Administrator under section 114(m) of title 49, United States Code, that is the same authority as is provided to the Administrator of the Federal Aviation Administration under section 106(m) of that title.
(c) ADMINISTRATIVE BURDENS.—The Administrator shall review the regulations and compliance policies related to the Law Enforcement Officer Reimbursement Program and, if necessary, revise such regulations and policies to reduce any administrative burdens on applicants or recipients of such awards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 44901(h) of title 49, United States Code, $55,000,000 for each of fiscal years 2018 through 2020.

Subtitle C—Passenger and Cargo Security

SEC. 231. PRECHECK PROGRAM.

(a) IN GENERAL.—Section 44919 is amended to read as follows:

“§ 44919. PreCheck Program

“(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

“(b) EXPANSION.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title,
with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.

“(c) Minimum Capability Requirements.—At least 1 agreement under subsection (b) shall include the following capabilities:

“(1) Start-to-finish secure online or mobile enrollment capability.

“(2) Vetting of an applicant by means other than biometrics, such as a risk assessment, if—

“(A) such means—

“(i) are evaluated and certified by the Secretary of Homeland Security;

“(ii) meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); or

“(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the
PreCheck Program due to disqualifying criminal history; and

“(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.

“(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

“(1) Start-to-finish secure online or mobile enrollment capability.

“(2) Vetting of an applicant by means of biometrics if the collection—

“(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology; and

“(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known
as 'Privacy Act of 1974'), and with agency regulations.

“(e) TARGET ENROLLMENT.—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:

“(1) 7,000,000 passengers before October 1, 2018.

“(2) 10,000,000 passengers before October 1, 2019.

“(3) 15,000,000 passengers before October 1, 2020.

“(f) MARKETING OF PRECHECK PROGRAM.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—

“(1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and

“(2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.

“(g) IDENTITY VERIFICATION ENHANCEMENT.—The Administrator shall—

“(1) coordinate with the heads of appropriate components of the Department to leverage Depart-
ment-held data and technologies to verify the identity and citizenship of individuals enrolling in the PreCheck Program;

“(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

“(3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.

“(h) PreCheck Program Lanes Operation.—
The Administrator shall—

“(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

“(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

“(i) Vetting for PreCheck Program Participants.—The Administrator shall initiate an assessment
to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

“(j) ASSURANCE OF SEPARATE PROGRAM.—In carrying out this section, the Administrator shall ensure that the PreCheck program enrollment capabilities, including the additional private sector application capabilities under subsections (b), (c), and (d), are separate from any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

“(k) EXPENDITURE OF FUNDS.—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall be expended in a manner that meets the requirements of this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Subtitle A of title III of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note) and the items relating to that subtitle in the table of contents of that Act are repealed.
(2) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by amending the item relating to section 44919 to read as follows:

“44919. PreCheck Program.”

(3) SCREENING PASSENGERS AND PROPERTY.—

Section 44901(a) is amended by striking “44919 or”.

SEC. 232. TRUSTED TRAVELER PROGRAMS; COLLABORATION.

Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection, shall—

(1) review each trusted traveler program administered by U.S. Customs and Border Protection and the PreCheck Program;

(2) identify any improvements that can be made to such programs—

(A) to streamline and integrate the requirements and operations of such programs to reduce administrative burdens, including applications for inclusion and determining whether a valid credential can satisfy the requirements for another credential;

(B) to increase information and data sharing across such programs; and
(C) to allow the public to access and link
to the applications for enrollment in all of such
programs from 1 online portal;

(3) identify any law, including regulations, pol-
icy, or procedure that may unnecessarily inhibit col-
laboration among Department of Homeland Security
agencies regarding such programs or implementation
of the improvements identified under paragraph (2);

(4) recommend any legislative, administrative,
or other actions that can be taken to eliminate any
unnecessary barriers to collaboration or implementa-
tion identified in paragraph (3); and

(5) submit to the appropriate committees of
Congress a report on the review, including any un-
necessary barriers to collaboration or implementa-
tion identified under paragraph (3), and any rec-
ommendations under paragraph (4).

SEC. 233. PASSENGER SECURITY FEE.

Section 44940(c) is amended by adding at the end
the following:

“(3) OFFSETTING COLLECTIONS.—Beginning
on October 1, 2025, fees collected under subsection
(a)(1) for any fiscal year shall be credited as offset-
ting collections to appropriations made for aviation
security measures carried out by the Transportation
Security Administration, to remain available until expended.”.

SEC. 234. THIRD PARTY CANINE TEAMS FOR AIR CARGO SECURITY.

Section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is amended by adding at the end the following:

“(h) THIRD PARTY CANINE TEAMS FOR AIR CARGO SECURITY.—

“(1) IN GENERAL.—In order to enhance the screening of air cargo and ensure that third party explosives detection canine assets are leveraged for such purpose, the Administrator shall, not later than 180 days after the date of enactment of the TSA Modernization Act—

“(A) develop and issue standards for the use of such third party explosives detection canine assets for the primary screening of air cargo;

“(B) develop a process to identify qualified non-Federal entities that will certify canine assets that meet the standards established by the Administrator under subparagraph (A);

“(C) ensure that entities qualified to certify canine assets shall be independent from en-
tities that will train and provide canines to end
users of such canine assets;

“(D) establish a system of Transportation
Security Administration audits of the process
developed under subparagraph (B); and

“(E) provide that canines certified for the
primary screening of air cargo can be used by
air carriers, foreign air carriers, freight for-
warders, and shippers.

“(2) IMPLEMENTATION.—Beginning on the
date that the development of the process under para-
graph (1)(B) is complete, the Administrator shall—

“(A) facilitate the deployment of such as-
sets that meet the certification standards of the
Administration, as determined by the Adminis-
trator;

“(B) make such standards available to
vendors seeking to train and deploy third party
explosives detection canine assets; and

“(C) ensure that all costs for the training
and certification of canines, and for the use of
supplied canines, are borne by private industry
and not the Federal Government.

“(3) DEFINITIONS.—In this subsection:
“(A) Air carrier.—The term ‘air carrier’ has the meaning given the term in section 40102 of title 49, United States Code.

“(B) Foreign air carrier.—The term ‘foreign air carrier’ has the meaning given the term in section 40102 of title 49, United States Code.

“(C) Third party explosives detection canine asset.—The term ‘third party explosives detection canine asset’ means any explosives detection canine or handler not owned or employed, respectively, by the Transportation Security Administration.”.

SEC. 235. KNOWN SHIPPER PROGRAM REVIEW.

The Administrator shall direct the Air Cargo Subcommittee of ASAC—

(1) to conduct a comprehensive review and security assessment of the Known Shipper Program;

(2) to recommend whether the Known Shipper Program should be modified or eliminated considering the full implementation of 100 percent screening under section 44901(g) of title 49, United States Code; and

(3) to report its findings and recommendations to the Administrator.
SEC. 236. SCREENING PARTNERSHIP PROGRAM UPDATES.

(a) Security Screening Opt-out Program.—

Section 44920 is amended—

(1) in the heading by striking “Security screening opt-out program” and inserting “Screening partnership program”;

(2) by amending subsection (a) to read as follows:

“(a) In General.—An operator of an airport, airport terminal, or airport security checkpoint may submit to the Administrator of the Transportation Security Administration an application to carry out the screening of passengers and property at the airport under section 44901 by personnel of a qualified private screening company pursuant to a contract with the Transportation Security Administration.”;

(3) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) In General.—Not later than 30 days after the date of receipt of an application submitted by an operator of an airport, airport terminal, or airport security checkpoint under subsection (a), the Administrator shall approve or deny the application.”; and
(B) in paragraphs (2) and (3), by striking “Under Secretary” each place it appears and inserting “Administrator”; 

(4) in subsection (d)—

(A) in the heading, by striking “STANDARDS” inserting “SELECTION OF CONTRACTS AND STANDARDS”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) in paragraph (1)—

(i) by striking “The Under Secretary may enter” and all that follows through “certifies to Congress that—” and inserting “The Administrator shall, upon approval of the application, provide each operator of an airport, airport terminal, or airport security checkpoint with a list of qualified private screening companies.”;

and

(ii) by inserting before subparagraphs (A) and (B) the following:

“(2) CONTRACTS.—Not later than 60 days after the selection of a qualified private screening company by the operator, the Administrator shall enter into a contract with such company for the pro-
vision of screening at the airport, airport terminal, or airport security checkpoint if—’’; and

(D) in paragraph (2), as redesignated—

(i) in subparagraph (A), by striking ‘‘; and’’ and inserting a semicolon;

(ii) in subparagraph (B)—

(I) by striking ‘‘Under Secretary’’ and inserting ‘‘Administrator’’; and

(II) by striking the period at the end and inserting ‘‘; and’’; and

(iii) by adding at the end the following:

‘‘(C) the selected qualified private screening company offered contract price is equal to or less than the comprehensive cost to the Federal Government to provide screening services at the airport, airport terminal, or airport security checkpoint.’’; and

(E) in paragraph (3), as redesignated—

(i) by striking ‘‘paragraph (1)(B)’’ and inserting ‘‘paragraph (2)(B)’’; and

(ii) by striking ‘‘Under Secretary’’ each place it appears and inserting ‘‘Administrator’’;
(5) in subsection (e)—

(A) in the heading, by striking “SCREENED” and inserting “SCREENING”;

(B) by striking the period at the end and inserting “; and”;

(C) by striking “The Under Secretary shall” and inserting “The Administrator shall—”;

(D) by inserting “(1)” before “provide Federal Government” and indenting appropriately; and

(E) by adding at the end the following:

“(2) undertake covert testing and remedial training support for employees of private screening companies providing screening at airports.”;

(6) in subsection (f)—

(A) in the heading, by inserting “OR SUSPENSION”;

(B) by striking “terminate” and inserting “suspend or terminate, as appropriate,”; and

(C) by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(7) by striking subsection (h).
(b) Applications Submitted Before the Date of Enactment.—Not later than 30 days after the date of enactment of this Act, the Administrator shall approve or deny, in accordance with section 44920(b) of title 49, United States Code, as amended by this Act, each application submitted before the date of enactment of this Act, by an airport operator under subsection (a) of that section, that is awaiting such a determination.

SEC. 237. SCREENING PERFORMANCE ASSESSMENTS.

Subject to part 1520 of title 49, Code of Federal Regulations, the Administrator shall quarterly make available to the airport director of an airport—

(1) an assessment of the screening performance of that airport compared to the mean average performance of all airports in the equivalent airport category for screening performance data; and

(2) a quarterly briefing on the results of performance data reports, including—

(A) a scorecard of objective metrics developed by the Office of Security Operations to measure screening performance, such as results of annual proficiency reviews and covert testing, at the appropriate level of classification; and

(B) other performance data, including—

(i) passenger throughput;
(ii) wait times; and

(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by TSA.

SEC. 238. TSA ACADEMY REVIEW.

(a) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an assessment of the efficiency and effectiveness of the new-hire TSA Academy at training airport security personnel compared to when such training of transportation security officers was conducted at local airports; and

(2) submit to the appropriate committees of Congress a report on the findings of the assessment and any recommendations to maximize the efficiency and effectiveness of training for airport security personnel.

(b) CONTENTS.—The assessment shall—

(1) include a cost-benefit analysis of training new Transportation Security Officer and Screening Partnership Program contractor hires at the TSA Academy compared to when such training of transportation security officers was conducted at local airports;
(2) examine the impact on performance, professionalism, and retention rates of Transportation Security Officer and Screening Partnership Program contractor employees since the new training protocols at the TSA Academy have been put in place compared to when training was conducted at local airports; and

(3) examine whether new hire training at the TSA Academy has had any impact on the airports and companies that participate in the Screening Partnership Program.

**Subtitle D—Foreign Airport Security**

**SEC. 241. LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES.**

(a) **NOTICE AND CONSULTATION.**—

(1) **IN GENERAL.**—The Administrator shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

(A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.
(B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

(2) TRANSMITTAL TO CONGRESS.—Not later than 3 days after the date that the Administrator issues a security directive or emergency amendment for a last point of departure, the Administrator shall transmit to the appropriate committees of Congress a description of the extent to which the Administrator consulted and notified the stakeholders under paragraph (1).

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall review the effectiveness of the TSA process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure airports and submit to the appropriate committees of Congress and the Administrator a report on the findings and recommendations.

(2) CONTENTS.—In conducting the review under paragraph (1), the Comptroller General shall—
(A) review current security directives, emergency amendments, and any other policies related to international aviation security at last point of departure airports;

(B) review the extent of intra-agency and interagency coordination, stakeholder outreach, coordination, and feedback; and

(C) recommend any updates, consolidation, or revocation of such security directives, emergency amendments, and policies.

(c) RESCREENING.—Subject to section 44901(d)(4)(c) of title 49, United States Code, upon discovery of specific threat intelligence, the Administrator shall immediately direct TSA personnel to rescreen passengers and baggage arriving from an airport outside the United States and identify enhanced measures that should be implemented at that airport.

(d) NOTIFICATION TO CONGRESS.—Not later than 1 day after the date that the Administrator determines that a foreign air carrier is in violation of part 1546 of title 49, Code of Federal Regulations, or any other applicable security requirement, the Administrator shall notify the appropriate committees of Congress.
SEC. 242. TRACKING SECURITY SCREENING EQUIPMENT FROM LAST POINT OF DEPARTURE AIRPORTS.

(a) DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.—Chapter 449 is amended—

(1) in subchapter I, by adding at the end the following:

“§ 44929. Donation of screening equipment to protect the United States

“(a) IN GENERAL.—Subject to subsection (b), the Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

“(b) CONDITIONS.—Before donating any security screening equipment to a foreign last point of departure airport operator the Administrator shall—

“(1) ensure that the screening equipment has been restored to commercially available settings;

“(2) ensure that no TSA-specific security standards or algorithms exist on the screening equipment; and

“(3) verify that the appropriate officials have an adequate system—
“(A) to properly maintain and operate the screening equipment; and

“(B) to document and track any removal or disposal of the screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

“(c) REPORTS.—Not later than 30 days before any donation of security screening equipment under subsection (a), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

“(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

“(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

“(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.
“(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

“(5) The total dollar value of such donation.

“(6) How the appropriate officials will document and track any removal or disposal of the screening equipment by the recipient to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.’’; and

(2) in the table of contents, by inserting after the item relating to section 44928 the following:

‘‘44929. Donation of screening equipment to protect the United States.’’.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
Section 3204 of the Aviation Security Act of 2016 (49 U.S.C. 44901 note) and the item relating to that section in the table of contents of that Act are repealed.

(c) RAISING INTERNATIONAL STANDARDS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall collaborate with other aviation authorities and the United States Ambassador or the Charge d’Affaires to the United States Mission to the International Civil Aviation Organization, as applicable, to advance a global standard for each international airport to document and track the removal and disposal of any secu-
rity screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

SEC. 243. INTERNATIONAL SECURITY STANDARDS.

(a) Notification.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the United States Ambassador to the International Civil Aviation Organization, shall notify the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives of proposed international improvements to aviation security.

(b) Security Enhancement Proposals.—Subject to subsection (a), the Administrator and Ambassador shall take such action at the International Civil Aviation Organization as the Administrator and Ambassador consider necessary to advance aviation security improvement proposals, including if practicable, introducing a resolution to raise minimum standards for aviation security.

(c) Briefings to Congress.—Beginning not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Administrator, in consultation with the Ambassador, shall brief the Committee on Commerce, Science, and Transportation and the Com-
mittee on Foreign Relations of the Senate, and the Com-
mittee on Homeland Security and the Committee on For-
eign Affairs of the House of Representatives a report on
the implementation of subsection (a).

Subtitle E—Cockpit and Cabin
Security

SEC. 251. FEDERAL AIR MARSHAL SERVICE UPDATES.

(a) STANDARDIZATION.—Not later than 60 days
after the date of enactment of this Act, the Administrator
shall develop a standard written agreement that shall be
the basis of all negotiations and agreements that begin
after the date of enactment of this Act between the United
States and foreign governments or partners regarding the
presence of Federal air marshals on flights to and from
the United States, including deployment, technical assist-
ance, and information sharing.

(b) WRITTEN AGREEMENTS.—Except as provided in
subsection (c), not later than 180 days after the date of
enactment of this Act, all agreements between the United
States and foreign governments or partners regarding the
presence of Federal air marshals on flights to and from
the United States shall be in writing and signed by the
Administrator or other authorized United States Govern-
ment representative.
(c) Exception.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

(1) such mission is necessary for aviation security; and

(2) the requirements of subsection (d)(2) are met.

(d) Notification to Congress.—

(1) Written agreements.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress a copy of the agreement.

(2) No written agreements.—The Administrator shall submit to the appropriate committees of Congress—

(A) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and
(B) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under subsection (c), 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.

(e) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling.

SEC. 252. CREW MEMBER SELF-DEFENSE TRAINING.

The Administrator, in consultation with the Administrator of the Federal Aviation Administration, shall continue to carry out and encourage increased participation by air carrier employees in the voluntary self-defense training program under section 44918(b) of title 49, United States Code.

SEC. 253. FLIGHT DECK SAFETY AND SECURITY.

(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the Federal
Aviation Administration, shall complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

(b) RTCA REPORT.—The Administrator, in coordination with the Administrator of the Federal Aviation Administration, shall 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.

SEC. 254. CARRIAGE OF WEAPONS, EXPLOSIVES, AND INCENDIARIES BY INDIVIDUALS.

(a) INTERPRETIVE RULE.—Subject to subsections (b) and (c), the Administrator shall periodically review and amend, as necessary, the interpretive rule (68 Fed. Reg. 7444) that provides guidance to the public on the types of property considered to be weapons, explosives, and incendiaries prohibited under section 1540.111 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—Before determining whether to amend the interpretive rule to include or remove an item from the prohibited list, the Administrator shall—

(1) research and evaluate—
(A) the impact, if any, the amendment would have on security risks;

(B) the impact, if any, the amendment would have on screening operations, including effectiveness and efficiency; and

(C) whether the amendment is consistent with international standards and guidance, including of the International Civil Aviation Organization; and

(2) consult with appropriate aviation security stakeholders, including ASAC.

(c) EXCEPTIONS.—Except for plastic or round bladed butter knives, the Administrator may not amend the interpretive rule described in subsection (a) to authorize any knife to be permitted in an airport sterile area or in the cabin of an aircraft.

(d) NOTIFICATION.—The Administrator shall—

(1) publish in the Federal Register any amendment to the interpretive rule described in subsection (a); and

(2) notify the appropriate committees of Congress of the amendment not later than 3 days before publication under paragraph (1).
TITLE III—CONFORMING AND MISCELLANEOUS AMENDMENTS

SEC. 301. TITLE 49 AMENDMENTS.

(a) DELETION OF DUTIES RELATED TO AVIATION SECURITY.—Section 106(g) is amended to read as follows:

“(g) DUTIES AND POWERS OF ADMINISTRATOR.—The Administrator shall carry out the following:

“(1) Duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in the following:

“(A) Section 308(b).

“(B) Subsections (c) and (d) of section 1132.

“(C) Sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), and 40114(a).

“(D) Chapter 445, except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515.

“(E) Chapter 447, except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723.
“(F) Chapter 451.

“(G) Chapter 453.

“(H) Section 46104.

“(I) Subsections (d) and (h)(2) of section 46301 and sections 46303(c), 46304 through 46308, 46310, 46311, and 46313 through 46316.

“(J) Chapter 465.

“(K) Sections 47504(b) (related to flight procedures), 47508(a), and 48107.

“(2) Additional duties and powers prescribed by the Secretary of Transportation.”.

(b) TRANSPORTATION SECURITY OVERSIGHT BOARD.—Section 115 is amended—

(1) in subsection (c)(1), by striking “Under Secretary of Transportation for security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in subsection (c)(6), by striking “Under Secretary” and inserting “Administrator”.

(c) CHAPTER 401 AMENDMENTS.—Chapter 401 is amended—

(1) in section 40109—

(A) in subsection (b), by striking “, 40119, 44901, 44903, 44906, and 44935–44937”; and
(B) in subsection (c), by striking “sections 44909 and” and inserting “sections 44909(a), 44909(b), and”;

(2) in section 40113—

(A) in subsection (a)—

(i) by striking “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

and

(ii) by striking “, Under Secretary,”;

and

(B) in subsection (d)—

(i) by striking “Under Secretary of Transportation for Security or the”;

(ii) by striking “Transportation Security Administration or Federal Aviation Administration, as the case may be,” and inserting “Federal Aviation Administration”; and

(iii) by striking “Under Secretary or Administrator, as the case may be,” and inserting “Administrator”;

(3) by striking section 40119; and
(4) in the table of contents, by striking the item relating to section 40119 and inserting the following:

“40119. [Reserved].”.

(d) Chapter 449 Amendments.—Chapter 449 is amended—

(1) in section 44901—

(A) in subsection (a)—

(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(ii) by striking “, United States Code”; and

(iii) by striking “section 44919 or 44920” and inserting “section 44920”;

(B) in subsection (c), by striking “but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act”;

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of
the Transportation Security Admin-
istration”; and

(II) in subparagraph (A), by
striking “no later than December 31,
2002”;

(ii) by striking paragraphs (2) and
(3);

(iii) by redesignating paragraph (4) as
paragraph (2); and

(iv) in paragraph (2), as redesig-
nated—

(I) in subparagraph (A), by strik-
ing “Assistant Secretary (Transpor-
tation Security Administration)” and
inserting “Administrator of the Trans-
portation Security Administra-
tion”;

(II) in subparagraph (B), by
striking “Assistant Secretary” and in-
serting “Administrator of the Trans-
portation Security Administration”; and

(III) in subparagraph (D)—

(aa) by striking “Assistant
Secretary” the first place it ap-
pears and inserting “Administrator of the Transportation Security Administration”; and

(bb) by striking “Assistant Secretary” the second place it appears and inserting “Administrator”;

(D) in subsection (e)—

(i) in that matter preceding paragraph (1)—

(I) by striking “but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act”; and

(II) by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (4), by striking “Under Secretary” and inserting “Administrator”;

(E) in subsection (f), by striking “after the date of enactment of the Aviation and Transportation Security Act”;

(F) in subsection (g)—
(i) in paragraph (1), by striking “Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the” and inserting “The”;

(ii) in paragraph (2), by striking “as follows:” and all that follows and inserting a period;

(iii) by amending paragraph (3) to read as follows:

“(3) REGULATIONS.—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.”;

(iv) by striking paragraph (4); and

(v) by redesignating paragraph (5) as paragraph (4);

(G) in subsection (h)—

(i) in paragraph (1), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (2)—

(I) by striking “Under Secretary” the first place it appears and
inserting “Administrator of the Transportation Security Administration”; and

(II) by striking “Under Secretary” each place it appears and inserting “Administrator”;

(H) in subsection (i)—

(i) in the matter preceding paragraph (1), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (2), by striking “Under Secretary” and inserting “Administrator”;

(I) in subsection (j)(1)—

(i) in the matter preceding subparagraph (A), by striking “Before January 1, 2008, the” and inserting “The”; and

(ii) in subparagraph (A), by striking “the date of enactment of this subsection” and inserting “August 3, 2007”;

(J) in subsection (k)—

(i) in paragraph (1), by striking “Not later than one year after the date of enact-
ment of this subsection, the” and inserting “The”;

(ii) in paragraph (2), by striking “Not later than 6 months after the date of enactment of this subsection, the” and inserting “The”; and

(iii) in paragraph (3), by striking “Not later than 180 days after the date of enactment of this subsection, the” in paragraph (3) and inserting “The”; and

(K) in subsection (l)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration)” and inserting “The Administrator of the Transportation Security Administration”; and

(II) in subparagraph (B), by striking “Assistant Secretary” and inserting “Administrator”;

(ii) in paragraph (3)—

(I) in subparagraph (A)—
(aa) by striking “Assistant Secretary” the first place it appears and inserting “Administrator of the Transportation Security Administration”; and

(bb) by striking “Assistant Secretary” the second place it appears and inserting “Administrator”; and

(ii) in subparagraph (B), by striking “Assistant Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(iii) in paragraph (4)—

(I) in subparagraph (A)—

(aa) by striking “60 days after the deadline specified in paragraph (2), and not later than”;

(bb) by striking “Assistant Secretary” the first place it appears and inserting “Administrator of the Transportation Security Administration”; and
(cc) by striking “Assistant Secretary” the second place it appears and inserting “Administrator”; and

(II) in subparagraph (B), by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(2) section 44902 is amended—

(A) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) in subsection (b), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”;

(3) section 44903 is amended—

(A) in subsection (a)—

(i) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”;

(ii) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;
(iii) in subparagraph (B), as redesignated, by striking “Under Secretary of Transportation for Security” and inserting “Administrator”;

(iv) in the matter preceding subparagraph (A), as redesignated, by striking “In this section, ‘law enforcement personnel’ means individuals—” and inserting “In this section:”; 

(v) by inserting before subparagraph (A), the following:

“(2) LAW ENFORCEMENT PERSONNEL.—The term ‘law enforcement personnel’ means individuals—”; and

(vi) by inserting before paragraph (2), as redesignated, the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.”;

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”; 

(C) in subsection (d), by striking “Secretary of Transportation” and inserting “Administrator”; 

(D) in subsection (h)—
(i) in paragraph (3), by striking "Secretary" and inserting "Secretary of Homeland Security";

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking "as soon as practicable after the date of enactment of this subsection,";

(II) in subparagraph (C), by striking "section 44903(c)" and inserting "subsection (c)"; and

(III) in subparagraph (E), by striking "not later than March 31, 2005,";

(iii) in paragraph (5), by striking "Assistant Secretary of Homeland Security (Transportation Security Administration)" and inserting "Administrator";

(iv) in paragraph (6)(A)—

(I) in the matter preceding clause (i), by striking "Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the" and inserting "The"; and
(II) in clause (i), by striking “section” and inserting “paragraph”; and
(v) in paragraph (6)(C), by striking “Secretary” and inserting “Secretary of Homeland Security”;
(E) in subsection (i)(3), by striking “, after the date of enactment of this paragraph,”;
(F) in subsection (j)—
(i) by amending paragraph (1) to read as follows:
“(1) IN GENERAL.—The Administrator shall periodically recommend to airport operators commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.”;
(ii) in paragraph (2)—
(I) in the heading, by striking “COMPUTER-ASSISTED PASSENGER PRESCREENING SYSTEM” and inserting “SECURE FLIGHT PROGRAM”;
(II) in subparagraph (A)—
(aa) by striking “Computer-Assisted Passenger Presecreening
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System” and inserting “Secure Flight program”; and

(bb) by striking “system” each place it appears and insert-
ing “program”;

(III) in subparagraph (B), by striking “Computer-Assisted Pas-
senger Prescreening System” and in-
serting “Secure Flight program”;

(IV) in subparagraph (C)—

(aa) in clause (i), by striking

“No later than January 1, 2005,
the Assistant Secretary of Home-
land Security (Transportation
Security Administration), or the
designee of the Assistant Sec-
retary,” and inserting “The Ad-
ministrator”;

(bb) in clause (ii), by strik-
ing “Not later than 180 days
after completion of testing under
clause (i), the” and inserting
“The”; and
(ee) in clause (iv), by striking “Not later than 180 days after” and inserting “After”;

(V) in subparagraph (D), by striking “Assistant Secretary of Homeland Security (Transportation Security Administration)” and inserting “Administrator”;

(VI) in subparagraph (E)(i), by striking “Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the” and inserting “The Administrator”;

(VII) by striking “Assistant Secretary” each place it appears and inserting “Administrator”; and

(VIII) by striking “Secretary of Transportation” each place it appears and inserting “Administrator”; and

(G) in subsection (m)—

(i) in paragraph (1), by striking “Assistant Secretary of Homeland Security
(Transportation Security Administration)” and inserting “Administrator”; and

(ii) by striking “Assistant Secretary” each place it appears and inserting “Administrator”; (4) section 44904 is amended—

(A) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; (B) in subsection (e)—

(i) by striking “section 114(t)(3)” and inserting “section 114(s)(3)” and (ii) by striking “section 114(t)” and inserting “section 114(s)”;

(C) in subsection (d)—

(i) by striking “Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration)” and inserting “The Administrator of the Transportation Security Administration”; and
(ii) by striking “section 114(t)(1)” and inserting “section 114(s)(1)”; and

(D) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; (5) section 44905 is amended—

(A) in subsection (a)—

(i) by striking “Secretary of Transportation” and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking “Secretary.” and inserting “Administrator.”;

(B) in subsection (b), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(C) in subsections (c), (d), and (f), by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; (6) section 44906 is amended—

(A) by striking “Under Secretary of Transportation for Security” and inserting
“Administrator of the Transportation Security Administration”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”; 

(7) section 44908 is amended—

(A) by striking “Secretary of Transportation” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(B) in subsection (a), by striking “safety or”; and

(C) in subsection (e), by striking “The Secretary” and inserting “The Administrator”;

(8) section 44909 is amended—

(A) in subsection (a)(1), by striking “Not later than March 16, 1991, the” and inserting “The”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking “Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each” and inserting “Each”; 

(ii) in paragraphs (2)(F) and (5), by striking “Under Secretary” and inserting
"Administrator of the Transportation Security Administration"; and

(iii) in paragraph (6)—

(I) in subparagraph (A), by striking “Not later than 60 days after date of enactment of this paragraph, the” and inserting “The”; and

(II) in subparagraph (B)(ii)—

(aa) by striking “the Secretary will” and inserting “the Secretary of Homeland Security will”; and

(bb) by striking “the Secretary to” and inserting “the Secretary of Homeland Security to”;

(9) section 44911 is amended—

(A) in subsection (b), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(B) in subsection (d), by striking “request of the Secretary” and inserting “request of the Secretary of Homeland Security”; and

(C) in subsection (e)—
(i) by striking “Secretary, and the
Under Secretary” and inserting “Secretary
of Homeland Security, and the Adminis-
trator of the Transportation Security Ad-
ministration”; and

(ii) by striking “intelligence commu-
nity and the Under Secretary” and insert-
ing “intelligence community and the Ad-
ministrator of the Transportation Security
Administration”;  

(10) section 44912 is amended—  
(A) in subsection (a)—  
(i) in paragraph (1)—  
(I) by striking “Under Secretary
of Transportation for Security” and
inserting “Administrator”; and

(II) by striking “, not later than
November 16, 1993,”; and

(ii) in paragraph (4)(C), by striking
“Research, Engineering and Development
Advisory Committee” and inserting “Ad-
ministrator”;  

(B) in subsection (e)—  
(i) in paragraph (1), by striking “, as
a subcommittee of the Research, Engineer-
ing, and Development Advisory Committee,”; and

(ii) in paragraph (4), by striking “Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter,” and inserting “Biennially,”;

(C) by striking “Under Secretary” each place it appears and inserting “Administrator”;

and

(D) by adding at the end the following:

“(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

“(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

“(2) DISCLOSURE.—

“(A) IN GENERAL.—Notwithstanding section 552 of title 5, the Administrator of the Transportation Security Administration shall
prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

“(i) be an unwarranted invasion of personal privacy;

“(ii) reveal a trade secret or privileged or confidential commercial or financial information; or

“(iii) be detrimental to transportation safety.

“(B) INFORMATION TO CONGRESS.—Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

“(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

“(i) to conceal a violation of law, inefficiency, or administrative error;

“(ii) to prevent embarrassment to a person, organization, or agency;
“(iii) to restrain competition; or

“(iv) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

“(D) PRIVACY ACT.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Transportation Security Administration may make from the systems of records of the Transportation Security Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

“(3) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

“(e) DEFINITION OF ADMINISTRATOR.—In this section, the term ‘Administrator’ means the Administrator of the Transportation Security Administration.”;
(11) section 44913 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration (referred to in this section as ‘the Administrator’)");

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(B) in subsection (b), by striking "Secretary of Transportation" and inserting "Administrator";

(12) section 44914 is amended—

(A) by striking "Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;


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(B) by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(C) by inserting “the Department of Transportation,” before “air carriers, airport authorities, and others”; (13) section 44915 is amended by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; (14) section 44916 is amended—

(A) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) in subsection (b)—

(i) by striking “Under Secretary” the first place it appears and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking “Under Secretary” the second place it appears and inserting “Administrator”; (15) section 44917 is amended—

(A) in subsection (a)—
(i) in the matter preceding paragraph

(1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (2), by striking “by the Secretary”;

(B) in subsection (d)—

(i) in paragraph (1), by striking “Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (3), by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(16) section 44918 is amended—

(A) in subsection (a)—

(i) in paragraph (2)(E), by striking “Under Secretary for Border and Transportation Security of the Department of Homeland Security” and inserting “Administration” and inserting “Administrator of the Transportation Security Administration”;

(B) in subsection (d)—

(i) in paragraph (1), by striking “Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (3), by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;
ministrator of the Transportation Security
Administration’’;

(ii) in paragraph (4), by striking “Not
later than one year after the date of enact-
ment of the Vision 100-Century of Avia-
tion Reauthorization Act, the” and insert-
ing “The”; and

(iii) in paragraph (5), by striking “the
date of enactment of the Vision 100-Cen-
tury of Aviation Reauthorization Act” and
inserting “December 12, 2003”;

(B) in subsection (b)—

(i) in paragraph (1), by striking “Not
later than one year after the date of enact-
ment of the Vision 100-Century of Avia-
tion Reauthorization Act, the” and insert-
ing “The”; and

(ii) in paragraph (6), by striking
“Federal Air Marshals Service” and insert-
ing “Federal Air Marshal Service”; and

(C) by striking “Under Secretary” each
place it appears and inserting “Administrator
of the Transportation Security Administration’’;

(17) section 44920 is amended—
(A) in subsection (a), by striking "On or after the last day of the 2-year period beginning on the date on which the Under Secretary transmits to Congress the certification required by section 110(c) of the Aviation and Transportation Security Act, an" and inserting "An";

(B) in subsection (g)(1), by striking "subsection (a) or section 44919" and inserting "subsection (a)";

(C) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(D) by adding at the end the following:

"(i) Definition of Administrator.—In this section, the term ‘Administrator’ means the Administrator of the Transportation Security Administration.”;

(18) section 44922 is amended—

(A) in the heading, by striking "Deputation" and inserting "Deputization";

(B) in subsection (a)—

(i) in the heading, by striking "DEPUTATION" and inserting "DEPUTIZATION";

and

(ii) by striking "Under Secretary of Transportation for Security" and inserting
“Administrator of the Transportation Security Administration”; 
(C) in subsection (e), by striking “deputation” and inserting “deputization”; and 
(D) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; 
(19) section 44923 is amended— 
(A) in subsection (a), by striking “Under Secretary for Border and Transportation Security of the Department of Homeland Security” and inserting “Administrator of the Transportation Security Administration”; 
(B) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; 
(C) in subsection (e)— 
(i) by striking paragraph (2); and 
(ii) by striking “(1) IN GENERAL.—”; 
and 
(D) by striking subsection (j);  
(20) section 44924 is amended— 
(A) in subsection (a)— 
(i) by striking “Under Secretary for Border and Transportation Security of the
Department of Homeland Security’’ and inserting ‘‘Administrator of the Transportation Security Administration’’; and

(ii) by striking ‘‘Administrator under’’ and inserting ‘‘Administrator of the Federal Aviation Administration under’’;

(B) in subsections (b), (c), (d), (e), and (f), by striking ‘‘Administrator’’ and inserting ‘‘Administrator of the Federal Aviation Administration’’;

(C) in subsection (f), by striking ‘‘Not later than 240 days after the date of enactment of this section, the’’ and inserting ‘‘The’’; and

(D) by striking ‘‘Under Secretary’’ each place it appears and inserting ‘‘Administrator of the Transportation Security Administration’’;

(21) section 44925 is amended—

(A) in subsection (b)(1), by striking ‘‘Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)’’ and inserting ‘‘The Administrator of the Transportation Security Administration’’;
(B) in subsection (b), by striking paragraph (3); and

(C) in subsection (d), by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(22) section 44926(b)(3) is amended by striking “an misidentified passenger” and inserting “a misidentified passenger”;

(23) section 44927 is amended—

(A) by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; 

(B) in subsection (a), by striking “Veteran Affairs” and inserting “Veterans Affairs”; and

(C) in subsection (f)—

(i) in the heading, by striking “REPORT” and inserting “REPORTS”; and

(ii) by striking “Not later than 1 year after the date of enactment of this section, and annually thereafter,” and inserting “Each year,“;

(24) section 44933 is amended—

(A) in subsection (a)—
(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(ii) by striking “Federal Security Manager” and inserting “Federal Security Director”; and

(iii) by striking “Managers” each place it appears and inserting “Federal Security Directors”;

(B) in subsection (b), by striking “Manager” and inserting “Federal Security Director”; and

(C) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(25) section 44934 is amended—

(A) in subsection (a)—

(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(ii) by striking “airports. In coordination with the Secretary” and inserting
“airports. In coordination with the Secretary of State”;

(iii) by striking “The Secretary shall give high priority” and inserting “The Secretary of State shall give high priority”;

and

(iv) by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (1), by striking “Under Secretary” and inserting “Administrator”; and

(C) in subsection (e), by striking “the Secretary and the chief” and inserting “the Secretary of State and the chief”;
(i) in paragraph (1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator”; and

(ii) in paragraph (2)(A)—

(I) in the matter preceding clause (i)—

(aa) by striking “Within 30 days after the date of enactment of the Aviation and Transportation Security Act, the” and inserting “The”; and

(bb) by inserting “other” before “provision of law”; and

(II) in clause (ii), by striking “1102(a)(22)” and inserting “101(a)(22)”;

(C) in subsection (f)(1), by inserting “other” before “provision of law”;

(D) in subsection (g)(2), by striking “Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the” and inserting “The”;

(E) by striking “(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—”
and inserting ``(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—’’;

(F) by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(G) by adding at the end the following:

“(l) DEFINITION OF ADMINISTRATOR.—In this section, the term ‘Administrator’ means the Administrator of the Transportation Security Administration.’’;

(27) section 44936 is amended—

(A) in subsections (a)—

(i) by striking “Under Secretary of Transportation for Security” each place it appears and inserting “Administrator”; 

(ii) in paragraph (1)—

(I) in subparagraph (A), by striking “,” and inserting a comma; and

(II) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); 

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(C) by adding at the end the following:
“(f) DEFINITION OF ADMINISTRATOR.—In this section, the term ‘Administrator’ means the Administrator of the Transportation Security Administration.”;

(28) section 44937 is amended by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(29) section 44938 is amended—

(A) in subsection (a)—

(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(30) section 44939(d) is amended by striking “Not later than 60 days after the date of enactment of this section, the Secretary” and inserting “The Secretary of Homeland Security”;

(31) section 44940 is amended—

(A) in subsection (a)
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(i) in paragraph (1)—

(I) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(II) by striking the last two sentences; and

(ii) by adding at the end the following:

“(2) DETERMINATION OF COSTS.—

“(A) IN GENERAL.—The amount of the costs under paragraph (1) shall be determined by the Administrator of the Transportation Security Administration and shall not be subject to judicial review.

“(B) DEFINITION OF FEDERAL LAW ENFORCEMENT PERSONNEL.—For purposes of paragraph (1)(A), the term ‘Federal law enforcement personnel’ includes State and local law enforcement officers who are deputized under section 44922.”;

(B) in subsections (b), (d), (e), (g), and (h), by striking “Under Secretary” each place it
appears and inserting “Administrator of the Transportation Security Administration”;

(C) in subsection (d)—

(i) in paragraph (1)—

(I) by striking “within 60 days of the date of enactment of this Act, or”;

and

(II) by striking “thereafter”; and

(ii) in paragraph (2), by striking “subsection (d)” each place it appears and inserting “paragraph (1) of this subsection”; 

(D) in subsection (e)(1), by striking “FEES PAYABLE TO UNDER SECRETARY” “” in the heading and inserting “FEES PAYABLE TO ADMINISTRATOR”; and

(E) in subsection (i)(4)—

(i) by striking subparagraphs (A) through (D); and

(ii) by redesignating subparagraphs (E) through (L) as subparagraphs (A) through (H), respectively;

(32) section 44941(a) is amended by inserting “the Department of Homeland Security,” after “Department of Transportation,”;
(33) section 44942 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding sub-
paragraph (A), by striking “Within
180 days after the date of enactment
of the Aviation and Transportation
Security Act, the Under Secretary for
Transportation Security may, in con-
sultation with” and inserting “The
Administrator of the Transportation
Security Administration may, in con-
sultation with other relevant Federal
agencies and”; and

(II) in subparagraph (A), by
striking “, and” and inserting “; and”; and

(ii) in paragraph (2), by inserting a
comma after “Federal Aviation Adminis-
tration”;

(B) in subsection (b)—

(i) by striking “(1) PERFORMANCE
PLAN AND REPORT.—”;

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(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1), as redesignated—

(I) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(II) in subparagraph (A), as redesignated, by striking “the Secretary and the Under Secretary for Transportation Security shall agree” and inserting “the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree”; and

(III) in subparagraph (B), as redesignated, by striking “the Secretary, the Under Secretary for Transportation Security” and inserting “the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,”; and
(iv) in paragraph (2), as redesignated, by striking “Under Secretary for Transportation Security” and inserting “Administrator of the Transportation Security Administration”;

(34) section 44943 is amended—

(A) in subsection (a), by striking “Under Secretary for Transportation Security” and inserting “Administrator of the Transportation Security Administration”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “Secretary and Under Secretary of Transportation for Security”” and inserting “Secretary of Homeland Security and Administrator of the Transportation Security Administration”; and

(II) by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in paragraph (2)—

(I) by striking “Under Secretary” the first place it appears and inserting
“Administrator of the Transportation Security Administration”; and

(II) by striking “Under Secretary shall” each place it appears and inserting “Administrator shall”; and

(C) in subsection (c), by striking “Aviation Security Act, the Under Secretary for Transportation Security” and inserting “Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), the Administrator of the Transportation Security Administration”;
(36) section 44945(b) is amended by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(37) section 44946 is amended—

(A) in subsection (g)—

(i) by striking paragraph (2);

(ii) by redesignating paragraph (1) as paragraph (2); and

(iii) by inserting before paragraph (2), as redesignated, the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.”;

(B) by striking “Assistant Secretary” each place it appears and inserting “Administrator”;

(C) in subsection (b)(4)—

(i) by striking “the Secretary receives” and inserting “the Administrator receives”; and

(ii) by striking “the Secretary shall” and inserting “the Administrator shall”; and

(D) in subsection (c)(1)(A), by striking “Not later than 180 days after the date of en-
actment of the Aviation Security Stakeholder Participation Act of 2014, the” and inserting “The”.

(e) CHAPTER 451 AMENDMENTS.—Section 45107 is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in subsection (b), by striking “Under Secretary of Transportation for Security, the Transportation Security Administration,” and inserting “Administrator of the Transportation Security Administration”.

(f) CHAPTER 461 AMENDMENTS.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by striking “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary” and inserting “Administrator of the Transportation Security Administration with respect to security duties and powers designated to
be carried out by the Administrator of the Transportation Security Administration’;

(2) in each of sections 46101, 46102(c), 46103, 46104, 46105, 46107, and 46110 by striking “or Administrator” each place it appears and inserting “or Administrator of the Federal Aviation Administration’’;

(3) in each of sections 46101(a)(1), 46102(a) 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by striking “by the Administrator)” and inserting “by the Administrator of the Federal Aviation Administration)”;

(4) in each of sections 46101, 46102, 46103, 46104, 46105, 46107, and 46110 by striking “Under Secretary,” each place it appears and inserting “Administrator of the Transportation Security Administration,”;

(5) in section 46102—

(A) in subsection (b), by striking “the Administrator” each place it appears and inserting “the Administrator of the Federal Aviation Administration”;

(B) in subsection (e), by striking “and Administrator” each place it appears and inserting
“and Administrator of the Federal Aviation Ad-
ministration”; and

(C) in subsection (d), by striking “the Ad-
ministrator, or an officer or employee of the 
Administration” in subsection (d) and inserting 
“the Administrator of the Federal Aviation Ad-
ministration, or an officer or employee of the 
Federal Aviation Administration”;

(6) in section 46104—

(A) by striking “subpena” each place it ap-
ppears and inserting “subpoena”; and

(B) in subsection (b)—

(i) in the heading, by striking “SUB-
PENAS” and inserting “SUBPOENAS”; and

(ii) by striking “the Administrator” 
and inserting “the Administrator of the 
Federal Aviation Administration”;

(7) in section 46105(c), by striking “When the 
Administrator” and inserting “When the Adminis-
trator of the Federal Aviation Administration”;

(8) in section 46109, by inserting “(or the Ad-
ministrator of the Transportation Security Adminis-
tration with respect to security duties and powers 
designated to be carried out by the Administrator of 
the Transportation Security Administration or the
Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator’’) after ‘‘Secretary of Transportation’’; and

(9) in section 46111—

(A) in subsection (a)—

(i) by inserting ‘‘the’’ before ‘‘Federal Aviation Administration’’;

(ii) by striking ‘‘Administrator is’’ and inserting ‘‘Administrator of the Federal Aviation Administration is’’; and

(iii) by striking ‘‘Under Secretary for Border and Transportation Security of the Department of Homeland Security’’ and inserting ‘‘Administrator of the Transportation Security Administration’’;

(B) in subsections (b), (c), (e), and (g), by striking ‘‘Administrator’’ and inserting ‘‘Administrator of the Federal Aviation Administration’’;

(C) in subsection (g)(2)(A), by striking ‘‘(18 U.S.C. App.)’’ and inserting ‘‘(18 U.S.C. App.))’’; and
(D) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(g) Chapter 463 Amendments.—Chapter 463 is amended—

(1) in section 46301—

(A) in subsection (a)(5)—

(i) in subparagraph (A)(i), by striking “or chapter 451” and inserting “chapter 451”; and

(ii) in subparagraph (D), by inserting “of Transportation” after “Secretary”;

(B) in subsection (d)—

(i) in paragraph (2)—

(I) by striking “defined by the Secretary” and inserting “defined by the Secretary of Transportation”; and

(II) by striking “Administrator shall” and inserting “Administrator of the Federal Aviation Administration shall”;

(ii) in paragraphs (3), (4), (5), (6), (7), and (8), by striking “Administrator” and inserting “Administrator of the Federal Aviation Administration”; and
(iii) in paragraph (8), by striking "Under Secretary" and inserting "Administrator of the Transportation Security Administration";

(C) in subsection (e), by inserting "of Transportation" after "Secretary";

(D) in subsection (g), by striking "Administrator" and inserting "Administrator of the Federal Aviation Administration"; and

(E) in subsection (h)(2)—

(i) by striking "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary" and inserting "Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration"; and

(ii) by striking "or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator" and inserting "or the Administrator of the Federal Aviation Admin-
istration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration’’; 

(2) in section 46304(b), by striking ‘‘the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator’’ and inserting ‘‘or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration’’;

(3) in section 46311—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ‘‘Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary’’ and inserting ‘‘Administrator of the Transportation Security Administration with respect to security duties and powers designated..."
to be carried out by the Administrator of the Transportation Security Administration’’;

(II) by striking “the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator” and inserting “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration’’;

(III) by striking “Administrator shall” and inserting “Administrator of the Federal Aviation Administration shall”; and

(IV) by striking “Administrator,” and inserting “Administrator of the Federal Aviation Administration,”; and

(ii) in paragraph (1), by striking “Administrator” and inserting “Administrator of the Federal Aviation Administration”;}
(B) in subsections (b) and (c), by striking “Administrator” and inserting “Administrator of the Federal Aviation Administration”; and

(C) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; (4) in section 46313—

(A) by striking “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary” and inserting “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration”; (B) by striking “the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator” and inserting “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration”; and
(C) by striking “subpena” and inserting “subpoena”; and

(5) in section 46316(a)—

(A) by striking “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary” and inserting “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration”; and

(B) by striking “the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator” and inserting “or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration”.

(h) CHAPTER 465 AMENDMENTS.—Chapter 465 is amended—

(1) in section 46505(d)(2), by striking “Under Secretary of Transportation for Security” and in-
serting "Administrator of the Transportation Security Administration"; and

(2) in the table of contents for chapter 465 of subtitle VII, by striking the following:

"46503. Repealed."

(i) **CHAPTER 483 REPEAL.**—

(1) **IN GENERAL.**—Chapter 483 is repealed.

(2) **CONFORMING AMENDMENT.**—The table of contents for subtitle VII is amended by striking the following:

"483. Aviation security funding ............................................................... 48301"

(j) **AUTHORITY TO EXEMPT.**—

(1) **IN GENERAL.**—Subchapter II of chapter 449 is amended by inserting before section 44933 the following:

"§ 44931. Authority to exempt

"The Secretary of Homeland Security may grant an exemption from a regulation prescribed in carrying out sections 44901, 44903, 44906, 44909(c), and 44935–44937 of this title when the Secretary decides the exemption is in the public interest.

§ 44932. Administrative

"(a) **GENERAL AUTHORITY.**—The Secretary of Homeland Security may take action the Secretary considers necessary to carry out this chapter and chapters 461, 463, and 465 of this title, including conducting inves-
tigations, prescribing regulations, standards, and procedures, and issuing orders.

“(b) INDEMNIFICATION.—The Secretary of Homeland Security may indemnify an officer or employee of the Transportation Security Administration against a claim or judgment arising out of an act that the Secretary decides was committed within the scope of the official duties of the officer or employee.”.

(2) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by inserting before the item relating to section 44933 the following:

“44931. Authority to exempt.
“44932. Administrative.”.

SEC. 302. TABLE OF CONTENTS OF CHAPTER 449.

The table of contents of chapter 449 is amended—

(1) in the item relating to section 44922, by striking “Deputation” and inserting “Deputization”;

and

(2) by inserting after section 44941 the following:

“44942. Performance goals and objectives.
“44943. Performance management system.”.


Section 4016(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note) is amended—
(1) in paragraph (1), by striking “Assistant Secretary for Immigration and Customs Enforcement” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration),” and inserting “Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security”.

SEC. 304. SAVINGS PROVISIONS.

References relating to the Under Secretary of Transportation for Security in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede the effective date of this Act shall be deemed to refer, as appropriate, to the Administrator of the Transportation Security Administration.