

In the House of Representatives, U. S.,

July 11, 2016.

Resolved, That the House agree to the amendment of the Senate to the text of the bill (H.R. 636) entitled “An Act to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.”, with the following

HOUSE AMENDMENTS TO SENATE AMENDMENTS:

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

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“FAA Extension, Safety, and Security Act of 2016”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Appropriate committees of Congress defined.

TITLE I—FAA EXTENSION

Subtitle A—Airport and Airway Programs

Sec. 1101. Extension of airport improvement program.

Sec. 1102. Extension of expiring authorities.

Sec. 1103. Federal Aviation Administration operations.

Sec. 1104. Air navigation facilities and equipment.

Sec. 1105. Research, engineering, and development.

Sec. 1106. Funding for aviation programs.

Sec. 1107. Essential air service.

Subtitle B—Revenue Provisions

Sec. 1201. Expenditure authority from Airport and Airway Trust Fund.

Sec. 1202. Extension of taxes funding Airport and Airway Trust Fund.

TITLE II—AVIATION SAFETY CRITICAL REFORMS

Subtitle A—Safety

- Sec. 2101. Pilot records database deadline.*
- Sec. 2102. Cockpit automation management.*
- Sec. 2103. Enhanced mental health screening for pilots.*
- Sec. 2104. Laser pointer incidents.*
- Sec. 2105. Crash-resistant fuel systems.*
- Sec. 2106. Hiring of air traffic controllers.*
- Sec. 2107. Training policies regarding assistance for persons with disabilities.*
- Sec. 2108. Air travel accessibility.*
- Sec. 2109. Additional certification resources.*
- Sec. 2110. Tower marking.*
- Sec. 2111. Aviation cybersecurity.*
- Sec. 2112. Repair stations located outside United States.*
- Sec. 2113. Enhanced training for flight attendants.*

Subtitle B—UAS Safety

- Sec. 2201. Definitions.*
- Sec. 2202. Identification standards.*
- Sec. 2203. Safety statements.*
- Sec. 2204. Facilitating interagency cooperation for unmanned aircraft authorization in support of firefighting operations and utility restoration.*
- Sec. 2205. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft.*
- Sec. 2206. Pilot project for airport safety and airspace hazard mitigation.*
- Sec. 2207. Emergency exemption process.*
- Sec. 2208. Unmanned aircraft systems traffic management.*
- Sec. 2209. Applications for designation.*
- Sec. 2210. Operations associated with critical infrastructure.*
- Sec. 2211. Unmanned aircraft systems research and development roadmap.*
- Sec. 2212. Unmanned aircraft systems-manned aircraft collision research.*
- Sec. 2213. Probabilistic metrics research and development study.*

Subtitle C—Time Sensitive Aviation Reforms

- Sec. 2301. Small airport relief for safety projects.*
- Sec. 2302. Use of revenues at previously associated airport.*
- Sec. 2303. Working group on improving air service to small communities.*
- Sec. 2304. Computation of basic annuity for certain air traffic controllers.*
- Sec. 2305. Refunds for delayed baggage.*
- Sec. 2306. Contract weather observers.*
- Sec. 2307. Medical certification of certain small aircraft pilots.*
- Sec. 2308. Tarmac delays.*
- Sec. 2309. Family seating.*

TITLE III—AVIATION SECURITY

- Sec. 3001. Short title.*
- Sec. 3002. Definitions.*

Subtitle A—TSA PreCheck Expansion

- Sec. 3101. PreCheck program authorization.*

Sec. 3102. PreCheck program enrollment expansion.

Subtitle B—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security

Sec. 3201. Last point of departure airport security assessment.

Sec. 3202. Security coordination enhancement plan.

Sec. 3203. Workforce assessment.

Sec. 3204. Donation of screening equipment to protect the United States.

Sec. 3205. National cargo security program.

Sec. 3206. International training and capacity development.

Subtitle C—Checkpoint Optimization and Efficiency

Sec. 3301. Sense of Congress.

Sec. 3302. Enhanced staffing allocation model.

Sec. 3303. Effective utilization of staffing resources.

Sec. 3304. TSA staffing and resource allocation.

Sec. 3305. Aviation security stakeholders defined.

Sec. 3306. Rule of construction.

Subtitle D—Aviation Security Enhancement and Oversight

Sec. 3401. Definitions.

Sec. 3402. Threat assessment.

Sec. 3403. Oversight.

Sec. 3404. Credentials.

Sec. 3405. Vetting.

Sec. 3406. Metrics.

Sec. 3407. Inspections and assessments.

Sec. 3408. Covert testing.

Sec. 3409. Security directives.

Sec. 3410. Implementation report.

Sec. 3411. Miscellaneous amendments.

Subtitle E—Checkpoints of the Future

Sec. 3501. Checkpoints of the future.

Sec. 3502. Pilot program for increased efficiency and security at Category X airports.

Sec. 3503. Pilot program for the development and testing of prototypes for airport security systems.

Sec. 3504. Report required.

Sec. 3505. Funding.

Sec. 3506. Acceptance and provision of resources by the Transportation Security Administration.

Subtitle F—Miscellaneous Provisions

Sec. 3601. Visible deterrent.

Sec. 3602. Law enforcement training for mass casualty and active shooter incidents.

Sec. 3603. Assistance to airports and surface transportation systems.

1 **SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DE-**
 2 **FINED.**

3 *In this Act, unless expressly provided otherwise, the*
 4 *term “appropriate committees of Congress” means the Com-*
 5 *mittee on Commerce, Science, and Transportation of the*
 6 *Senate and the Committee on Transportation and Infra-*
 7 *structure of the House of Representatives.*

8 **TITLE I—FAA EXTENSION**
 9 **Subtitle A—Airport and Airway**
 10 **Programs**

11 **SEC. 1101. EXTENSION OF AIRPORT IMPROVEMENT PRO-**
 12 **GRAM.**

13 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*
 14 *48103(a) of title 49, United States Code, is amended by*
 15 *striking “fiscal years 2012 through 2015” and all that fol-*
 16 *lows through the period at the end and inserting “fiscal*
 17 *years 2012 through 2017.”.*

18 *(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of*
 19 *title 49, United States Code, is amended in the matter pre-*
 20 *ceding paragraph (1) by striking “July 15, 2016,” and in-*
 21 *serting “September 30, 2017.”.*

22 **SEC. 1102. EXTENSION OF EXPIRING AUTHORITIES.**

23 *(a) Section 47107(r)(3) of title 49, United States Code,*
 24 *is amended by striking “July 16, 2016” and inserting “Oc-*
 25 *tober 1, 2017”.*

1 (b) Section 47115(j) of title 49, United States Code,
2 is amended by striking “fiscal years 2012 through 2015”
3 and all that follows through “July 15, 2016,” and inserting
4 “fiscal years 2012 through 2017.”

5 (c) Section 47124(b)(3)(E) of title 49, United States
6 Code, is amended by striking “fiscal years 2012 through
7 2015” and all that follows through “July 15, 2016,” and
8 inserting “fiscal years 2012 through 2017”.

9 (d) Section 47141(f) of title 49, United States Code,
10 is amended by striking “July 15, 2016” and inserting
11 “September 30, 2017”.

12 (e) Section 41743(e)(2) of title 49, United States Code,
13 is amended by striking “2015” and inserting “2017”.

14 (f) Section 186(d) of the Vision 100—Century of Avia-
15 tion Reauthorization Act (117 Stat. 2518) is amended by
16 striking “fiscal years 2012 through 2015” and all that fol-
17 lows through “July 15, 2016,” and inserting “fiscal years
18 2012 through 2017”.

19 (g) Section 409(d) of the Vision 100—Century of Avia-
20 tion Reauthorization Act (49 U.S.C. 41731 note) is amend-
21 ed by striking “July 15, 2016” and inserting “September
22 30, 2017”.

23 (h) Section 140(c)(1) of the FAA Modernization and
24 Reform Act of 2012 (126 Stat. 28) is amended—

1 (1) by striking “fiscal years 2013 through 2016,”
2 and inserting “fiscal years 2013 through 2017,”; and

3 (2) by inserting before the period at the end the
4 following: “or an extension of this Act”.

5 (i) Section 332(c)(1) of the FAA Modernization and
6 Reform Act of 2012 (49 U.S.C. 40101 note) is amended by
7 striking “5 years after the date of enactment of this Act”
8 and inserting “on September 30, 2019”.

9 (j) Section 411(h) of the FAA Modernization and Re-
10 form Act of 2012 (49 U.S.C. 42301 prec. note) is amended
11 by striking “July 15, 2016” and inserting “September 30,
12 2017”.

13 (k) Section 822(k) of the FAA Modernization and Re-
14 form Act of 2012 (49 U.S.C. 47141 note) is amended by
15 striking “July 15, 2016” and inserting “September 30,
16 2017”.

17 **SEC. 1103. FEDERAL AVIATION ADMINISTRATION OPER-**
18 **ATIONS.**

19 Section 106(k) of title 49, United States Code, is
20 amended—

21 (1) by striking paragraph (1)(E) and inserting
22 the following:

23 “(E) \$9,909,724,000 for each of fiscal years
24 2016 and 2017.”; and

1 (2) in paragraph (3) by striking “fiscal years
2 2012 through 2015” and all that follows through
3 “July 15, 2016,” and inserting “fiscal years 2012
4 through 2017,”.

5 **SEC. 1104. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

6 Section 48101(a)(5) of title 49, United States Code,
7 is amended to read as follows:

8 “(5) \$2,855,000,000 for each of fiscal years 2016
9 and 2017.”.

10 **SEC. 1105. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

11 Section 48102(a)(9) of title 49, United States Code,
12 is amended to read as follows:

13 “(9) \$166,000,000 for each of fiscal years 2016
14 and 2017.”.

15 **SEC. 1106. FUNDING FOR AVIATION PROGRAMS.**

16 (a) *IN GENERAL.*—Section 48114 of title 49, United
17 States Code, is amended—

18 (1) in subsection (a)(2) by striking “fiscal year
19 2016,” and inserting “fiscal year 2017,”; and

20 (2) in subsection (c)(2) by striking “fiscal year
21 2016” and inserting “fiscal year 2017”.

22 (b) *COMPLIANCE WITH AVIATION FUNDING REQUIRE-*
23 *MENT.*—The budget authority authorized in this title, in-
24 cluding the amendments made by this title, shall be deemed
25 to satisfy the requirements of subsections (a)(1)(B) and

1 (a)(2) of section 48114 of title 49, United States Code, for
2 each of fiscal years 2016 and 2017.

3 **SEC. 1107. ESSENTIAL AIR SERVICE.**

4 Section 41742(a)(2) of title 49, United States Code,
5 is amended by striking “fiscal year 2014,” and all that fol-
6 lows through “July 15, 2016,” and inserting “fiscal year
7 2014, \$93,000,000 for fiscal year 2015, and \$175,000,000
8 for each of fiscal years 2016 and 2017”.

9 **Subtitle B—Revenue Provisions**

10 **SEC. 1201. EXPENDITURE AUTHORITY FROM AIRPORT AND**
11 **AIRWAY TRUST FUND.**

12 (a) *IN GENERAL.*—Section 9502(d)(1) of the Internal
13 Revenue Code of 1986 is amended—

14 (1) in the matter preceding subparagraph (A),
15 by striking “July 16, 2016” and inserting “October
16 1, 2017”; and

17 (2) in subparagraph (A), by striking the semi-
18 colon at the end and inserting “or the FAA Exten-
19 sion, Safety, and Security Act of 2016;”.

20 (b) *CONFORMING AMENDMENT.*—Section 9502(e)(2) of
21 such Code is amended by striking “July 16, 2016” and in-
22 serting “October 1, 2017”.

1 **SEC. 1202. EXTENSION OF TAXES FUNDING AIRPORT AND**
2 **AIRWAY TRUST FUND.**

3 (a) *FUEL TAXES.*—Section 4081(d)(2)(B) of the Inter-
4 *nal Revenue Code of 1986 is amended by striking “July*
5 *15, 2016” and inserting “September 30, 2017”.*

6 (b) *TICKET TAXES.*—

7 (1) *PERSONS.*—Section 4261(k)(1)(A)(ii) of such
8 *Code is amended by striking “July 15, 2016” and in-*
9 *serting “September 30, 2017”.*

10 (2) *PROPERTY.*—Section 4271(d)(1)(A)(ii) of
11 *such Code is amended by striking “July 15, 2016”*
12 *and inserting “September 30, 2017”.*

13 (c) *FRACTIONAL OWNERSHIP PROGRAMS.*—

14 (1) *TREATMENT AS NONCOMMERCIAL AVIA-*
15 *TION.*—Section 4083(b) of such Code is amended by
16 *striking “July 16, 2016” and inserting “October 1,*
17 *2017”.*

18 (2) *EXEMPTION FROM TICKET TAXES.*—Section
19 *4261(j) of such Code is amended by striking “July 15,*
20 *2016” and inserting “September 30, 2017”.*

21 **TITLE II—AVIATION SAFETY**
22 **CRITICAL REFORMS**
23 **Subtitle A—Safety**

24 **SEC. 2101. PILOT RECORDS DATABASE DEADLINE.**

25 *Section 44703(i)(2) of title 49, United States Code, is*
26 *amended by striking “The Administrator shall establish”*

1 *and inserting “Not later than April 30, 2017, the Adminis-*
2 *trator shall establish and make available for use”.*

3 **SEC. 2102. COCKPIT AUTOMATION MANAGEMENT.**

4 *Not later than 180 days after the date of enactment*
5 *of this Act, the Administrator of the Federal Aviation Ad-*
6 *ministration shall—*

7 *(1) develop a process to verify that air carrier*
8 *training programs incorporate measures to train pi-*
9 *lots on—*

10 *(A) monitoring automation systems; and*

11 *(B) controlling the flightpath of aircraft*
12 *without autopilot or autoflight systems engaged;*

13 *(2) develop metrics or measurable tasks that air*
14 *carriers can use to evaluate pilot monitoring pro-*
15 *ficiency;*

16 *(3) issue guidance to aviation safety inspectors*
17 *responsible for oversight of the operations of air car-*
18 *riers on tracking and assessing pilots’ proficiency in*
19 *manual flight; and*

20 *(4) issue guidance to air carriers and inspectors*
21 *regarding standards for compliance with the require-*
22 *ments for enhanced pilot training contained in the*
23 *final rule published in the Federal Register on No-*
24 *vember 12, 2013 (78 Fed. Reg. 67800).*

1 **SEC. 2103. ENHANCED MENTAL HEALTH SCREENING FOR**
2 **PILOTS.**

3 *Not later than 180 days after the date of enactment*
4 *of this Act, the Administrator of the Federal Aviation Ad-*
5 *ministration shall consider the recommendations of the*
6 *Pilot Fitness Aviation Rulemaking Committee in deter-*
7 *mining whether to implement, as part of a comprehensive*
8 *medical certification process for pilots with a first- or sec-*
9 *ond-class airman medical certificate, additional screening*
10 *for mental health conditions, including depression and sui-*
11 *cidal thoughts or tendencies, and assess treatments that*
12 *would address any risk associated with such conditions.*

13 **SEC. 2104. LASER POINTER INCIDENTS.**

14 *(a) IN GENERAL.—Beginning 90 days after the date*
15 *of enactment of this Act, the Administrator of the Federal*
16 *Aviation Administration, in coordination with appropriate*
17 *Federal law enforcement agencies, shall provide quarterly*
18 *updates to the appropriate committees of Congress regard-*
19 *ing—*

20 *(1) the number of incidents involving the beam*
21 *from a laser pointer (as defined in section 39A of title*
22 *18, United States Code) being aimed at, or in the*
23 *flight path of, an aircraft in the airspace jurisdiction*
24 *of the United States;*

25 *(2) the number of civil or criminal enforcement*
26 *actions taken by the Federal Aviation Administra-*

1 *tion, the Department of Transportation, or another*
2 *Federal agency with regard to the incidents described*
3 *in paragraph (1), including the amount of the civil*
4 *or criminal penalties imposed on violators;*

5 *(3) the resolution of any incidents described in*
6 *paragraph (1) that did not result in a civil or crimi-*
7 *nal enforcement action; and*

8 *(4) any actions the Department of Transpor-*
9 *tation or another Federal agency has taken on its*
10 *own, or in conjunction with other Federal agencies or*
11 *local law enforcement agencies, to deter the type of ac-*
12 *tivity described in paragraph (1).*

13 *(b) CIVIL PENALTIES.—The Administrator shall revise*
14 *the maximum civil penalty that may be imposed on an in-*
15 *dividual who aims the beam of a laser pointer at an air-*
16 *craft in the airspace jurisdiction of the United States, or*
17 *at the flight path of such an aircraft, to be \$25,000.*

18 **SEC. 2105. CRASH-RESISTANT FUEL SYSTEMS.**

19 *Not later than 1 year after the date of enactment of*
20 *this Act, the Administrator of the Federal Aviation Admin-*
21 *istration shall evaluate and update, as necessary, standards*
22 *for crash-resistant fuel systems for civilian rotorcraft.*

23 **SEC. 2106. HIRING OF AIR TRAFFIC CONTROLLERS.**

24 *(a) IN GENERAL.—Section 44506 of title 49, United*
25 *States Code, is amended by adding at the end the following:*

1 “(f) *HIRING OF CERTAIN AIR TRAFFIC CONTROL SPE-*
2 *CIALISTS.—*

3 “(1) *CONSIDERATION OF APPLICANTS.—*

4 “(A) *ENSURING SELECTION OF MOST QUALI-*
5 *FIED APPLICANTS.—In appointing individuals to*
6 *the position of air traffic controller, the Admin-*
7 *istrator shall give preferential consideration to*
8 *qualified individuals maintaining 52 consecutive*
9 *weeks of air traffic control experience involving*
10 *the full-time active separation of air traffic after*
11 *receipt of an air traffic certification or air traf-*
12 *fic control facility rating within 5 years of ap-*
13 *plication while serving at—*

14 “(i) *a Federal Aviation Administra-*
15 *tion air traffic control facility;*

16 “(ii) *a civilian or military air traffic*
17 *control facility of the Department of De-*
18 *fense; or*

19 “(iii) *a tower operating under contract*
20 *with the Federal Aviation Administration*
21 *under section 47124.*

22 “(B) *CONSIDERATION OF ADDITIONAL AP-*
23 *PLICANTS.—*

24 “(i) *IN GENERAL.—After giving pref-*
25 *erential consideration to applicants under*

1 *subparagraph (A), the Administrator shall*
2 *consider additional applicants for the posi-*
3 *tion of air traffic controller by referring an*
4 *approximately equal number of individuals*
5 *for appointment among the 2 applicant*
6 *pools described in this subparagraph. The*
7 *number of individuals referred for consider-*
8 *ation from each group shall not differ by*
9 *more than 10 percent.*

10 “(i) *POOL 1.—Pool 1 applicants are*
11 *individuals who—*

12 “(I) *have successfully completed*
13 *air traffic controller training and*
14 *graduated from an institution partici-*
15 *pating in the Collegiate Training Ini-*
16 *tiative program maintained under sub-*
17 *section (c)(1) and who have received*
18 *from the institution—*

19 “(aa) *an appropriate rec-*
20 *ommendation; or*

21 “(bb) *an endorsement certi-*
22 *fying that the individual would*
23 *have met the requirements in ef-*
24 *fect as of December 31, 2013, for*
25 *an appropriate recommendation;*

1 “(II) are eligible for a veterans re-
2 cruitment appointment pursuant to
3 section 4214 of title 38 and provide a
4 Certificate of Release or Discharge
5 from Active Duty within 120 days of
6 the announcement closing;

7 “(III) are eligible veterans (as de-
8 fined in section 4211 of title 38) main-
9 taining aviation experience obtained
10 in the course of the individual’s mili-
11 tary experience; or

12 “(IV) are preference eligible vet-
13 erans (as defined in section 2108 of
14 title 5).

15 “(iii) POOL 2.—Pool 2 applicants are
16 individuals who apply under a vacancy an-
17 nouncement recruiting from all United
18 States citizens.

19 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

20 “(A) BIOGRAPHICAL ASSESSMENTS.—The
21 Administrator shall not use any biographical as-
22 sessment when hiring under paragraph (1)(A) or
23 paragraph (1)(B)(ii).

1 “(B) *RECONSIDERATION OF APPLICANTS*
2 *DISQUALIFIED ON BASIS OF BIOGRAPHICAL AS-*
3 *SESSMENTS.—*

4 “(i) *IN GENERAL.—If an individual*
5 *described in paragraph (1)(A) or paragraph*
6 *(1)(B)(ii), who applied for the position of*
7 *air traffic controller with the Administra-*
8 *tion in response to Vacancy Announcement*
9 *FAA-AMC-14-ALLSRCE-33537 (issued*
10 *on February 10, 2014), was disqualified*
11 *from the position as the result of a bio-*
12 *graphical assessment, the Administrator*
13 *shall provide the applicant an opportunity*
14 *to reapply for the position as soon as prac-*
15 *ticable under the revised hiring practices.*

16 “(ii) *WAIVER OF AGE RESTRICTION.—*
17 *The Administrator shall waive any max-*
18 *imum age restriction for the position of air*
19 *traffic controller with the Administration*
20 *that would otherwise disqualify an indi-*
21 *vidual from the position if the individual—*

22 “(I) *is reapplying for the position*
23 *pursuant to clause (i) on or before De-*
24 *cember 31, 2017; and*

1 “(II) met the maximum age re-
2 quirement on the date of the individ-
3 ual’s previous application for the posi-
4 tion during the interim hiring process.

5 “(3) *MAXIMUM ENTRY AGE FOR EXPERIENCED*
6 *CONTROLLERS.*—Notwithstanding section 3307 of title
7 5, the maximum limit of age for an original appoint-
8 ment to a position as an air traffic controller shall
9 be 35 years of age for those maintaining 52 weeks of
10 air traffic control experience involving the full-time
11 active separation of air traffic after receipt of an air
12 traffic certification or air traffic control facility rat-
13 ing in a civilian or military air traffic control facil-
14 ity.”.

15 (b) *NOTIFICATION OF VACANCIES.*—The Administrator
16 of the Federal Aviation Administration shall consider di-
17 rectly notifying secondary schools and institutions of higher
18 learning, including *Historically Black Colleges and Univer-*
19 *sities, Hispanic-serving institutions, Minority Institutions,*
20 *and Tribal Colleges and Universities,* of a vacancy an-
21 nouncement under section 44506(f)(1)(B)(iii) of title 49,
22 *United States Code.*

1 **SEC. 2107. TRAINING POLICIES REGARDING ASSISTANCE**
2 **FOR PERSONS WITH DISABILITIES.**

3 (a) *IN GENERAL.*—Not later than 270 days after the
4 date of enactment of this Act, the Comptroller General of
5 the United States shall submit to Congress a report assess-
6 ing required air carrier personnel and contractor training
7 programs regarding the assistance of persons with disabil-
8 ities, including—

9 (1) *variations in training programs between air*
10 *carriers;*

11 (2) *instances since 2005 where the Department of*
12 *Transportation has requested that an air carrier take*
13 *corrective action following a review of the air car-*
14 *rier’s training programs; and*

15 (3) *actions taken by air carriers following re-*
16 *quests described in paragraph (2).*

17 (b) *BEST PRACTICES.*—After the date the report is sub-
18 mitted under subsection (a), the Secretary of Transpor-
19 tation, based on the findings of the report, shall develop,
20 make publicly available, and appropriately disseminate to
21 air carriers such best practices as the Secretary considers
22 necessary to improve the reviewed training programs.

23 **SEC. 2108. AIR TRAVEL ACCESSIBILITY.**

24 *Not later than 1 year after the date of enactment of*
25 *this Act, the Secretary of Transportation shall issue the*
26 *supplemental notice of proposed rulemaking referenced in*

1 *the Secretary's Report on Significant Rulemakings, dated*
2 *June 15, 2015, and assigned Regulation Identification*
3 *Number 2105-AE12.*

4 **SEC. 2109. ADDITIONAL CERTIFICATION RESOURCES.**

5 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
6 *sion of law, and subject to the requirements of subsection*
7 *(b), the Administrator of the FAA may enter into a reim-*
8 *bursable agreement with an applicant or certificate-holder*
9 *for the reasonable travel and per diem expenses of the FAA*
10 *associated with official travel to expedite the acceptance or*
11 *validation by a foreign authority of an FAA certificate or*
12 *design approval or the acceptance or validation by the FAA*
13 *of a foreign authority certificate or design approval.*

14 (b) *CONDITIONS.*—*The Administrator may enter into*
15 *an agreement under subsection (a) only if—*

16 (1) *the travel covered under the agreement is*
17 *deemed necessary, by both the Administrator and the*
18 *applicant or certificate-holder, to expedite the accept-*
19 *ance or validation of the relevant certificate or ap-*
20 *proval;*

21 (2) *the travel is conducted at the request of the*
22 *applicant or certificate-holder;*

23 (3) *travel plans and expenses are approved by*
24 *the applicant or certificate-holder prior to travel; and*

1 (4) *the agreement requires payment in advance*
2 *of FAA services and is consistent with the processes*
3 *under section 106(l)(6) of title 49, United States*
4 *Code.*

5 (c) *REPORT.*—*Not later than 2 years after the date of*
6 *enactment of this Act, the Administrator shall submit to*
7 *the appropriate committees of Congress a report on—*

8 (1) *the number of occasions on which the Admin-*
9 *istrator entered into reimbursable agreements under*
10 *this section;*

11 (2) *the number of occasions on which the Admin-*
12 *istrator declined a request by an applicant or certifi-*
13 *cate-holder to enter into a reimbursable agreement*
14 *under this section;*

15 (3) *the amount of reimbursements collected in*
16 *accordance with agreements under this section; and*

17 (4) *the extent to which reimbursable agreements*
18 *under this section assisted in reducing the amount of*
19 *time necessary for validations of certificates and de-*
20 *sign approvals.*

21 (d) *DEFINITIONS.*—*In this section, the following defi-*
22 *initions apply:*

23 (1) *APPLICANT.*—*The term “applicant” means a*
24 *person that has—*

1 (A) applied to a foreign authority for the
2 acceptance or validation of an FAA certificate or
3 design approval; or

4 (B) applied to the FAA for the acceptance
5 or validation of a foreign authority certificate or
6 design approval.

7 (2) *CERTIFICATE-HOLDER*.—The term “certifi-
8 cate-holder” means a person that holds a certificate
9 issued by the Administrator under part 21 of title 14,
10 Code of Federal Regulations.

11 (3) *FAA*.—The term “FAA” means the Federal
12 Aviation Administration.

13 **SEC. 2110. TOWER MARKING.**

14 (a) *IN GENERAL*.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator of the Federal
16 Aviation Administration shall issue regulations to require
17 the marking of covered towers.

18 (b) *MARKING REQUIRED*.—The regulations under sub-
19 section (a) shall require that a covered tower be clearly
20 marked in a manner that is consistent with applicable
21 guidance under the Federal Aviation Administration Advi-
22 sory Circular issued December 4, 2015 (AC 70/7460–1L),
23 or other relevant safety guidance, as determined by the Ad-
24 ministrator.

1 (c) *APPLICATION.*—*The regulations issued under sub-*
2 *section (a) shall ensure that—*

3 (1) *all covered towers constructed on or after the*
4 *date on which such regulations take effect are marked*
5 *in accordance with subsection (b); and*

6 (2) *a covered tower constructed before the date on*
7 *which such regulations take effect is marked in ac-*
8 *cordance with subsection (b) not later than 1 year*
9 *after such effective date.*

10 (d) *DEFINITIONS.*—

11 (1) *IN GENERAL.*—*In this section, the following*
12 *definitions apply:*

13 (A) *COVERED TOWER.*—

14 (i) *IN GENERAL.*—*The term “covered*
15 *tower” means a structure that—*

16 (I) *is self-standing or supported*
17 *by guy wires and ground anchors;*

18 (II) *is 10 feet or less in diameter*
19 *at the above-ground base, excluding*
20 *concrete footing;*

21 (III) *at the highest point of the*
22 *structure is at least 50 feet above*
23 *ground level;*

1 (IV) *at the highest point of the*
2 *structure is not more than 200 feet*
3 *above ground level;*

4 (V) *has accessory facilities on*
5 *which an antenna, sensor, camera, me-*
6 *teorological instrument, or other equip-*
7 *ment is mounted; and*

8 (VI) *is located—*

9 (aa) *outside the boundaries*
10 *of an incorporated city or town;*

11 *or*

12 (bb) *on land that is—*

13 (AA) *undeveloped; or*

14 (BB) *used for agricul-*
15 *tural purposes.*

16 (ii) *EXCLUSIONS.—The term “covered*
17 *tower” does not include any structure*
18 *that—*

19 (I) *is adjacent to a house, barn,*
20 *electric utility station, or other build-*
21 *ing;*

22 (II) *is within the curtilage of a*
23 *farmstead;*

24 (III) *supports electric utility*
25 *transmission or distribution lines;*

1 (IV) is a wind-powered electrical
2 generator with a rotor blade radius
3 that exceeds 6 feet; or

4 (V) is a street light erected or
5 maintained by a Federal, State, local,
6 or tribal entity.

7 (B) UNDEVELOPED.—The term “undevel-
8 oped” means a defined geographic area where the
9 Administrator determines low-flying aircraft are
10 operated on a routine basis, such as low-lying
11 forested areas with predominant tree cover under
12 200 feet and pasture and range land.

13 (2) OTHER DEFINITIONS.—The Administrator
14 shall define such other terms as may be necessary to
15 carry out this section.

16 (e) DATABASE.—The Administrator shall—

17 (1) develop a database that contains the location
18 and height of each covered tower;

19 (2) keep the database current to the extent prac-
20 ticable;

21 (3) ensure that any proprietary information in
22 the database is protected from disclosure in accord-
23 ance with law; and

1 (4) ensure that, by virtue of accessing the data-
2 base, users agree and acknowledge that information in
3 the database—

4 (A) may only be used for aviation safety
5 purposes; and

6 (B) may not be disclosed for purposes other
7 than aviation safety, regardless of whether or not
8 the information is marked or labeled as propri-
9 etary or with a similar designation.

10 **SEC. 2111. AVIATION CYBERSECURITY.**

11 (a) *COMPREHENSIVE AND STRATEGIC AVIATION*
12 *FRAMEWORK.*—

13 (1) *IN GENERAL.*—Not later than 240 days after
14 the date of enactment of this Act, the Administrator
15 of the Federal Aviation Administration shall facili-
16 tate and support the development of a comprehensive
17 and strategic framework of principles and policies to
18 reduce cybersecurity risks to the national airspace
19 system, civil aviation, and agency information sys-
20 tems using a total systems approach that takes into
21 consideration the interactions and interdependence of
22 different components of aircraft systems and the na-
23 tional airspace system.

24 (2) *SCOPE.*—In carrying out paragraph (1), the
25 Administrator shall—

1 (A) *identify and address the cybersecurity*
2 *risks associated with—*

3 (i) *the modernization of the national*
4 *airspace system;*

5 (ii) *the automation of aircraft, equip-*
6 *ment, and technology; and*

7 (iii) *aircraft systems, including by—*

8 (I) *directing the Aircraft Systems*
9 *Information Security Protection Work-*
10 *ing Group—*

11 (aa) *to assess cybersecurity*
12 *risks to aircraft systems;*

13 (bb) *to review the extent to*
14 *which existing rulemaking, policy,*
15 *and guidance to promote safety*
16 *also promote aircraft systems in-*
17 *formation security protection; and*

18 (cc) *to provide appropriate*
19 *recommendations to the Adminis-*
20 *trator if separate or additional*
21 *rulemaking, policy, or guidance is*
22 *needed to address cybersecurity*
23 *risks to aircraft systems; and*

24 (II) *identifying and addressing—*

1 (aa) cybersecurity risks asso-
2 ciated with in-flight entertain-
3 ment systems; and

4 (bb) whether in-flight enter-
5 tainment systems can and should
6 be isolated and separate, such as
7 through an air gap, under exist-
8 ing rulemaking, policy, and guid-
9 ance;

10 (B) clarify cybersecurity roles and respon-
11 sibilities of offices and employees of the Federal
12 Aviation Administration, as the roles and re-
13 sponsibilities relate to cybersecurity at the Fed-
14 eral Aviation Administration;

15 (C) identify and implement objectives and
16 actions to reduce cybersecurity risks to air traffic
17 control information systems, including actions to
18 improve implementation of information security
19 standards, such as those of the National Institute
20 of Standards and Technology;

21 (D) support voluntary efforts by industry,
22 RTCA, Inc., and other standards-setting organi-
23 zations to develop and identify consensus stand-
24 ards and best practices relating to guidance on
25 aviation systems information security protection,

1 *consistent, to the extent appropriate, with the cy-*
2 *bersecurity risk management activities described*
3 *in section 2(e) of the National Institute of*
4 *Standards and Technology Act (15 U.S.C.*
5 *272(e));*

6 *(E) establish guidelines for the voluntary*
7 *exchange of information between and among*
8 *aviation stakeholders pertaining to aviation-re-*
9 *lated cybersecurity incidents, threats, and*
10 *vulnerabilities;*

11 *(F) identify short- and long-term objectives*
12 *and actions that can be taken in response to cy-*
13 *bersecurity risks to the national airspace system;*
14 *and*

15 *(G) identify research and development ac-*
16 *tivities to inform actions in response to cyberse-*
17 *curity risks.*

18 (3) *IMPLEMENTATION REQUIREMENTS.—In car-*
19 *rying out the activities under this subsection, the Ad-*
20 *ministrator shall—*

21 *(A) coordinate with aviation stakeholders,*
22 *including, at a minimum, representatives of in-*
23 *dustry, airlines, manufacturers, airports, RTCA,*
24 *Inc., and unions;*

1 (B) consult with the heads of relevant agen-
2 cies and with international regulatory authori-
3 ties;

4 (C) if determined appropriate, convene an
5 expert panel or working group to identify and
6 address cybersecurity risks; and

7 (D) evaluate, on a periodic basis, the effec-
8 tiveness of the principles established under this
9 subsection.

10 (b) *UPDATE ON CYBERSECURITY IMPLEMENTATION*
11 *PROGRESS.*—Not later than 90 days after the date of enact-
12 *ment of this Act, the Administrator shall provide to the ap-*
13 *propriate committees of Congress an update on progress*
14 *made toward the implementation of this section.*

15 (c) *CYBERSECURITY THREAT MODEL.*—Not later than
16 *1 year after the date of enactment of this Act, the Adminis-*
17 *trator, in consultation with the Director of the National In-*
18 *stitute of Standards and Technology, shall implement the*
19 *open recommendation issued in 2015 by the Government*
20 *Accountability Office to assess and research the potential*
21 *cost and timetable of developing and maintaining an agen-*
22 *cywide threat model, which shall be updated regularly, to*
23 *strengthen the cybersecurity of agency systems across the*
24 *Federal Aviation Administration. The Administrator shall*
25 *brief the Committee on Science, Space, and Technology and*

1 *the Committee on Transportation and Infrastructure of the*
2 *House of Representatives and the Committee on Commerce,*
3 *Science, and Transportation of the Senate on the status,*
4 *results, and composition of the threat model.*

5 (d) NATIONAL INSTITUTE OF STANDARDS AND TECH-
6 NOLOGY INFORMATION SECURITY STANDARDS.—Not later
7 than 180 days after the date of enactment of this Act, the
8 Administrator of the Federal Aviation Administration,
9 after consultation with the Director of the National Insti-
10 tute of Standards and Technology, shall transmit to the
11 Committee on Science, Space, and Technology and the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report on—

15 (1) a cybersecurity standards plan to improve
16 implementation of the National Institute of Stand-
17 ards and Technology’s latest revisions to information
18 security guidance for Federal Aviation Administra-
19 tion information and Federal Aviation Administra-
20 tion information systems within set timeframes; and

21 (2) an explanation of why any such revisions are
22 not incorporated in the plan or are not incorporated
23 within set timeframes.

24 (e) CYBERSECURITY RESEARCH AND DEVELOP-
25 MENT.—Not later than 1 year after the date of enactment

1 *of this Act, the Administrator, in consultation with other*
2 *agencies as appropriate, shall establish a cybersecurity re-*
3 *search and development plan for the national airspace sys-*
4 *tem, including—*

5 *(1) any proposal for research and development*
6 *cooperation with international partners;*

7 *(2) an evaluation and determination of research*
8 *and development needs to determine any cybersecurity*
9 *risks of cabin communications and cabin information*
10 *technology systems on board in the passenger domain;*
11 *and*

12 *(3) objectives, proposed tasks, milestones, and a*
13 *5-year budgetary profile.*

14 **SEC. 2112. REPAIR STATIONS LOCATED OUTSIDE UNITED**
15 **STATES.**

16 *(a) RISK-BASED OVERSIGHT.—Section 44733 of title*
17 *49, United States Code, is amended—*

18 *(1) by redesignating subsection (f) as subsection*
19 *(g);*

20 *(2) by inserting after subsection (e) the following:*

21 *“(f) RISK-BASED OVERSIGHT.—*

22 *“(1) IN GENERAL.—Not later than 90 days after*
23 *the date of enactment of the FAA Extension, Safety,*
24 *and Security Act of 2016, the Administrator shall*

1 *take measures to ensure that the safety assessment*
2 *system established under subsection (a)—*

3 “(A) *places particular consideration on in-*
4 *spections of part 145 repair stations located out-*
5 *side the United States that conduct scheduled*
6 *heavy maintenance work on part 121 air carrier*
7 *aircraft; and*

8 “(B) *accounts for the frequency and serious-*
9 *ness of any corrective actions that part 121 air*
10 *carriers must implement to aircraft following*
11 *such work at such repair stations.*

12 “(2) *INTERNATIONAL AGREEMENTS.—The Ad-*
13 *ministrator shall take the measures required under*
14 *paragraph (1)—*

15 “(A) *in accordance with United States obli-*
16 *gations under applicable international agree-*
17 *ments; and*

18 “(B) *in a manner consistent with the appli-*
19 *cable laws of the country in which a repair sta-*
20 *tion is located.*

21 “(3) *ACCESS TO DATA.—The Administrator may*
22 *access and review such information or data in the*
23 *possession of a part 121 air carrier as the Adminis-*
24 *trator may require in carrying out paragraph*
25 *(1)(B).”; and*

1 (3) *in subsection (g) (as so redesignated)*—

2 (A) *by redesignating paragraphs (1) and*

3 (2) *as paragraphs (2) and (3), respectively; and*

4 (B) *by inserting before paragraph (2) (as so*
5 *redesignated) the following:*

6 “(1) *HEAVY MAINTENANCE WORK.—The term*
7 *‘heavy maintenance work’ means a C-check, a D-*
8 *check, or equivalent maintenance operation with re-*
9 *spect to the airframe of a transport-category air-*
10 *craft.’”.*

11 (b) *ALCOHOL AND CONTROLLED SUBSTANCES TEST-*
12 *ING.—The Administrator of the Federal Aviation Adminis-*
13 *tration shall ensure that—*

14 (1) *not later than 90 days after the date of en-*
15 *actment of this Act, a notice of proposed rulemaking*
16 *required pursuant to section 44733(d)(2) is published*
17 *in the Federal Register; and*

18 (2) *not later than 1 year after the date on which*
19 *the notice of proposed rulemaking is published in the*
20 *Federal Register, the rulemaking is finalized.*

21 (c) *BACKGROUND INVESTIGATIONS.—Not later than*
22 *180 days after the date of enactment of this Act, the Admin-*
23 *istrator shall ensure that each employee of a repair station*
24 *certificated under part 145 of title 14, Code of Federal Reg-*
25 *ulations, who performs a safety-sensitive function on an air*

1 *carrier aircraft has undergone a pre-employment back-*
2 *ground investigation sufficient to determine whether the in-*
3 *dividual presents a threat to aviation safety, in a manner*
4 *that is—*

- 5 (1) *determined acceptable by the Administrator;*
- 6 (2) *consistent with the applicable laws of the*
7 *country in which the repair station is located; and*
- 8 (3) *consistent with the United States obligations*
9 *under international agreements.*

10 **SEC. 2113. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.**

11 *Section 44734(a) of title 49, United States Code, is*
12 *amended—*

13 (1) *in paragraph (2) by striking “and” at the*
14 *end;*

15 (2) *in paragraph (3) by striking the period at*
16 *the end and inserting “; and”; and*

17 (3) *by adding at the end the following:*

18 “(4) *recognizing and responding to potential*
19 *human trafficking victims.”.*

20 ***Subtitle B—UAS Safety***

21 **SEC. 2201. DEFINITIONS.**

22 (a) *DEFINITIONS APPLIED.—In this subtitle, the terms*
23 *“unmanned aircraft”, “unmanned aircraft system”, and*
24 *“small unmanned aircraft” have the meanings given those*
25 *terms in section 331 of the FAA Modernization and Reform*

1 *Act of 2012 (49 U.S.C. 40101 note), as amended by this*
2 *Act.*

3 (b) *FAA MODERNIZATION AND REFORM ACT.*—Section
4 *331 of the FAA Modernization and Reform Act of 2012 (49*
5 *U.S.C. 40101 note) is amended—*

6 (1) *in paragraph (6) by inserting “, including*
7 *everything that is on board or otherwise attached to*
8 *the aircraft” after “55 pounds”; and*

9 (2) *by striking paragraph (7) and inserting the*
10 *following:*

11 “(7) *TEST RANGE.*—

12 “(A) *IN GENERAL.*—The term ‘test range’
13 *means a defined geographic area where research*
14 *and development are conducted as authorized by*
15 *the Administrator of the Federal Aviation Ad-*
16 *ministration.*

17 “(B) *INCLUSIONS.*—The term ‘test range’
18 *includes any of the 6 test ranges established by*
19 *the Administrator of the Federal Aviation Ad-*
20 *ministration under section 332(c), as in effect on*
21 *the day before the date of enactment of this sub-*
22 *paragraph, and any public entity authorized by*
23 *the Federal Aviation Administration as an un-*
24 *manned aircraft system flight test center before*
25 *January 1, 2009.”.*

1 **SEC. 2202. IDENTIFICATION STANDARDS.**

2 (a) *IN GENERAL.*—*The Administrator of the Federal*
3 *Aviation Administration, in consultation with the Sec-*
4 *retary of Transportation, the President of RTCA, Inc., and*
5 *the Director of the National Institute of Standards and*
6 *Technology, shall convene industry stakeholders to facilitate*
7 *the development of consensus standards for remotely identi-*
8 *fying operators and owners of unmanned aircraft systems*
9 *and associated unmanned aircraft.*

10 (b) *CONSIDERATIONS.*—*As part of any standards de-*
11 *veloped under subsection (a), the Administrator shall ensure*
12 *the consideration of—*

13 (1) *requirements for remote identification of un-*
14 *manned aircraft systems;*

15 (2) *appropriate requirements for different classi-*
16 *fications of unmanned aircraft systems operations,*
17 *including public and civil; and*

18 (3) *the feasibility of the development and oper-*
19 *ation of a publicly accessible online database of un-*
20 *manned aircraft and the operators thereof, and any*
21 *criteria for exclusion from the database.*

22 (c) *DEADLINE.*—*Not later than 1 year after the date*
23 *of enactment of this Act, the Administrator shall submit*
24 *to the appropriate committees of Congress a report on any*
25 *standards developed under subsection (a).*

1 (d) *GUIDANCE.*—Not later than 1 year after the date
2 on which the Administrator submits the report under sub-
3 section (c), the Administrator shall issue regulations or
4 guidance, as appropriate, based on any standards developed
5 under subsection (a).

6 **SEC. 2203. SAFETY STATEMENTS.**

7 (a) *REQUIRED INFORMATION.*—Beginning on the date
8 that is 1 year after the date of publication of the guidance
9 under subsection (b)(1), a manufacturer of a small un-
10 manned aircraft shall make available to the owner at the
11 time of delivery of the small unmanned aircraft the safety
12 statement described in subsection (b)(2).

13 (b) *SAFETY STATEMENT.*—

14 (1) *IN GENERAL.*—Not later than 1 year after
15 the date of enactment of this Act, the Administrator
16 of the Federal Aviation Administration shall issue
17 guidance for implementing this section.

18 (2) *REQUIREMENTS.*—A safety statement re-
19 quired under subsection (a) shall include—

20 (A) information about, and sources of, laws
21 and regulations applicable to small unmanned
22 aircraft;

23 (B) recommendations for using small un-
24 manned aircraft in a manner that promotes the
25 safety of persons and property;

1 (C) the date that the safety statement was
2 created or last modified; and

3 (D) language approved by the Adminis-
4 trator regarding the following:

5 (i) A person may operate the small un-
6 manned aircraft as a model aircraft (as de-
7 fined in section 336 of the FAA Moderniza-
8 tion and Reform Act of 2012 (49 U.S.C.
9 40101 note)) or otherwise in accordance
10 with Federal Aviation Administration au-
11 thorization or regulation, including require-
12 ments for the completion of any applicable
13 airman test.

14 (ii) The definition of a model aircraft
15 under section 336 of the FAA Moderniza-
16 tion and Reform Act of 2012 (49 U.S.C.
17 40101 note).

18 (iii) The requirements regarding the
19 operation of a model aircraft under section
20 336 of the FAA Modernization and Reform
21 Act of 2012 (49 U.S.C. 40101 note).

22 (iv) The Administrator may pursue
23 enforcement action against a person oper-
24 ating model aircraft who endangers the
25 safety of the national airspace system.

1 (c) *CIVIL PENALTY.*—A person who violates subsection
2 (a) shall be liable for each violation to the United States
3 Government for a civil penalty described in section
4 46301(a) of title 49, United States Code.

5 **SEC. 2204. FACILITATING INTERAGENCY COOPERATION FOR**
6 **UNMANNED AIRCRAFT AUTHORIZATION IN**
7 **SUPPORT OF FIREFIGHTING OPERATIONS**
8 **AND UTILITY RESTORATION.**

9 (a) *FIREFIGHTING OPERATIONS.*—The Administrator
10 of the Federal Aviation Administration shall enter into
11 agreements with the Secretary of the Interior and the Sec-
12 retary of Agriculture, as necessary, to continue the expedi-
13 tious authorization of safe unmanned aircraft system oper-
14 ations in support of firefighting operations consistent with
15 the requirements of section 334(c) of the FAA Moderniza-
16 tion and Reform Act of 2012 (49 U.S.C. 40101 note).

17 (b) *UTILITY RESTORATION.*—The Administrator shall
18 enter into agreements with the Secretary of Energy and
19 with such other agencies or parties, including the Federal
20 Emergency Management Agency, as are necessary to facili-
21 tate the expeditious authorization of safe unmanned air-
22 craft system operations in support of service restoration ef-
23 forts of utilities.

24 (c) *DEFINITION OF UTILITY.*—In this section, the term
25 “utility” shall at a minimum include the definition in sec-

1 tion 3(4) of the Public Utility Regulatory Policies Act of
2 1978 (16 U.S.C. 2602(4)).

3 **SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION,**
4 **LAW ENFORCEMENT, OR EMERGENCY RE-**
5 **SPONSE EFFORT BY OPERATION OF UN-**
6 **MANNED AIRCRAFT.**

7 (a) *IN GENERAL.*—Chapter 463 of title 49, United
8 States Code, is amended by adding at the end the following:
9 **“§46320. Interference with wildfire suppression, law**
10 **enforcement, or emergency response effort**
11 **by operation of unmanned aircraft**

12 “(a) *IN GENERAL.*—Except as provided in subsection
13 (b), an individual who operates an unmanned aircraft and
14 in so doing knowingly or recklessly interferes with a wild-
15 fire suppression, law enforcement, or emergency response ef-
16 fort is liable to the United States Government for a civil
17 penalty of not more than \$20,000.

18 “(b) *EXCEPTIONS.*—This section does not apply to the
19 operation of an unmanned aircraft conducted by a unit or
20 agency of the United States Government or of a State, trib-
21 al, or local government (including any individual con-
22 ducting such operation pursuant to a contract or other
23 agreement entered into with the unit or agency) for the pur-
24 pose of protecting the public safety and welfare, including
25 firefighting, law enforcement, or emergency response.

1 “(c) *COMPROMISE AND SETOFF.*—

2 “(1) *COMPROMISE.*—*The United States Govern-*
3 *ment may compromise the amount of a civil penalty*
4 *imposed under this section.*

5 “(2) *SETOFF.*—*The United States Government*
6 *may deduct the amount of a civil penalty imposed or*
7 *compromised under this section from the amounts the*
8 *Government owes the person liable for the penalty.*

9 “(d) *DEFINITIONS.*—*In this section, the following defi-*
10 *initions apply:*

11 “(1) *WILDFIRE.*—*The term ‘wildfire’ has the*
12 *meaning given that term in section 2 of the Emer-*
13 *gency Wildfire Suppression Act (42 U.S.C. 1856m).*

14 “(2) *WILDFIRE SUPPRESSION.*—*The term ‘wild-*
15 *fire suppression’ means an effort to contain, extin-*
16 *guish, or suppress a wildfire.”.*

17 “(b) *FAA TO IMPOSE CIVIL PENALTY.*—*Section*
18 *46301(d)(2) of title 49, United States Code, is amended by*
19 *inserting “section 46320,” after “section 46319,”.*

20 “(c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
21 *463 of title 49, United States Code, is amended by adding*
22 *at the end the following:*

 “46320. *Interference with wildfire suppression, law enforcement, or emergency re-*
 sponse effort by operation of unmanned aircraft.”.

1 **SEC. 2206. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**
2 **SPACE HAZARD MITIGATION.**

3 (a) *IN GENERAL.*—*The Administrator of the Federal*
4 *Aviation Administration shall establish a pilot program for*
5 *airspace hazard mitigation at airports and other critical*
6 *infrastructure using unmanned aircraft detection systems.*

7 (b) *CONSULTATION.*—*In carrying out the pilot pro-*
8 *gram under subsection (a), the Administrator shall work*
9 *with the Secretary of Defense, the Secretary of Homeland*
10 *Security, and the heads of other relevant Federal depart-*
11 *ments and agencies for the purpose of ensuring that tech-*
12 *nologies that are developed, tested, or deployed by those de-*
13 *partments and agencies to mitigate threats posed by errant*
14 *or hostile unmanned aircraft system operations do not ad-*
15 *versely impact or interfere with safe airport operations,*
16 *navigation, air traffic services, or the safe and efficient op-*
17 *eration of the national airspace system.*

18 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated from the Airport and Airway*
20 *Trust Fund to carry out this section \$6,000,000, to remain*
21 *available until expended.*

22 (d) *AUTHORITY.*—*After the pilot program established*
23 *under subsection (a) ceases to be effective pursuant to sub-*
24 *section (g), the Administrator may use unmanned aircraft*
25 *detection systems to detect and mitigate the unauthorized*

1 *operation of an unmanned aircraft that poses a risk to*
2 *aviation safety.*

3 *(e) REPORT.—*

4 *(1) IN GENERAL.—Not later than 18 months*
5 *after the date of enactment of this Act, the Adminis-*
6 *trator shall submit to the appropriate committees of*
7 *Congress a report on the results of the pilot program*
8 *established under subsection (a).*

9 *(2) CONTENTS.—The report required under*
10 *paragraph (1) shall include the following:*

11 *(A) The number of unauthorized unmanned*
12 *aircraft operations detected, together with a de-*
13 *scription of such operations.*

14 *(B) The number of instances in which un-*
15 *authorized unmanned aircraft were mitigated,*
16 *together with a description of such instances.*

17 *(C) The number of enforcement cases*
18 *brought by the Federal Aviation Administration*
19 *for unauthorized operation of unmanned aircraft*
20 *detected through the pilot program, together with*
21 *a description of such cases.*

22 *(D) The number of any technical failures in*
23 *the pilot program, together with a description of*
24 *such failures.*

1 (E) *Recommendations for safety and oper-*
2 *ational standards for unmanned aircraft detec-*
3 *tion systems.*

4 (F) *The feasibility of deployment of the sys-*
5 *tems at other airports.*

6 (3) *FORMAT.—To the extent practicable, the re-*
7 *port prepared under paragraph (1) shall be submitted*
8 *in a classified format. If appropriate, the report may*
9 *include an unclassified summary.*

10 (f) *SUNSET.—The pilot program established under*
11 *subsection (a) shall cease to be effective on the earlier of—*

12 (1) *the date that is 18 months after the date of*
13 *enactment of this Act; and*

14 (2) *the date of the submission of the report under*
15 *subsection (e).*

16 **SEC. 2207. EMERGENCY EXEMPTION PROCESS.**

17 (a) *IN GENERAL.—Not later than 90 days after the*
18 *date of enactment of this Act, the Administrator of the Fed-*
19 *eral Aviation Administration shall publish guidance for ap-*
20 *plications for, and procedures for the processing of, on an*
21 *emergency basis, exemptions or certificates of authorization*
22 *or waiver for the use of unmanned aircraft systems by civil*
23 *or public operators in response to a catastrophe, disaster,*
24 *or other emergency to facilitate emergency response oper-*
25 *ations, such as firefighting, search and rescue, and utility*

1 *and infrastructure restoration efforts. In processing such*
2 *applications, the Administrator shall give priority to appli-*
3 *cations for public unmanned aircraft systems engaged in*
4 *emergency response activities.*

5 (b) *REQUIREMENTS.—In providing guidance under*
6 *subsection (a), the Administrator shall—*

7 (1) *make explicit any safety requirements that*
8 *must be met for the consideration of applications that*
9 *include requests for beyond visual line of sight or*
10 *nighttime operations, or the suspension of otherwise*
11 *applicable operating restrictions, consistent with pub-*
12 *lic interest and safety; and*

13 (2) *explicitly state the procedures for coordi-*
14 *nating with an incident commander, if any, to ensure*
15 *operations granted under procedures developed under*
16 *subsection (a) do not interfere with other emergency*
17 *response efforts.*

18 (c) *REVIEW.—In processing applications on an emer-*
19 *gency basis for exemptions or certificates of authorization*
20 *or waiver for unmanned aircraft systems operations in re-*
21 *sponse to a catastrophe, disaster, or other emergency, the*
22 *Administrator shall act on such applications as expedi-*
23 *tiously as practicable and without requiring public notice*
24 *and comment.*

1 **SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**
2 **AGEMENT.**

3 (a) *RESEARCH PLAN FOR UTM DEVELOPMENT AND*
4 *DEPLOYMENT.*—

5 (1) *IN GENERAL.*—*The Administrator of the Fed-*
6 *eral Aviation Administration (in this section referred*
7 *to as the “Administrator”), in coordination with the*
8 *Administrator of the National Aeronautics and Space*
9 *Administration, shall continue development of a re-*
10 *search plan for unmanned aircraft systems traffic*
11 *management (in this section referred to as “UTM”)*
12 *development and deployment.*

13 (2) *REQUIREMENTS.*—*In developing the research*
14 *plan, the Administrator shall—*

15 (A) *identify research outcomes sought; and*

16 (B) *ensure the plan is consistent with exist-*
17 *ing regulatory and operational frameworks, and*
18 *considers potential future regulatory and oper-*
19 *ational frameworks, for unmanned aircraft sys-*
20 *tems in the national airspace system.*

21 (3) *ASSESSMENT.*—*The research plan shall in-*
22 *clude an assessment of the interoperability of a UTM*
23 *system with existing and potential future air traffic*
24 *management systems and processes.*

25 (4) *DEADLINES.*—*The Administrator shall—*

1 (A) initiate development of the research
2 plan not later than 60 days after the date of en-
3 actment of this Act; and

4 (B) not later than 180 days after the date
5 of enactment of this Act—

6 (i) complete the research plan;

7 (ii) submit the research plan to the
8 Committee on Commerce, Science, and
9 Transportation of the Senate and the Com-
10 mittee on Science, Space, and Technology
11 and the Committee on Transportation and
12 Infrastructure of the House of Representa-
13 tives; and

14 (iii) publish the research plan on the
15 Internet Web site of the Federal Aviation
16 Administration.

17 (b) PILOT PROGRAM.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of submission of the research plan under sub-
20 section (a)(4)(B), the Administrator, in coordination
21 with the Administrator of the National Aeronautics
22 and Space Administration, the Drone Advisory Com-
23 mittee, the research advisory committee established by
24 section 44508(a) of title 49, United States Code, and

1 *representatives of the unmanned aircraft industry,*
2 *shall establish a UTM system pilot program.*

3 (2) *SUNSET.*—*Not later than 2 years after the*
4 *date of establishment of the pilot program, the Ad-*
5 *ministrator shall conclude the pilot program.*

6 (c) *UPDATES.*—*Not later than 180 days after the date*
7 *of establishment of the pilot program, and every 180 days*
8 *thereafter until the date of conclusion of the pilot program,*
9 *the Administrator shall submit to the Committee on Com-*
10 *merce, Science, and Transportation of the Senate and the*
11 *Committee on Science, Space, and Technology and the Com-*
12 *mittee on Transportation and Infrastructure of the House*
13 *of Representatives an update on the status and progress of*
14 *the pilot program.*

15 **SEC. 2209. APPLICATIONS FOR DESIGNATION.**

16 (a) *APPLICATIONS FOR DESIGNATION.*—*Not later than*
17 *180 days after the date of enactment of this Act, the Sec-*
18 *retary of Transportation shall establish a process to allow*
19 *applicants to petition the Administrator of the Federal*
20 *Aviation Administration to prohibit or restrict the oper-*
21 *ation of an unmanned aircraft in close proximity to a fixed*
22 *site facility.*

23 (b) *REVIEW PROCESS.*—

24 (1) *APPLICATION PROCEDURES.*—

1 (A) *IN GENERAL.*—*The Administrator shall*
2 *establish the procedures for the application for*
3 *designation under subsection (a).*

4 (B) *REQUIREMENTS.*—*The procedures shall*
5 *allow operators or proprietors of fixed site facili-*
6 *ties to apply for designation individually or col-*
7 *lectively.*

8 (C) *CONSIDERATIONS.*—*Only the following*
9 *may be considered fixed site facilities:*

10 (i) *Critical infrastructure, such as en-*
11 *ergy production, transmission, and dis-*
12 *tribution facilities and equipment.*

13 (ii) *Oil refineries and chemical facili-*
14 *ties.*

15 (iii) *Amusement parks.*

16 (iv) *Other locations that warrant such*
17 *restrictions.*

18 (2) *DETERMINATION.*—

19 (A) *IN GENERAL.*—*The Secretary shall pro-*
20 *vide for a determination under the review proc-*
21 *ess established under subsection (a) not later*
22 *than 90 days after the date of application, unless*
23 *the applicant is provided with written notice de-*
24 *scribing the reason for the delay.*

1 (B) *AFFIRMATIVE DESIGNATIONS.*—An af-
2 firmative designation shall outline—

3 (i) the boundaries for unmanned air-
4 craft operation near the fixed site facility;
5 and

6 (ii) such other limitations that the Ad-
7 ministrator determines may be appropriate.

8 (C) *CONSIDERATIONS.*—In making a deter-
9 mination whether to grant or deny an applica-
10 tion for a designation, the Administrator may
11 consider—

12 (i) aviation safety;

13 (ii) protection of persons and property
14 on the ground;

15 (iii) national security; or

16 (iv) homeland security.

17 (D) *OPPORTUNITY FOR RESUBMISSION.*—If
18 an application is denied, and the applicant can
19 reasonably address the reason for the denial, the
20 Administrator may allow the applicant to re-
21 apply for designation.

22 (e) *PUBLIC INFORMATION.*—Designations under sub-
23 section (a) shall be published by the Federal Aviation Ad-
24 ministration on a publicly accessible website.

1 (d) *SAVINGS CLAUSE.*—*Nothing in this section may*
2 *be construed as prohibiting the Administrator from author-*
3 *izing operation of an aircraft, including an unmanned air-*
4 *craft system, over, under, or within a specified distance*
5 *from that fixed site facility designated under subsection (b).*

6 **SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL IN-**
7 **FRASTRUCTURE.**

8 (a) *IN GENERAL.*—*Any application process established*
9 *under section 333 of the FAA Modernization and Reform*
10 *Act of 2012 (49 U.S.C. 40101 note) shall allow for a person*
11 *to apply to the Administrator of the Federal Aviation Ad-*
12 *ministration to operate an unmanned aircraft system, for*
13 *purposes of conducting an activity described in subsection*
14 *(b)—*

15 (1) *beyond the visual line of sight of the indi-*
16 *vidual operating the unmanned aircraft system; and*
17 (2) *during the day or at night.*

18 (b) *ACTIVITIES DESCRIBED.*—*The activities described*
19 *in this subsection are—*

20 (1) *activities for which manned aircraft may be*
21 *used to comply with Federal, State, or local laws, in-*
22 *cluding—*

23 (A) *activities to ensure compliance with*
24 *Federal or State regulatory, permit, or other re-*
25 *quirements, including to conduct surveys associ-*

1 *ated with applications for permits for new pipe-*
2 *line or pipeline systems construction or mainte-*
3 *nance or rehabilitation of existing pipelines or*
4 *pipeline systems; and*

5 *(B) activities relating to ensuring compli-*
6 *ance with—*

7 *(i) parts 192 and 195 of title 49, Code*
8 *of Federal Regulations; and*

9 *(ii) the requirements of any Federal,*
10 *State, or local governmental or regulatory*
11 *body, or industry best practice, pertaining*
12 *to the construction, ownership, operation,*
13 *maintenance, repair, or replacement of cov-*
14 *ered facilities;*

15 *(2) activities to inspect, repair, construct, main-*
16 *tain, or protect covered facilities, including for the*
17 *purpose of responding to a pipeline, pipeline system,*
18 *or electric energy infrastructure incident; and*

19 *(3) activities in response to or in preparation for*
20 *a natural disaster, manmade disaster, severe weather*
21 *event, or other incident beyond the control of the ap-*
22 *plicant that may cause material damage to a covered*
23 *facility.*

24 *(c) DEFINITIONS.—In this section, the following defi-*
25 *nitions apply:*

1 (1) *COVERED FACILITY.*—*The term “covered fa-*
2 *cility” means—*

3 (A) *a pipeline or pipeline system;*

4 (B) *an electric energy generation, trans-*
5 *mission, or distribution facility (including a re-*
6 *newable electric energy facility);*

7 (C) *an oil or gas production, refining, or*
8 *processing facility; or*

9 (D) *any other critical infrastructure facil-*
10 *ity.*

11 (2) *CRITICAL INFRASTRUCTURE.*—*The term*
12 *“critical infrastructure” has the meaning given that*
13 *term in section 2339D of title 18, United States Code.*

14 (d) *DEADLINES.*—

15 (1) *CERTIFICATION TO CONGRESS.*—*Not later*
16 *than 90 days after the date of enactment of this Act,*
17 *the Administrator shall submit to the appropriate*
18 *committees of Congress a certification that a process*
19 *has been established to facilitate applications for un-*
20 *manned aircraft systems operations described in this*
21 *section.*

22 (2) *FAILURE TO MEET CERTIFICATION DEAD-*
23 *LINE.*—*If the Administrator cannot provide a certifi-*
24 *cation under paragraph (1), the Administrator, not*
25 *later than 180 days after the deadline specified in*

1 *paragraph (1), shall update the process under section*
2 *333 of the FAA Modernization and Reform Act of*
3 *2012 (49 U.S.C. 40101 note) to facilitate applications*
4 *for unmanned aircraft systems operations described*
5 *in this section.*

6 *(e) EXEMPTIONS.—In addition to the operations de-*
7 *scribed in this section, the Administrator may authorize,*
8 *exempt, or otherwise allow other unmanned aircraft systems*
9 *operations under section 333 of the FAA Modernization and*
10 *Reform Act of 2012 (49 U.S.C. 40101 note) that are con-*
11 *ducted beyond the visual line of sight of the individual oper-*
12 *ating the unmanned aircraft system or during the day or*
13 *at night.*

14 **SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND**
15 **DEVELOPMENT ROADMAP.**

16 *Section 332(a)(5) of the FAA Modernization and Re-*
17 *form Act of 2012 (49 U.S.C. 40101 note) is amended—*

18 *(1) by inserting “, in coordination with the Ad-*
19 *ministrator of the National Aeronautics and Space*
20 *Administration (NASA) and relevant stakeholders,*
21 *including those in industry and academia,” after*
22 *“update”; and*

23 *(2) by inserting after “annually.” the following:*
24 *“The roadmap shall include, at a minimum—*

1 “(A) cost estimates, planned schedules, and
2 performance benchmarks, including specific
3 tasks, milestones, and timelines, for unmanned
4 aircraft systems integration into the national
5 airspace system, including an identification of—

6 “(i) the role of the unmanned aircraft
7 systems test ranges established under sub-
8 section (c) and the Unmanned Aircraft Sys-
9 tems Center of Excellence;

10 “(ii) performance objectives for un-
11 manned aircraft systems that operate in the
12 national airspace system; and

13 “(iii) research and development prior-
14 ities for tools that could assist air traffic
15 controllers as unmanned aircraft systems
16 are integrated into the national airspace
17 system, as appropriate;

18 “(B) a description of how the Administra-
19 tion plans to use research and development, in-
20 cluding research and development conducted
21 through NASA’s Unmanned Aircraft Systems
22 Traffic Management initiatives, to accommodate,
23 integrate, and provide for the evolution of un-
24 manned aircraft systems in the national air-
25 space system;

1 “(C) an assessment of critical performance
2 abilities necessary to integrate unmanned air-
3 craft systems into the national airspace system,
4 and how these performance abilities can be dem-
5 onstrated; and

6 “(D) an update on the advancement of tech-
7 nologies needed to integrate unmanned aircraft
8 systems into the national airspace system, in-
9 cluding decisionmaking by adaptive systems,
10 such as sense-and-avoid capabilities and cyber
11 physical systems security.”.

12 **SEC. 2212. UNMANNED AIRCRAFT SYSTEMS-MANNED AIR-**
13 **CRAFT COLLISION RESEARCH.**

14 (a) *RESEARCH.*—The Administrator of the Federal
15 *Aviation Administration* (in this section referred to as the
16 “Administrator”), in continuation of ongoing work, shall
17 coordinate with the Administrator of the National Aero-
18 nautics and Space Administration to develop a program
19 to conduct comprehensive testing or modeling of unmanned
20 aircraft systems colliding with various sized aircraft in
21 various operational settings, as considered appropriate by
22 the Administrator, including—

23 (1) collisions between unmanned aircraft systems
24 of various sizes, traveling at various speeds, and jet
25 aircraft of various sizes, traveling at various speeds;

1 (2) collisions between unmanned aircraft systems
2 of various sizes, traveling at various speeds, and pro-
3 peller-driven aircraft of various sizes, traveling at
4 various speeds;

5 (3) collisions between unmanned aircraft systems
6 of various sizes, traveling at various speeds, and
7 rotorcraft of various sizes, traveling at various speeds;
8 and

9 (4) collisions between unmanned aircraft systems
10 and various parts of the aforementioned aircraft, in-
11 cluding—

12 (A) windshields;

13 (B) noses;

14 (C) engines;

15 (D) radomes;

16 (E) propellers; and

17 (F) wings.

18 (b) *REPORT.*—Not later than 1 year after the date of
19 enactment of this Act, the Administrator shall transmit to
20 the Committee on Science, Space, and Technology and the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate a report summa-
24 rizing the costs and results of research under this section.

1 **SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DEVEL-**
2 **OPMENT STUDY.**

3 (a) *STUDY.*—Not later than 30 days after the date of
4 enactment of this Act, the Administrator of the Federal
5 Aviation Administration shall enter into an arrangement
6 with the National Academies to study the potential use of
7 probabilistic assessments of risks by the Administration to
8 streamline the integration of unmanned aircraft systems
9 into the national airspace system, including any research
10 and development necessary.

11 (b) *COMPLETION DATE.*—Not later than 1 year after
12 the date of enactment of this Act, the Administrator shall
13 provide the results of the study to the Committee on Science,
14 Space, and Technology and the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 and the Committee on Commerce, Science, and Transpor-
17 tation of the Senate.

18 **Subtitle C—Time Sensitive Aviation**
19 **Reforms**

20 **SEC. 2301. SMALL AIRPORT RELIEF FOR SAFETY PROJECTS.**

21 Section 47114(c)(1)(F) of title 49, United States Code,
22 is amended to read as follows:

23 “(F) *SPECIAL RULE FOR FISCAL YEAR*
24 *2017.*—Notwithstanding subparagraph (A), the
25 Secretary shall apportion to a sponsor of an air-
26 port under that subparagraph for fiscal year

1 2017 an amount based on the number of pas-
2 senger boardings at the airport during calendar
3 year 2012 if the airport—

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

6 “(ii) had fewer than 10,000 passenger
7 boardings during the calendar year used to
8 calculate the apportionment for fiscal year
9 2017 under subparagraph (A); and

10 “(iii) had scheduled air service at any
11 point during the calendar year used to cal-
12 culate the apportionment for fiscal year
13 2017 under subparagraph (A).”.

14 **SEC. 2302. USE OF REVENUES AT PREVIOUSLY ASSOCIATED**
15 **AIRPORT.**

16 Section 40117 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(n) **USE OF REVENUES AT PREVIOUSLY ASSOCIATED**
19 **AIRPORT.**—Notwithstanding the requirements relating to
20 airport control under subsection (b)(1), the Secretary may
21 authorize use of a passenger facility charge under subsection
22 (b) to finance an eligible airport-related project if—

23 “(1) the eligible agency seeking to impose the
24 new charge controls an airport where a \$2.00 pas-

1 *senger facility charge became effective on January 1,*
2 *2013; and*

3 *“(2) the location of the project to be financed by*
4 *the new charge is at an airport that was under the*
5 *control of the same eligible agency that had controlled*
6 *the airport described in paragraph (1).”.*

7 **SEC. 2303. WORKING GROUP ON IMPROVING AIR SERVICE**
8 **TO SMALL COMMUNITIES.**

9 *(a) IN GENERAL.—Not later than 120 days after the*
10 *date of enactment of this Act, the Secretary of Transpor-*
11 *tation shall establish a working group—*

12 *(1) to identify obstacles to attracting and main-*
13 *taining air transportation service to and from small*
14 *communities; and*

15 *(2) to develop recommendations for maintaining*
16 *and improving air transportation service to and from*
17 *small communities.*

18 *(b) OUTREACH.—In carrying out subsection (a), the*
19 *working group shall consult with—*

20 *(1) interested Governors;*

21 *(2) representatives of State and local agencies,*
22 *and other officials and groups, representing rural*
23 *States and other rural areas;*

24 *(3) other representatives of relevant State and*
25 *local agencies; and*

1 (4) members of the public with experience in
2 aviation safety, pilot training, economic development,
3 and related issues.

4 (c) CONSIDERATIONS.—In carrying out subsection (a),
5 the working group shall—

6 (1) consider whether funding for, and the terms
7 of, current or potential new programs are sufficient
8 to help ensure continuation of or improvement to air
9 transportation service to small communities, includ-
10 ing the essential air service program and the small
11 community air service development program;

12 (2) identify initiatives to help support pilot
13 training and aviation safety to maintain air trans-
14 portation service to small communities;

15 (3) consider whether Federal funding for airports
16 serving small communities, including airports that
17 have lost air transportation services or had decreased
18 enplanements in recent years, is adequate to ensure
19 that small communities have access to quality, afford-
20 able air transportation service;

21 (4) identify innovative State or local efforts that
22 have established public-private partnerships that are
23 successful in attracting and retaining air transpor-
24 tation service in small communities; and

1 (5) *consider such other issues as the Secretary*
2 *considers appropriate.*

3 (d) *COMPOSITION.—*

4 (1) *IN GENERAL.—The working group shall be*
5 *facilitated through the Secretary or the Secretary’s*
6 *designee.*

7 (2) *MEMBERSHIP.—Members of the working*
8 *group shall be appointed by the Secretary and shall*
9 *include representatives of—*

10 (A) *State and local government, including*

11 *State and local aviation officials;*

12 (B) *State Governors;*

13 (C) *aviation safety experts;*

14 (D) *economic development officials; and*

15 (E) *the traveling public from small commu-*
16 *nities.*

17 (e) *REPORT AND RECOMMENDATIONS.—Not later than*
18 *1 year after the date of enactment of this Act, the Secretary*
19 *shall submit to the appropriate committees of Congress a*
20 *report, including—*

21 (1) *a summary of the views expressed by the par-*
22 *ticipants in the outreach under subsection (b);*

23 (2) *a description of the working group’s findings,*
24 *including the identification of any areas of general*

1 *consensus among the non-Federal participants in the*
2 *outreach under subsection (b); and*

3 *(3) any recommendations for legislative or regu-*
4 *latory action that would assist in maintaining and*
5 *improving air transportation service to and from*
6 *small communities.*

7 **SEC. 2304. COMPUTATION OF BASIC ANNUITY FOR CERTAIN**
8 **AIR TRAFFIC CONTROLLERS.**

9 *(a) IN GENERAL.—Section 8415(f) of title 5, United*
10 *States Code, is amended to read as follows:*

11 *“(f) The annuity of an air traffic controller or former*
12 *air traffic controller retiring under section 8412(a) is com-*
13 *puted under subsection (a), except that if the individual has*
14 *at least 5 years of service in any combination as—*

15 *“(1) an air traffic controller as defined by sec-*
16 *tion 2109(1)(A)(i);*

17 *“(2) a first level supervisor of an air traffic con-*
18 *troller as defined by section 2109(1)(A)(i); or*

19 *“(3) a second level supervisor of an air traffic*
20 *controller as defined by section 2109(1)(A)(i);*

21 *so much of the annuity as is computed with respect to such*
22 *type of service shall be computed by multiplying 1 7/10 per-*
23 *cent of the individual’s average pay by the years of such*
24 *service.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall be deemed to be effective on December 12,*
3 *2003.*

4 (c) *PROCEDURES REQUIRED.*—*The Director of the Of-*
5 *fice of Personnel Management shall establish such proce-*
6 *dures as are necessary to provide for—*

7 (1) *notification to each annuitant affected by the*
8 *amendments made by this section;*

9 (2) *recalculation of the benefits of affected annu-*
10 *itants;*

11 (3) *an adjustment to applicable monthly benefit*
12 *amounts pursuant to such recalculation, to begin as*
13 *soon as is practicable; and*

14 (4) *a lump-sum payment to each affected annu-*
15 *itant equal to the additional total benefit amount that*
16 *such annuitant would have received had the amend-*
17 *ment made by subsection (a) been in effect on Decem-*
18 *ber 12, 2003.*

19 **SEC. 2305. REFUNDS FOR DELAYED BAGGAGE.**

20 (a) *IN GENERAL.*—*Not later than 1 year after the date*
21 *of enactment of this Act, the Secretary of Transportation*
22 *shall issue final regulations to require an air carrier or for-*
23 *ign air carrier to promptly provide to a passenger an*
24 *automated refund for any ancillary fees paid by the pas-*
25 *senger for checked baggage if—*

1 (1) *the air carrier or foreign air carrier fails to*
2 *deliver the checked baggage to the passenger—*

3 (A) *not later than 12 hours after the arrival*
4 *of a domestic flight; or*

5 (B) *not later than 15 hours after the arrival*
6 *of an international flight; and*

7 (2) *the passenger has notified the air carrier or*
8 *foreign air carrier of the lost or delayed checked bag-*
9 *gage.*

10 (b) *EXCEPTION.—If, as part of the rulemaking, the*
11 *Secretary makes a determination on the record that a re-*
12 *quirement under subsection (a) is not feasible and would*
13 *adversely affect consumers in certain cases, the Secretary*
14 *may modify 1 or both of the deadlines specified in sub-*
15 *section (a)(1) for such cases, except that—*

16 (1) *the deadline relating to a domestic flight*
17 *may not exceed 18 hours after the arrival of the do-*
18 *mestic flight; and*

19 (2) *the deadline relating to an international*
20 *flight may not exceed 30 hours after the arrival of the*
21 *international flight.*

22 **SEC. 2306. CONTRACT WEATHER OBSERVERS.**

23 (a) *IN GENERAL.—Not later than 1 year after the date*
24 *of enactment of this Act, the Administrator of the Federal*
25 *Aviation Administration shall submit to the appropriate*

1 *committees of Congress a report, which includes public and*
2 *stakeholder input—*

3 (1) *examining the safety risks, hazard effects,*
4 *and efficiency and operational effects for airports,*
5 *airlines, and other stakeholders that could result from*
6 *a loss of contract weather observer service at the 57*
7 *airports targeted for the loss of the service;*

8 (2) *detailing how the Federal Aviation Adminis-*
9 *tration will accurately report rapidly changing severe*
10 *weather conditions at the airports, including thunder-*
11 *storms, lightning, fog, visibility, smoke, dust, haze,*
12 *cloud layers and ceilings, ice pellets, and freezing*
13 *rain or drizzle, without contract weather observers;*

14 (3) *indicating how airports can comply with ap-*
15 *plicable Federal Aviation Administration orders gov-*
16 *erning weather observations given the current docu-*
17 *mented limitations of automated surface observing*
18 *systems; and*

19 (4) *identifying the process through which the*
20 *Federal Aviation Administration analyzed the safety*
21 *hazards associated with the elimination of the con-*
22 *tract weather observer program.*

23 (b) *CONTINUED USE OF CONTRACT WEATHER OB-*
24 *SERVERS.—The Administrator may not discontinue the*

1 *contract weather observer program at any airport until Oc-*
2 *tober 1, 2017.*

3 **SEC. 2307. MEDICAL CERTIFICATION OF CERTAIN SMALL**
4 **AIRCRAFT PILOTS.**

5 *(a) IN GENERAL.—Not later than 180 days after the*
6 *date of enactment of this Act, the Administrator of the Fed-*
7 *eral Aviation Administration shall issue or revise regula-*
8 *tions to ensure that an individual may operate as pilot in*
9 *command of a covered aircraft if—*

10 *(1) the individual possesses a valid driver’s li-*
11 *cence issued by a State, territory, or possession of the*
12 *United States and complies with all medical require-*
13 *ments or restrictions associated with that license;*

14 *(2) the individual holds a medical certificate*
15 *issued by the Federal Aviation Administration on the*
16 *date of enactment of this Act, held such a certificate*
17 *at any point during the 10-year period preceding*
18 *such date of enactment, or obtains such a certificate*
19 *after such date of enactment;*

20 *(3) the most recent medical certificate issued by*
21 *the Federal Aviation Administration to the indi-*
22 *vidual—*

23 *(A) indicates whether the certificate is first,*
24 *second, or third class;*

1 (B) may include authorization for special
2 issuance;

3 (C) may be expired;

4 (D) cannot have been revoked or suspended;

5 and

6 (E) cannot have been withdrawn;

7 (4) the most recent application for airman med-
8 ical certification submitted to the Federal Aviation
9 Administration by the individual cannot have been
10 completed and denied;

11 (5) the individual has completed a medical edu-
12 cation course described in subsection (c) during the 24
13 calendar months before acting as pilot in command of
14 a covered aircraft and demonstrates proof of comple-
15 tion of the course;

16 (6) the individual, when serving as a pilot in
17 command, is under the care and treatment of a physi-
18 cian if the individual has been diagnosed with any
19 medical condition that may impact the ability of the
20 individual to fly;

21 (7) the individual has received a comprehensive
22 medical examination from a State-licensed physician
23 during the previous 48 months and—

24 (A) prior to the examination, the indi-
25 vidual—

1 (i) completed the individual's section of
2 the checklist described in subsection (b); and

3 (ii) provided the completed checklist to
4 the physician performing the examination;
5 and

6 (B) the physician conducted the comprehen-
7 sive medical examination in accordance with the
8 checklist described in subsection (b), checking
9 each item specified during the examination and
10 addressing, as medically appropriate, every med-
11 ical condition listed, and any medications the
12 individual is taking; and

13 (8) the individual is operating in accordance
14 with the following conditions:

15 (A) The covered aircraft is carrying not
16 more than 5 passengers.

17 (B) The individual is operating the covered
18 aircraft under visual flight rules or instrument
19 flight rules.

20 (C) The flight, including each portion of
21 that flight, is not carried out—

22 (i) for compensation or hire, including
23 that no passenger or property on the flight
24 is being carried for compensation or hire;

1 (ii) at an altitude that is more than
2 18,000 feet above mean sea level;

3 (iii) outside the United States, unless
4 authorized by the country in which the
5 flight is conducted; or

6 (iv) at an indicated air speed exceed-
7 ing 250 knots.

8 (b) *COMPREHENSIVE MEDICAL EXAMINATION.*—

9 (1) *IN GENERAL.*—Not later than 180 days after
10 the date of enactment of this Act, the Administrator
11 shall develop a checklist for an individual to complete
12 and provide to the physician performing the com-
13 prehensive medical examination required in sub-
14 section (a)(7).

15 (2) *REQUIREMENTS.*—The checklist shall con-
16 tain—

17 (A) a section, for the individual to complete
18 that contains—

19 (i) boxes 3 through 13 and boxes 16
20 through 19 of the Federal Aviation Admin-
21 istration Form 8500–8 (3–99); and

22 (ii) a signature line for the individual
23 to affirm that—

24 (I) the answers provided by the
25 individual on that checklist, including

1 *the individual's answers regarding*
2 *medical history, are true and complete;*

3 (II) *the individual understands*
4 *that he or she is prohibited under Fed-*
5 *eral Aviation Administration regula-*
6 *tions from acting as pilot in command,*
7 *or any other capacity as a required*
8 *flight crew member, if he or she knows*
9 *or has reason to know of any medical*
10 *deficiency or medically disqualifying*
11 *condition that would make the indi-*
12 *vidual unable to operate the aircraft in*
13 *a safe manner; and*

14 (III) *the individual is aware of*
15 *the regulations pertaining to the prohi-*
16 *bition on operations during medical*
17 *deficiency and has no medically dis-*
18 *qualifying conditions in accordance*
19 *with applicable law;*

20 (B) *a section with instructions for the indi-*
21 *vidual to provide the completed checklist to the*
22 *physician performing the comprehensive medical*
23 *examination required in subsection (a)(7); and*

24 (C) *a section, for the physician to complete,*
25 *that instructs the physician—*

- 1 (i) to perform a clinical examination
2 of—
- 3 (I) head, face, neck, and scalp;
4 (II) nose, sinuses, mouth, and
5 throat;
6 (III) ears, general (internal and
7 external canals), and eardrums (per-
8 foration);
9 (IV) eyes (general),
10 ophthalmoscopic, pupils (equality and
11 reaction), and ocular motility (associ-
12 ated parallel movement, nystagmus);
13 (V) lungs and chest (not including
14 breast examination);
15 (VI) heart (precordial activity,
16 rhythm, sounds, and murmurs);
17 (VII) vascular system (pulse, am-
18 plitude, and character, and arms, legs,
19 and others);
20 (VIII) abdomen and viscera (in-
21 cluding hernia);
22 (IX) anus (not including digital
23 examination);
24 (X) skin;

- 1 *(XI) G–U system (not including*
2 *pelvic examination);*
- 3 *(XII) upper and lower extremities*
4 *(strength and range of motion);*
- 5 *(XIII) spine and other musculo-*
6 *skeletal;*
- 7 *(XIV) identifying body marks,*
8 *scars, and tattoos (size and location);*
- 9 *(XV) lymphatics;*
- 10 *(XVI) neurologic (tendon reflexes,*
11 *equilibrium, senses, cranial nerves, and*
12 *coordination, etc.);*
- 13 *(XVII) psychiatric (appearance,*
14 *behavior, mood, communication, and*
15 *memory);*
- 16 *(XVIII) general systemic;*
- 17 *(XIX) hearing;*
- 18 *(XX) vision (distant, near, and*
19 *intermediate vision, field of vision,*
20 *color vision, and ocular alignment);*
- 21 *(XXI) blood pressure and pulse;*
22 *and*
- 23 *(XXII) anything else the physi-*
24 *cian, in his or her medical judgment,*
25 *considers necessary;*

1 (ii) to exercise medical discretion to
2 address, as medically appropriate, any
3 medical conditions identified, and to exer-
4 cise medical discretion in determining
5 whether any medical tests are warranted as
6 part of the comprehensive medical examina-
7 tion;

8 (iii) to discuss all drugs the individual
9 reports taking (prescription and non-
10 prescription) and their potential to interfere
11 with the safe operation of an aircraft or
12 motor vehicle;

13 (iv) to sign the checklist, stating: “I
14 certify that I discussed all items on this
15 checklist with the individual during my ex-
16 amination, discussed any medications the
17 individual is taking that could interfere
18 with their ability to safely operate an air-
19 craft or motor vehicle, and performed an ex-
20 amination that included all of the items on
21 this checklist. I certify that I am not aware
22 of any medical condition that, as presently
23 treated, could interfere with the individual’s
24 ability to safely operate an aircraft.”; and

1 (v) to provide the date the comprehen-
2 sive medical examination was completed,
3 and the physician's full name, address, tele-
4 phone number, and State medical license
5 number.

6 (3) LOGBOOK.—The completed checklist shall be
7 retained in the individual's logbook and made avail-
8 able on request.

9 (c) MEDICAL EDUCATION COURSE REQUIREMENTS.—
10 The medical education course described in this subsection
11 shall—

12 (1) be available on the Internet free of charge;

13 (2) be developed and periodically updated in co-
14 ordination with representatives of relevant nonprofit
15 and not-for-profit general aviation stakeholder groups;

16 (3) educate pilots on conducting medical self-as-
17 sessments;

18 (4) advise pilots on identifying warning signs of
19 potential serious medical conditions;

20 (5) identify risk mitigation strategies for med-
21 ical conditions;

22 (6) increase awareness of the impacts of poten-
23 tially impairing over-the-counter and prescription
24 drug medications;

1 (7) *encourage regular medical examinations and*
2 *consultations with primary care physicians;*

3 (8) *inform pilots of the regulations pertaining to*
4 *the prohibition on operations during medical defi-*
5 *ciency and medically disqualifying conditions;*

6 (9) *provide the checklist developed by the Federal*
7 *Aviation Administration in accordance with sub-*
8 *section (b); and*

9 (10) *upon successful completion of the course,*
10 *electronically provide to the individual and transmit*
11 *to the Federal Aviation Administration—*

12 (A) *a certification of completion of the med-*
13 *ical education course, which shall be printed and*
14 *retained in the individual's logbook and made*
15 *available upon request, and shall contain the in-*
16 *dividual's name, address, and airman certificate*
17 *number;*

18 (B) *subject to subsection (d), a release au-*
19 *thorizing the National Driver Register through a*
20 *designated State Department of Motor Vehicles to*
21 *furnish to the Federal Aviation Administration*
22 *information pertaining to the individual's driv-*
23 *ing record;*

24 (C) *a certification by the individual that*
25 *the individual is under the care and treatment*

1 of a physician if the individual has been diag-
2 nosed with any medical condition that may im-
3 pact the ability of the individual to fly, as re-
4 quired under subsection (a)(6);

5 (D) a form that includes—

6 (i) the name, address, telephone num-
7 ber, and airman certificate number of the
8 individual;

9 (ii) the name, address, telephone num-
10 ber, and State medical license number of the
11 physician performing the comprehensive
12 medical examination required in subsection
13 (a)(7);

14 (iii) the date of the comprehensive
15 medical examination required in subsection
16 (a)(7); and

17 (iv) a certification by the individual
18 that the checklist described in subsection (b)
19 was followed and signed by the physician in
20 the comprehensive medical examination re-
21 quired in subsection (a)(7); and

22 (E) a statement, which shall be printed,
23 and signed by the individual certifying that the
24 individual understands the existing prohibition
25 on operations during medical deficiency by stat-

1 ing: “I understand that I cannot act as pilot in
2 command, or any other capacity as a required
3 flight crew member, if I know or have reason to
4 know of any medical condition that would make
5 me unable to operate the aircraft in a safe man-
6 ner.”.

7 (d) *NATIONAL DRIVER REGISTER.*—The authorization
8 under subsection (c)(10)(B) shall be an authorization for
9 a single access to the information contained in the National
10 Driver Register.

11 (e) *SPECIAL ISSUANCE PROCESS.*—

12 (1) *IN GENERAL.*—An individual who has quali-
13 fied for the third-class medical certificate exemption
14 under subsection (a) and is seeking to serve as a pilot
15 in command of a covered aircraft shall be required to
16 have completed the process for obtaining an Author-
17 ization for Special Issuance of a Medical Certificate
18 for each of the following:

19 (A) A mental health disorder, limited to an
20 established medical history or clinical diagnosis
21 of—

22 (i) personality disorder that is severe
23 enough to have repeatedly manifested itself
24 by overt acts;

1 (ii) psychosis, defined as a case in
2 which an individual—

3 (I) has manifested delusions, hal-
4 lucinations, grossly bizarre or disorga-
5 nized behavior, or other commonly ac-
6 cepted symptoms of psychosis; or

7 (II) may reasonably be expected to
8 manifest delusions, hallucinations,
9 grossly bizarre or disorganized behav-
10 ior, or other commonly accepted symp-
11 toms of psychosis;

12 (iii) bipolar disorder; or

13 (iv) substance dependence within the
14 previous 2 years, as defined in section
15 67.307(a)(4) of title 14, Code of Federal
16 Regulations.

17 (B) A neurological disorder, limited to an
18 established medical history or clinical diagnosis
19 of any of the following:

20 (i) Epilepsy.

21 (ii) Disturbance of consciousness with-
22 out satisfactory medical explanation of the
23 cause.

1 (iii) *A transient loss of control of nerv-*
2 *ous system functions without satisfactory*
3 *medical explanation of the cause.*

4 (C) *A cardiovascular condition, limited to a*
5 *one-time special issuance for each diagnosis of*
6 *the following:*

7 (i) *Myocardial infraction.*

8 (ii) *Coronary heart disease that has re-*
9 *quired treatment.*

10 (iii) *Cardiac valve replacement.*

11 (iv) *Heart replacement.*

12 (2) *SPECIAL RULE FOR CARDIOVASCULAR CONDI-*
13 *TIONS.—In the case of an individual with a cardio-*
14 *vascular condition, the process for obtaining an Au-*
15 *thorization for Special Issuance of a Medical Certifi-*
16 *cate shall be satisfied with the successful completion*
17 *of an appropriate clinical evaluation without a man-*
18 *datory wait period.*

19 (3) *SPECIAL RULE FOR MENTAL HEALTH CONDI-*
20 *TIONS.—*

21 (A) *IN GENERAL.—In the case of an indi-*
22 *vidual with a clinically diagnosed mental health*
23 *condition, the third-class medical certificate ex-*
24 *emption under subsection (a) shall not apply*
25 *if—*

1 (i) *in the judgment of the individual's*
2 *State-licensed medical specialist, the condi-*
3 *tion—*

4 (I) *renders the individual unable*
5 *to safely perform the duties or exercise*
6 *the airman privileges described in sub-*
7 *section (a)(8); or*

8 (II) *may reasonably be expected to*
9 *make the individual unable to perform*
10 *the duties or exercise the privileges de-*
11 *scribed in subsection (a)(8); or*

12 (ii) *the individual's driver's license is*
13 *revoked by the issuing agency as a result of*
14 *a clinically diagnosed mental health condi-*
15 *tion.*

16 (B) *CERTIFICATION.—Subject to subpara-*
17 *graph (A), an individual clinically diagnosed*
18 *with a mental health condition shall certify*
19 *every 2 years, in conjunction with the certifi-*
20 *cation under subsection (c)(10)(C), that the indi-*
21 *vidual is under the care of a State-licensed med-*
22 *ical specialist for that mental health condition.*

23 (4) *SPECIAL RULE FOR NEUROLOGICAL CONDI-*
24 *TIONS.—*

1 (A) *IN GENERAL.*—*In the case of an indi-*
2 *vidual with a clinically diagnosed neurological*
3 *condition, the third-class medical certificate ex-*
4 *emption under subsection (a) shall not apply*
5 *if—*

6 (i) *in the judgment of the individual's*
7 *State-licensed medical specialist, the condi-*
8 *tion—*

9 (I) *renders the individual unable*
10 *to safely perform the duties or exercise*
11 *the airman privileges described in sub-*
12 *section (a)(8); or*

13 (II) *may reasonably be expected to*
14 *make the individual unable to perform*
15 *the duties or exercise the privileges de-*
16 *scribed in subsection (a)(8); or*

17 (ii) *the individual's driver's license is*
18 *revoked by the issuing agency as a result of*
19 *a clinically diagnosed neurological condi-*
20 *tion.*

21 (B) *CERTIFICATION.*—*Subject to subpara-*
22 *graph (A), an individual clinically diagnosed*
23 *with a neurological condition shall certify every*
24 *2 years, in conjunction with the certification*
25 *under subsection (c)(10)(C), that the individual*

1 *is under the care of a State-licensed medical spe-*
2 *cialist for that neurological condition.*

3 *(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDI-*
4 *TIONS FOR CACI PROGRAM.—*

5 *(1) IN GENERAL.—Not later than 180 days after*
6 *the date of enactment of this Act, the Administrator*
7 *shall review and identify additional medical condi-*
8 *tions that could be added to the program known as*
9 *the Conditions AMEs Can Issue (CACI) program.*

10 *(2) CONSULTATIONS.—In carrying out para-*
11 *graph (1), the Administrator shall consult with avia-*
12 *tion, medical, and union stakeholders.*

13 *(3) REPORT REQUIRED.—Not later than 180*
14 *days after the date of enactment of this Act, the Ad-*
15 *ministrator shall submit to the appropriate commit-*
16 *tees of Congress a report listing the medical condi-*
17 *tions that have been added to the CACI program*
18 *under paragraph (1).*

19 *(g) EXPEDITED AUTHORIZATION FOR SPECIAL*
20 *ISSUANCE OF A MEDICAL CERTIFICATE.—*

21 *(1) IN GENERAL.—The Administrator shall im-*
22 *plement procedures to expedite the process for obtain-*
23 *ing an Authorization for Special Issuance of a Med-*
24 *ical Certificate under section 67.401 of title 14, Code*
25 *of Federal Regulations.*

1 (2) *CONSULTATIONS.*—*In carrying out para-*
2 *graph (1), the Administrator shall consult with avia-*
3 *tion, medical, and union stakeholders.*

4 (3) *REPORT REQUIRED.*—*Not later than 1 year*
5 *after the date of enactment of this Act, the Adminis-*
6 *trator shall submit to the appropriate committees of*
7 *Congress a report describing how the procedures im-*
8 *plemented under paragraph (1) will streamline the*
9 *process for obtaining an Authorization for Special*
10 *Issuance of a Medical Certificate and reduce the*
11 *amount of time needed to review and decide special*
12 *issuance cases.*

13 (h) *REPORT REQUIRED.*—*Not later than 5 years after*
14 *the date of enactment of this Act, the Administrator, in co-*
15 *ordination with the National Transportation Safety Board,*
16 *shall submit to the appropriate committees of Congress a*
17 *report that describes the effect of the regulations issued or*
18 *revised under subsection (a) and includes statistics with re-*
19 *spect to changes in small aircraft activity and safety inci-*
20 *dents.*

21 (i) *PROHIBITION ON ENFORCEMENT ACTIONS.*—*Begin-*
22 *ning on the date that is 1 year after the date of enactment*
23 *of this Act, the Administrator may not take an enforcement*
24 *action for not holding a valid third-class medical certificate*
25 *against a pilot of a covered aircraft for a flight if the pilot*

1 *and the flight meet, through a good faith effort, the applica-*
2 *ble requirements under subsection (a), except paragraph (5)*
3 *of that subsection, unless the Administrator has published*
4 *final regulations in the Federal Register under that sub-*
5 *section.*

6 (j) *COVERED AIRCRAFT DEFINED.*—*In this section, the*
7 *term “covered aircraft” means an aircraft that—*

8 (1) *is authorized under Federal law to carry not*
9 *more than 6 occupants; and*

10 (2) *has a maximum certificated takeoff weight of*
11 *not more than 6,000 pounds.*

12 (k) *OPERATIONS COVERED.*—*The provisions and re-*
13 *quirements covered in this section do not apply to pilots*
14 *who elect to operate under the medical requirements under*
15 *subsection (b) or subsection (c) of section 61.23 of title 14,*
16 *Code of Federal Regulations.*

17 (l) *AUTHORITY TO REQUIRE ADDITIONAL INFORMA-*
18 *TION.*—

19 (1) *IN GENERAL.*—*If the Administrator receives*
20 *credible or urgent information, including from the*
21 *National Driver Register or the Administrator’s Safe-*
22 *ty Hotline, that reflects on an individual’s ability to*
23 *safely operate a covered aircraft under the third-class*
24 *medical certificate exemption in subsection (a), the*
25 *Administrator may require the individual to provide*

1 *additional information or history so that the Admin-*
2 *istrator may determine whether the individual is safe*
3 *to continue operating a covered aircraft.*

4 (2) *USE OF INFORMATION.*—*The Administrator*
5 *may use credible or urgent information received*
6 *under paragraph (1) to request an individual to pro-*
7 *vide additional information or to take actions under*
8 *section 44709(b) of title 49, United States Code.*

9 **SEC. 2308. TARMAC DELAYS.**

10 (a) *DEPLANING FOLLOWING EXCESSIVE TARMAC*
11 *DELAY.*—*Section 42301(b)(3) of title 49, United States*
12 *Code, is amended—*

13 (1) *by redesignating subparagraph (C) as sub-*
14 *paragraph (D);*

15 (2) *by inserting after subparagraph (B) the fol-*
16 *lowing:*

17 *“(C) In providing the option described in*
18 *subparagraph (A), the air carrier shall begin to*
19 *return the aircraft to a suitable disembarkation*
20 *point—*

21 *“(i) in the case of a flight in interstate*
22 *air transportation, not later than 3 hours*
23 *after the main aircraft door is closed in*
24 *preparation for departure; and*

1 “(ii) in the case of a flight in foreign
2 air transportation, not later than 4 hours
3 after the main aircraft door is closed in
4 preparation for departure.”; and

5 (3) in subparagraph (D) (as redesignated by
6 paragraph (1) of this subsection) by striking “sub-
7 paragraphs (A) and (B)” and inserting “subpara-
8 graphs (A), (B), and (C)”.

9 (b) *EXCESSIVE TARMAC DELAY DEFINED.*—Section
10 42301(i)(4) of title 49, United States Code, is amended to
11 read as follows:

12 “(4) *EXCESSIVE TARMAC DELAY.*—The term ‘ex-
13 cessive tarmac delay’ means a tarmac delay of more
14 than—

15 “(A) 3 hours for a flight in interstate air
16 transportation; or

17 “(B) 4 hours for a flight in foreign air
18 transportation.”.

19 (c) *REGULATIONS.*—Not later than 90 days after the
20 date of enactment of this section, the Secretary of Transpor-
21 tation shall issue regulations and take other actions nec-
22 essary to carry out the amendments made by this section.

23 **SEC. 2309. FAMILY SEATING.**

24 (a) *IN GENERAL.*—Not later than 1 year after the date
25 of enactment of this Act, the Secretary of Transportation

1 *shall review and, if appropriate, establish a policy directing*
2 *all air carriers providing scheduled passenger interstate or*
3 *intrastate air transportation to establish policies that en-*
4 *able a child, who is age 13 or under on the date an applica-*
5 *ble flight is scheduled to occur, to be seated in a seat adja-*
6 *cent to the seat of an accompanying family member over*
7 *the age of 13, to the maximum extent practicable and at*
8 *no additional cost, except when assignment to an adjacent*
9 *seat would require an upgrade to another cabin class or*
10 *a seat with extra legroom or seat pitch for which additional*
11 *payment is normally required.*

12 **(b) EFFECT ON AIRLINE BOARDING AND SEATING**
13 *POLICIES.—When considering any new policy under this*
14 *section, the Secretary shall consider the traditional seating*
15 *and boarding policies of air carriers providing scheduled*
16 *passenger interstate or intrastate air transportation and*
17 *whether those policies generally allow families to sit to-*
18 *gether.*

19 **(c) STATUTORY CONSTRUCTION.—Notwithstanding the**
20 *requirement in subsection (a), nothing in this section may*
21 *be construed to allow the Secretary to impose a significant*
22 *change in the overall seating or boarding policy of an air*
23 *carrier providing scheduled passenger interstate or intra-*
24 *state air transportation that has an open or flexible seating*

1 *policy in place that generally allows adjacent family seat-*
2 *ing as described in subsection (a).*

3 **TITLE III—AVIATION SECURITY**

4 **SEC. 3001. SHORT TITLE.**

5 *This title may be cited as the “Aviation Security Act*
6 *of 2016”.*

7 **SEC. 3002. DEFINITIONS.**

8 *In this title:*

9 (1) *ADMINISTRATOR.—The term “Adminis-*
10 *trator” means the Administrator of the Transpor-*
11 *tation Security Administration.*

12 (2) *DEPARTMENT.—The term “Department”*
13 *means the Department of Homeland Security.*

14 (3) *PRECHECK PROGRAM.—The term “PreCheck*
15 *Program” means the trusted traveler program imple-*
16 *mented by the Transportation Security Administra-*
17 *tion under section 109(a)(3) of the Aviation and*
18 *Transportation Security Act (Public Law 107–71; 49*
19 *U.S.C. 114 note).*

20 (4) *TSA.—The term “TSA” means the Trans-*
21 *portation Security Administration.*

1 **Subtitle A—TSA PreCheck**
2 **Expansion**

3 **SEC. 3101. PRECHECK PROGRAM AUTHORIZATION.**

4 *The Administrator shall continue to administer the*
5 *PreCheck Program.*

6 **SEC. 3102. PRECHECK PROGRAM ENROLLMENT EXPANSION.**

7 *(a) IN GENERAL.—Not later than 90 days after the*
8 *date of enactment of this Act, the Administrator shall pub-*
9 *lish PreCheck Program enrollment standards that add mul-*
10 *tiple private sector application capabilities for the*
11 *PreCheck Program to increase the public’s enrollment access*
12 *to the program, including standards that allow the use of*
13 *secure technologies, including online enrollment, kiosks, tab-*
14 *lets, or staffed laptop stations at which individuals can*
15 *apply for entry into the program.*

16 *(b) REQUIREMENTS.—Upon publication of the*
17 *PreCheck Program enrollment standards under subsection*
18 *(a), the Administrator shall—*

19 *(1) coordinate with interested parties—*

20 *(A) to deploy TSA-approved ready-to-mar-*
21 *ket private sector solutions that meet the*
22 *PreCheck Program enrollment standards under*
23 *such subsection;*

24 *(B) to make available additional PreCheck*
25 *Program enrollment capabilities; and*

1 (C) to offer secure online and mobile enroll-
2 ment opportunities;

3 (2) partner with the private sector to collect bio-
4 graphic and biometric identification information via
5 kiosks, mobile devices, or other mobile enrollment
6 platforms to increase enrollment flexibility and mini-
7 mize the amount of travel to enrollment centers for
8 applicants;

9 (3) ensure that any information, including bio-
10 graphic information, is collected in a manner that—

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

14 (B) protects privacy and data security, in-
15 cluding that any personally identifiable informa-
16 tion is collected, retained, used, and shared in a
17 manner consistent with section 552a of title 5,
18 United States Code (commonly known as “Pri-
19 vacy Act of 1974”), and with agency regulations;

20 (4) ensure that the enrollment process is stream-
21 lined and flexible to allow an individual to provide
22 additional information to complete enrollment and
23 verify identity;

24 (5) ensure that any enrollment expansion using
25 a private sector risk assessment instead of a finger-

1 *print-based criminal history records check is evalu-*
2 *ated and certified by the Secretary of Homeland Se-*
3 *curity, and verified by the Government Accountability*
4 *Office or a federally funded research and development*
5 *center after award to be equivalent to a fingerprint-*
6 *based criminal history records check conducted*
7 *through the Federal Bureau of Investigation with re-*
8 *spect to the effectiveness of identifying individuals*
9 *who are not qualified to participate in the PreCheck*
10 *Program due to disqualifying criminal history; and*

11 *(6) ensure that the Secretary has certified that*
12 *reasonable procedures are in place with regard to the*
13 *accuracy, relevancy, and proper utilization of infor-*
14 *mation employed in private sector risk assessments.*

15 *(c) MARKETING OF PRECHECK PROGRAM.—Upon*
16 *publication of PreCheck Program enrollment standards*
17 *under subsection (a), the Administrator shall—*

18 *(1) in accordance with such standards, develop*
19 *and implement—*

20 *(A) a continual process, including an asso-*
21 *ciated timeframe, for approving private sector*
22 *marketing of the PreCheck Program; and*

23 *(B) a long-term strategy for partnering*
24 *with the private sector to encourage enrollment*
25 *in such program;*

1 (2) *submit to Congress, at the end of each fiscal*
2 *year, a report on any PreCheck Program application*
3 *fees collected in excess of the costs of administering the*
4 *program, including to assess the feasibility of the pro-*
5 *gram, for such fiscal year, and recommendations for*
6 *using such fees to support marketing of the program.*

7 (d) *IDENTITY VERIFICATION ENHANCEMENT.—Not*
8 *later than 120 days after the date of enactment of this Act,*
9 *the Administrator shall—*

10 (1) *coordinate with the heads of appropriate*
11 *components of the Department to leverage Depart-*
12 *ment-held data and technologies to verify the citizen-*
13 *ship of individuals enrolling in the PreCheck Pro-*
14 *gram;*

15 (2) *partner with the private sector to use bio-*
16 *metrics and authentication standards, such as rel-*
17 *evant standards developed by the National Institute of*
18 *Standards and Technology, to facilitate enrollment in*
19 *the program; and*

20 (3) *consider leveraging the existing resources and*
21 *abilities of airports to conduct fingerprint and back-*
22 *ground checks to expedite identity verification.*

23 (e) *PRECHECK PROGRAM LANES OPERATION.—The*
24 *Administrator shall—*

1 (1) *ensure that PreCheck Program screening*
2 *lanes are open and available during peak and high-*
3 *volume travel times at appropriate airports to indi-*
4 *viduals enrolled in the PreCheck Program; and*

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

10 (f) *VETTING FOR PRECHECK PROGRAM PARTICI-*
11 *PANTS.—Not later than 90 days after the date of enactment*
12 *of this Act, the Administrator shall initiate an assessment*
13 *to identify any security vulnerabilities in the vetting proc-*
14 *ess for the PreCheck Program, including determining*
15 *whether subjecting PreCheck Program participants to re-*
16 *current fingerprint-based criminal history records checks,*
17 *in addition to recurrent checks against the terrorist*
18 *watchlist, could be done in a cost-effective manner to*
19 *strengthen the security of the PreCheck Program.*

1 ***Subtitle B—Securing Aviation From***
2 ***Foreign Entry Points and***
3 ***Guarding Airports Through En-***
4 ***hanced Security***

5 ***SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY***
6 ***ASSESSMENT.***

7 *(a) IN GENERAL.—Not later than 180 days after the*
8 *date of enactment of this Act, the Administrator shall con-*
9 *duct a comprehensive security risk assessment of all last*
10 *point of departure airports with nonstop flights to the*
11 *United States.*

12 *(b) CONTENTS.—The security risk assessment required*
13 *under subsection (a) shall include consideration of the fol-*
14 *lowing:*

15 *(1) The level of coordination and cooperation be-*
16 *tween the TSA and the foreign government of the*
17 *country in which the last point of departure airport*
18 *with nonstop flights to the United States is located.*

19 *(2) The intelligence and threat mitigation capa-*
20 *bilities of the country in which such airport is lo-*
21 *cated.*

22 *(3) The number of known or suspected terrorists*
23 *annually transiting through such airport.*

24 *(4) The degree to which the foreign government*
25 *of the country in which such airport is located man-*

1 *dates, encourages, or prohibits the collection, analysis,*
2 *and sharing of passenger name records.*

3 (5) *The passenger security screening practices,*
4 *capabilities, and capacity of such airport.*

5 (6) *The security vetting undergone by aviation*
6 *workers at such airport.*

7 (7) *The access controls utilized by such airport*
8 *to limit to authorized personnel access to secure and*
9 *sterile areas of such airports.*

10 **SEC. 3202. SECURITY COORDINATION ENHANCEMENT PLAN.**

11 (a) *IN GENERAL.*—*Not later than 240 days after the*
12 *date of enactment of this Act, the Administrator shall sub-*
13 *mit to Congress and the Government Accountability Office*
14 *a plan—*

15 (1) *to enhance and bolster security collaboration,*
16 *coordination, and information sharing relating to se-*
17 *curing international-inbound aviation between the*
18 *United States and domestic and foreign partners, in-*
19 *cluding U.S. Customs and Border Protection, foreign*
20 *government entities, passenger air carriers, cargo air*
21 *carriers, and United States Government entities, in*
22 *order to enhance security capabilities at foreign air-*
23 *ports, including airports that may not have nonstop*
24 *flights to the United States but are nonetheless deter-*
25 *mined by the Administrator to be high risk; and*

1 (2) *that includes an assessment of the ability of*
2 *the TSA to enter into a mutual agreement with a for-*
3 *foreign government entity that permits TSA representa-*
4 *tives to conduct without prior notice inspections of*
5 *foreign airports.*

6 (b) *GAO REVIEW.*—*Not later than 180 days after the*
7 *submission of the plan required under subsection (a), the*
8 *Comptroller General of the United States shall review the*
9 *efforts, capabilities, and effectiveness of the TSA to enhance*
10 *security capabilities at foreign airports and determine if*
11 *the implementation of such efforts and capabilities effec-*
12 *tively secures international-inbound aviation.*

13 **SEC. 3203. WORKFORCE ASSESSMENT.**

14 *Not later than 270 days after the date of enactment*
15 *of this Act, the Administrator shall submit to Congress a*
16 *comprehensive workforce assessment of all TSA personnel*
17 *within the Office of Global Strategies of the TSA or whose*
18 *primary professional duties contribute to the TSA's global*
19 *efforts to secure transportation security, including a review*
20 *of whether such personnel are assigned in a risk-based, in-*
21 *telligence-driven manner.*

22 **SEC. 3204. DONATION OF SCREENING EQUIPMENT TO PRO-**
23 **TECT THE UNITED STATES.**

24 (a) *IN GENERAL.*—*The Administrator is authorized to*
25 *donate security screening equipment to a foreign last point*

1 *of departure airport operator if such equipment can be rea-*
2 *sonably expected to mitigate a specific vulnerability to the*
3 *security of the United States or United States citizens.*

4 *(b) REPORT.—Not later than 30 days before any dona-*
5 *tion of security screening equipment pursuant to subsection*
6 *(a), the Administrator shall provide to the Committee on*
7 *Homeland Security of the House of Representatives and the*
8 *Committee on Homeland Security and Governmental Af-*
9 *airs and the Committee on Commerce, Science, and Trans-*
10 *portation of the Senate a detailed written explanation of*
11 *the following:*

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

15 *(2) An explanation as to why the recipient of*
16 *such donation is unable or unwilling to purchase se-*
17 *curity screening equipment to mitigate such vulner-*
18 *ability.*

19 *(3) An evacuation plan for sensitive technologies*
20 *in case of emergency or instability in the country to*
21 *which such donation is being made.*

22 *(4) How the Administrator will ensure the secu-*
23 *rity screening equipment that is being donated is*
24 *used and maintained over the course of its life by the*
25 *recipient.*

1 (5) *The total dollar value of such donation.*

2 **SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.**

3 (a) *IN GENERAL.—The Administrator may evaluate*
4 *foreign countries' air cargo security programs to determine*
5 *whether such programs provide a level of security commen-*
6 *surate with the level of security required by United States*
7 *air cargo security programs.*

8 (b) *APPROVAL AND RECOGNITION.—*

9 (1) *IN GENERAL.—If the Administrator deter-*
10 *mines that a foreign country's air cargo security pro-*
11 *gram evaluated under subsection (a) provides a level*
12 *of security commensurate with the level of security re-*
13 *quired by United States air cargo security programs,*
14 *the Administrator shall approve and officially recog-*
15 *nize such foreign country's air cargo security pro-*
16 *gram.*

17 (2) *EFFECT OF APPROVAL AND RECOGNITION.—*
18 *If the Administrator approves and officially recog-*
19 *nizes pursuant to paragraph (1) a foreign country's*
20 *air cargo security program, an aircraft transporting*
21 *cargo that is departing such foreign country shall not*
22 *be required to adhere to United States air cargo secu-*
23 *rity programs that would otherwise be applicable.*

24 (c) *REVOCATION AND SUSPENSION.—*

1 (1) *IN GENERAL.*—*If the Administrator deter-*
2 *mines at any time that a foreign country’s air cargo*
3 *security program approved and officially recognized*
4 *under subsection (b) no longer provides a level of se-*
5 *curity commensurate with the level of security re-*
6 *quired by United States air cargo security programs,*
7 *the Administrator may revoke or temporarily suspend*
8 *such approval and official recognition until such time*
9 *as the Administrator determines that such foreign*
10 *country’s cargo security programs provide a level of*
11 *security commensurate with the level of security re-*
12 *quired by such United States air cargo security pro-*
13 *grams.*

14 (2) *NOTIFICATION.*—*If the Administrator revokes*
15 *or suspends pursuant to paragraph (1) a foreign*
16 *country’s air cargo security program, the Adminis-*
17 *trator shall notify the Committee on Homeland Secu-*
18 *rity of the House of Representatives and the Com-*
19 *mittee on Commerce, Science, and Transportation of*
20 *the Senate not later than 30 days after such revoca-*
21 *tion or suspension.*

22 (d) *APPLICATION.*—*This section shall apply irrespec-*
23 *tive of whether cargo is transported on an aircraft of an*
24 *air carrier, a foreign air carrier, a cargo carrier, or a for-*
25 *eign cargo carrier.*

1 **SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DE-**
2 **VELOPMENT.**

3 (a) *IN GENERAL.*—*The Administrator shall establish*
4 *an international training and capacity development pro-*
5 *gram to train the appropriate authorities of foreign govern-*
6 *ments in air transportation security.*

7 (b) *CONTENTS OF TRAINING.*—*If the Administrator de-*
8 *termines that a foreign government would benefit from*
9 *training and capacity development assistance pursuant to*
10 *subsection (a), the Administrator may provide to the appro-*
11 *priate authorities of such foreign government technical as-*
12 *sistance and training programs to strengthen aviation secu-*
13 *rity in managerial, operational, and technical areas, in-*
14 *cluding—*

- 15 (1) *active shooter scenarios;*
16 (2) *incident response;*
17 (3) *use of canines;*
18 (4) *mitigation of insider threats;*
19 (5) *perimeter security;*
20 (6) *operation and maintenance of security*
21 *screening technology; and*
22 (7) *recurrent related training and exercises.*

1 **Subtitle C—Checkpoint**
2 **Optimization and Efficiency**

3 **SEC. 3301. SENSE OF CONGRESS.**

4 *It is the sense of Congress that airport checkpoint wait*
5 *times should not take priority over the security of the avia-*
6 *tion system of the United States.*

7 **SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.**

8 *(a) IN GENERAL.—Not later than 30 days after the*
9 *date of the enactment of this Act, the Administrator shall*
10 *complete an assessment of the TSA’s staffing allocation*
11 *model to determine the necessary staffing positions at all*
12 *airports in the United States at which the TSA operates*
13 *passenger checkpoints.*

14 *(b) APPROPRIATE STAFFING.—The staffing allocation*
15 *model described in subsection (a) shall be based on nec-*
16 *essary staffing levels to maintain minimal passenger wait*
17 *times and maximum security effectiveness.*

18 *(c) ADDITIONAL RESOURCES.—In assessing necessary*
19 *staffing for minimal passenger wait times and maximum*
20 *security effectiveness referred to in subsection (b), the Ad-*
21 *ministrator shall include the use of canine explosives detec-*
22 *tion teams and technology to assist screeners conducting se-*
23 *curity checks.*

1 (d) *TRANSPARENCY.*—*The Administrator shall share*
2 *with aviation security stakeholders the staffing allocation*
3 *model described in subsection (a), as appropriate.*

4 (e) *EXCHANGE OF INFORMATION.*—*The Administrator*
5 *shall require each Federal Security Director to engage on*
6 *a regular basis with the appropriate aviation security*
7 *stakeholders to exchange information regarding airport op-*
8 *erations, including security operations.*

9 (f) *GAO REVIEW.*—*Not later than 180 days after the*
10 *date of the enactment of this Act, the Comptroller General*
11 *of the United States shall review the staffing allocation*
12 *model described in subsection (a) and report to the Com-*
13 *mittee on Homeland Security of the House of Representa-*
14 *tives and the Committee on Commerce, Science, and Trans-*
15 *portation of the Senate on the results of such review.*

16 **SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RE-**
17 **SOURCES.**

18 (a) *IN GENERAL.*—*To the greatest extent practicable,*
19 *the Administrator shall direct that Transportation Security*
20 *Officers with appropriate certifications and training are*
21 *assigned to passenger and baggage security screening func-*
22 *tions and that other TSA personnel who may not have cer-*
23 *tification and training to screen passengers or baggage are*
24 *utilized for tasks not directly related to security screening,*

1 *including restocking bins and providing instructions and*
2 *support to passengers in security lines.*

3 *(b) ASSESSMENT AND REASSIGNMENT.—The Adminis-*
4 *trator shall conduct an assessment of headquarters per-*
5 *sonnel and reassign appropriate personnel to assist with*
6 *airport security screening activities on a permanent or tem-*
7 *porary basis, as appropriate.*

8 **SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.**

9 *(a) IN GENERAL.—Not later than 30 days after the*
10 *date of the enactment of this Act, the Administrator shall*
11 *take the following actions:*

12 *(1) Utilize the TSA’s Behavior Detection Officers*
13 *for passenger and baggage security screening, includ-*
14 *ing the verification of traveler documents, particu-*
15 *larly at designated PreCheck Program lanes to ensure*
16 *that such lanes are operational for use and maximum*
17 *efficiency.*

18 *(2) Make every practicable effort to grant addi-*
19 *tional flexibility and authority to Federal Security*
20 *Directors in matters related to checkpoint and checked*
21 *baggage staffing allocation and employee overtime in*
22 *furtherance of maintaining minimal passenger wait*
23 *times and maximum security effectiveness.*

1 (3) *Disseminate to aviation security stakeholders*
2 *and appropriate TSA personnel a list of checkpoint*
3 *optimization best practices.*

4 (4) *Request the Aviation Security Advisory Com-*
5 *mittee (established pursuant to section 44946 of title*
6 *49, United States Code) provide recommendations on*
7 *best practices for checkpoint security operations opti-*
8 *mization.*

9 (b) *STAFFING ADVISORY COORDINATION.*—*Not later*
10 *than 30 days after the date of the enactment of this Act,*
11 *the Administrator shall—*

12 (1) *direct each Federal Security Director to co-*
13 *ordinate local representatives of aviation security*
14 *stakeholders to establish a staffing advisory working*
15 *group at each airport at which the TSA oversees or*
16 *performs passenger security screening to provide rec-*
17 *ommendations to the Administrator on Transporta-*
18 *tion Security Officer staffing numbers, for each*
19 *such airport; and*

20 (2) *certify to the Committee on Homeland Secu-*
21 *rity of the House of Representatives and the Com-*
22 *mittee on Commerce, Science, and Transportation of*
23 *the Senate that such staffing advisory working groups*
24 *have been established.*

1 (c) *REPORTING.*—Not later than 60 days after the date
2 of the enactment of this Act, the Administrator shall—

3 (1) report to the Committee on Homeland Secu-
4 rity of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of
6 the Senate regarding how the TSA’s Passenger
7 Screening Canine assets may be deployed and utilized
8 for maximum efficiency to mitigate risk and optimize
9 checkpoint operations; and

10 (2) report to the Committee on Homeland Secu-
11 rity of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of
13 the Senate on the status of the TSA’s Credential Au-
14 thentication Technology Assessment program and how
15 deployment of such program might optimize check-
16 point operations.

17 **SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.**

18 For purposes of this subtitle, the term “aviation secu-
19 rity stakeholders” shall mean, at a minimum, air carriers,
20 airport operators, and labor organizations representing
21 Transportation Security Officers or, where applicable, con-
22 tract screeners.

1 **SEC. 3306. RULE OF CONSTRUCTION.**

2 *Nothing in this subtitle may be construed as author-*
3 *izing or directing the Administrator to prioritize reducing*
4 *wait times over security effectiveness.*

5 ***Subtitle D—Aviation Security***
6 ***Enhancement and Oversight***

7 **SEC. 3401. DEFINITIONS.**

8 *In this subtitle:*

9 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
10 *TEES.—The term “appropriate congressional commit-*
11 *tees” means—*

12 (A) *the Committee on Homeland Security of*
13 *the House of Representatives;*

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

16 (C) *the Committee on Commerce, Science,*
17 *and Transportation of the Senate.*

18 (2) *ASAC.—The term “ASAC” means the Avia-*
19 *tion Security Advisory Committee established under*
20 *section 44946 of title 49, United States Code.*

21 (3) *SECRETARY.—The term “Secretary” means*
22 *the Secretary of Homeland Security.*

23 (4) *SIDA.—The term “SIDA” means the Secure*
24 *Identification Display Area as such term is defined*
25 *in section 1540.5 of title 49, Code of Federal Regula-*
26 *tions, or any successor regulation to such section.*

1 **SEC. 3402. THREAT ASSESSMENT.**

2 (a) *INSIDER THREATS.*—

3 (1) *IN GENERAL.*—Not later than 90 days after
4 the date of the enactment of this Act, the Adminis-
5 trator shall conduct or update an assessment to deter-
6 mine the level of risk posed to the domestic air trans-
7 portation system by individuals with unescorted ac-
8 cess to a secure area of an airport (as such term is
9 defined in section 44903(j)(2)(H)) in light of recent
10 international terrorist activity.

11 (2) *CONSIDERATIONS.*—In conducting or updat-
12 ing the assessment under paragraph (1), the Adminis-
13 trator shall consider—

14 (A) domestic intelligence;

15 (B) international intelligence;

16 (C) the vulnerabilities associated with
17 unescorted access authority granted to domestic
18 airport operators and air carriers, and their
19 workers;

20 (D) the vulnerabilities associated with
21 unescorted access authority granted to foreign
22 airport operators and air carriers, and their
23 workers;

24 (E) the processes and practices designed to
25 mitigate the vulnerabilities associated with

1 *unescorted access privileges granted to airport*
2 *operators and air carriers, and their workers;*

3 *(F) the recent security breaches at domestic*
4 *and foreign airports; and*

5 *(G) the recent security improvements at do-*
6 *mestic airports, including the implementation of*
7 *recommendations made by relevant advisory*
8 *committees, including the ASAC.*

9 *(b) REPORTS.—The Administrator shall submit to the*
10 *appropriate congressional committees—*

11 *(1) a report on the results of the assessment*
12 *under subsection (a), including any recommendations*
13 *for improving aviation security;*

14 *(2) a report on the implementation status of any*
15 *recommendations made by the ASAC; and*

16 *(3) regular updates about the insider threat envi-*
17 *ronment as new information becomes available or as*
18 *needed.*

19 **SEC. 3403. OVERSIGHT.**

20 *(a) ENHANCED REQUIREMENTS.—*

21 *(1) IN GENERAL.—Subject to public notice and*
22 *comment, and in consultation with airport operators,*
23 *the Administrator shall update the rules on access*
24 *controls issued by the Secretary under chapter 449 of*
25 *title 49, United States Code.*

1 (2) *CONSIDERATIONS.*—As part of the update
2 under paragraph (1), the Administrator shall con-
3 sider—

4 (A) *increased fines and advanced oversight*
5 *for airport operators that report missing more*
6 *than five percent of credentials for unescorted ac-*
7 *cess to any SIDA of an airport;*

8 (B) *best practices for Category X airport*
9 *operators that report missing more than three*
10 *percent of credentials for unescorted access to*
11 *any SIDA of an airport;*

12 (C) *additional audits and status checks for*
13 *airport operators that report missing more than*
14 *three percent of credentials for unescorted access*
15 *to any SIDA of an airport;*

16 (D) *review and analysis of the prior five*
17 *years of audits for airport operators that report*
18 *missing more than three percent of credentials*
19 *for unescorted access to any SIDA of an airport;*

20 (E) *increased fines and direct enforcement*
21 *requirements for both airport workers and their*
22 *employers that fail to report within 24 hours an*
23 *employment termination or a missing credential*
24 *for unescorted access to any SIDA of an airport;*
25 *and*

1 (F) a method for termination by the em-
2 ployer of any airport worker who fails to report
3 in a timely manner missing credentials for
4 unescorted access to any SIDA of an airport.

5 (b) *TEMPORARY CREDENTIALS.*—The Administrator
6 may encourage the issuance by airports and aircraft opera-
7 tors of free, one-time, 24-hour temporary credentials for
8 workers who have reported, in a timely manner, their cre-
9 dentials missing, but not permanently lost, stolen, or de-
10 stroyed, until replacement of credentials under section
11 1542.211 of title 49 Code of Federal Regulations is nec-
12 essary.

13 (c) *NOTIFICATION AND REPORT TO CONGRESS.*—The
14 Administrator shall—

15 (1) notify the appropriate congressional commit-
16 tees each time an airport operator reports that more
17 than three percent of credentials for unescorted access
18 to any SIDA at a Category X airport are missing,
19 or more than five percent of credentials to access any
20 SIDA at any other airport are missing; and

21 (2) submit to the appropriate congressional com-
22 mittees an annual report on the number of violations
23 and fines related to unescorted access to the SIDA of
24 an airport collected in the preceding fiscal year.

1 **SEC. 3404. CREDENTIALS.**

2 (a) *LAWFUL STATUS.*—Not later than 90 days after
3 the date of the enactment of this Act, the Administrator
4 shall issue to airport operators guidance regarding place-
5 ment of an expiration date on each airport credential issued
6 to a non-United States citizen that is not longer than the
7 period of time during which such non-United States citizen
8 is lawfully authorized to work in the United States.

9 (b) *REVIEW OF PROCEDURES.*—

10 (1) *IN GENERAL.*—Not later than 90 days after
11 the date of the enactment of this Act, the Adminis-
12 trator shall—

13 (A) issue guidance for transportation secu-
14 rity inspectors to annually review the procedures
15 of airport operators and air carriers for appli-
16 cants seeking unescorted access to any SIDA of
17 an airport; and

18 (B) make available to airport operators and
19 air carriers information on identifying sus-
20 picious or fraudulent identification materials.

21 (2) *INCLUSIONS.*—The guidance issued pursuant
22 to paragraph (1) shall require a comprehensive review
23 of background checks and employment authorization
24 documents issued by United States Citizenship and
25 Immigration Services during the course of a review of
26 procedures under such paragraph.

1 **SEC. 3405. VETTING.**

2 (a) *ELIGIBILITY REQUIREMENTS.*—

3 (1) *IN GENERAL.*—Not later than 180 days after
4 the date of the enactment of this Act, and subject to
5 public notice and comment, the Administrator shall
6 revise the regulations issued under section 44936 of
7 title 49, United States Code, in accordance with this
8 section and current knowledge of insider threats and
9 intelligence under section 3502, to enhance the eligi-
10 bility requirements and disqualifying criminal of-
11 fenses for individuals seeking or having unescorted ac-
12 cess to any SIDA of an airport.

13 (2) *DISQUALIFYING CRIMINAL OFFENSES.*—In re-
14 vising the regulations under paragraph (1), the Ad-
15 ministrator shall consider adding to the list of dis-
16 qualifying criminal offenses and criteria the offenses
17 and criteria listed in section 122.183(a)(4) of title 19,
18 Code of Federal Regulations and section 1572.103 of
19 title 49, Code of Federal Regulations.

20 (3) *WAIVER PROCESS FOR DENIED CREDEN-*
21 *TIALS.*—Notwithstanding section 44936(b) of title 49,
22 United States Code, in revising the regulations under
23 paragraph (1) of this subsection, the Administrator
24 shall—

25 (A) ensure there exists or is developed a
26 waiver process for approving the issuance of cre-

1 *denials for unescorted access to any SIDA of an*
2 *airport for an individual found to be otherwise*
3 *ineligible for such credentials; and*

4 *(B) consider, as appropriate and prac-*
5 *ticable—*

6 *(i) the circumstances of any disquali-*
7 *fying act or offense, restitution made by the*
8 *individual, Federal and State mitigation*
9 *remedies, and other factors from which it*
10 *may be concluded that the individual does*
11 *not pose a terrorism risk or a risk to avia-*
12 *tion security warranting denial of the cre-*
13 *dential; and*

14 *(ii) the elements of the appeals and*
15 *waiver process established under section*
16 *70105(c) of title 46, United States Code.*

17 (4) *LOOK BACK.—In revising the regulations*
18 *under paragraph (1), the Administrator shall propose*
19 *that an individual be disqualified if the individual*
20 *was convicted, or found not guilty by reason of insan-*
21 *ity, of a disqualifying criminal offense within 15*
22 *years before the date of an individual's application,*
23 *or if the individual was incarcerated for such crime*
24 *and released from incarceration within five years be-*
25 *fore the date of the individual's application.*

1 (5) *CERTIFICATIONS.*—*The Administrator shall*
2 *require an airport or aircraft operator, as applicable,*
3 *to certify for each individual who receives unescorted*
4 *access to any SIDA of an airport that—*

5 (A) *a specific need exists for providing the*
6 *individual with unescorted access authority; and*

7 (B) *the individual has certified to the air-*
8 *port or aircraft operator that the individual un-*
9 *derstands the requirements for possessing a*
10 *SIDA badge.*

11 (6) *REPORT TO CONGRESS.*—*Not later than 90*
12 *days after the date of the enactment of this Act, the*
13 *Administrator shall submit to the appropriate con-*
14 *gressional committees a report on the status of the re-*
15 *vision to the regulations issued under section 44936*
16 *of title 49, United States Code, in accordance with*
17 *this section.*

18 (7) *RULE OF CONSTRUCTION.*—*Nothing in this*
19 *subsection may be construed to affect existing avia-*
20 *tion worker vetting fees imposed by the TSA.*

21 (b) *RECURRENT VETTING.*—

22 (1) *IN GENERAL.*—*Not later than 90 days after*
23 *the date of the enactment of this Act, the Adminis-*
24 *trator and the Director of the Federal Bureau of In-*
25 *vestigation shall fully implement the Rap Back serv-*

1 *ice for recurrent vetting of eligible TSA-regulated*
2 *populations of individuals with unescorted access to*
3 *any SIDA of an airport.*

4 (2) *REQUIREMENTS.*—*As part of the requirement*
5 *in paragraph (1), the Administrator shall ensure*
6 *that—*

7 (A) *any status notifications the TSA re-*
8 *ceives through the Rap Back service about crimi-*
9 *nal offenses be limited to only disqualifying*
10 *criminal offenses in accordance with the regula-*
11 *tions promulgated by the TSA under section*
12 *44903 of title 49, United States Code, or other*
13 *Federal law; and*

14 (B) *any information received by the Ad-*
15 *ministration through the Rap Back service is*
16 *provided directly and immediately to the rel-*
17 *evant airport and aircraft operators.*

18 (3) *REPORT TO CONGRESS.*—*Not later than 30*
19 *days after implementation of the Rap Back service*
20 *described in paragraph (1), the Administrator shall*
21 *submit to the appropriate congressional committees a*
22 *report on the such implementation.*

23 (c) *ACCESS TO TERRORISM-RELATED DATA.*—*Not*
24 *later than 30 days after the date of the enactment of this*
25 *Act, the Administrator and the Director of National Intel-*

1 *ligence shall coordinate to ensure that the Administrator*
2 *is authorized to receive automated, real-time access to addi-*
3 *tional Terrorist Identities Datamart Environment (TIDE)*
4 *data and any other terrorism-related category codes to im-*
5 *prove the effectiveness of the TSA's credential vetting pro-*
6 *gram for individuals who are seeking or have unescorted*
7 *access to any SIDA of an airport.*

8 *(d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—*
9 *Not later than 90 days after the date of the enactment of*
10 *this Act, the Secretary shall authorize each airport operator*
11 *to have direct access to the E-Verify program and the Sys-*
12 *tematic Alien Verification for Entitlements (SAVE) auto-*
13 *mated system to determine the eligibility of individuals*
14 *seeking unescorted access to any SIDA of an airport.*

15 **SEC. 3406. METRICS.**

16 *(a) IN GENERAL.—Not later than one year after the*
17 *date of the enactment of this Act, the Administrator shall*
18 *develop and implement performance metrics to measure the*
19 *effectiveness of security for the SIDAs of airports.*

20 *(b) CONSIDERATIONS.—In developing the performance*
21 *metrics under subsection (a), the Administrator may con-*
22 *sider—*

23 *(1) adherence to access point procedures;*

24 *(2) proper use of credentials;*

1 (3) *differences in access point requirements be-*
2 *tween airport workers performing functions on the*
3 *airside of an airport and airport workers performing*
4 *functions in other areas of an airport;*

5 (4) *differences in access point characteristics and*
6 *requirements at airports; and*

7 (5) *any additional factors the Administrator*
8 *considers necessary to measure performance.*

9 **SEC. 3407. INSPECTIONS AND ASSESSMENTS.**

10 (a) *MODEL AND BEST PRACTICES.*—*Not later than*
11 *180 days after the date of the enactment of this Act, the*
12 *Administrator, in consultation with the ASAC, shall de-*
13 *velop a model and best practices for unescorted access secu-*
14 *rity that—*

15 (1) *use intelligence, scientific algorithms, and*
16 *risk-based factors;*

17 (2) *ensure integrity, accountability, and control;*

18 (3) *subject airport workers to random physical*
19 *security inspections conducted by TSA representatives*
20 *in accordance with this section;*

21 (4) *appropriately manage the number of SIDA*
22 *access points to improve supervision of and reduce*
23 *unauthorized access to SIDAs; and*

24 (5) *include validation of identification mate-*
25 *rials, such as with biometrics.*

1 (b) *INSPECTIONS.*—*Consistent with a risk-based secu-*
2 *rity approach, the Administrator shall expand the use of*
3 *transportation security officers and inspectors to conduct*
4 *enhanced, random and unpredictable, data-driven, and*
5 *operationally dynamic physical inspections of airport*
6 *workers in each SIDA of an airport and at each SIDA ac-*
7 *cess point to—*

8 (1) *verify the credentials of such airport workers;*

9 (2) *determine whether such airport workers pos-*
10 *sess prohibited items, except for those items that may*
11 *be necessary for the performance of such airport work-*
12 *ers' duties, as appropriate, in any SIDA of an air-*
13 *port; and*

14 (3) *verify whether such airport workers are fol-*
15 *lowing appropriate procedures to access any SIDA of*
16 *an airport.*

17 (c) *SCREENING REVIEW.*—

18 (1) *IN GENERAL.*—*The Administrator shall con-*
19 *duct a review of airports that have implemented addi-*
20 *tional airport worker screening or perimeter security*
21 *to improve airport security, including—*

22 (A) *comprehensive airport worker screening*
23 *at access points to secure areas;*

24 (B) *comprehensive perimeter screening, in-*
25 *cluding vehicles;*

1 (C) enhanced fencing or perimeter sensors;
2 and

3 (D) any additional airport worker screen-
4 ing or perimeter security measures the Adminis-
5 trator identifies.

6 (2) *BEST PRACTICES*.—After completing the re-
7 view under paragraph (1), the Administrator shall—

8 (A) identify best practices for additional ac-
9 cess control and airport worker security at air-
10 ports; and

11 (B) disseminate to airport operators the
12 best practices identified under subparagraph (A).

13 (3) *PILOT PROGRAM*.—The Administrator may
14 conduct a pilot program at one or more airports to
15 test and validate best practices for comprehensive air-
16 port worker screening or perimeter security under
17 paragraph (2).

18 **SEC. 3408. COVERT TESTING.**

19 (a) *IN GENERAL*.—The Administrator shall increase
20 the use of red-team, covert testing of access controls to any
21 secure areas of an airport.

22 (b) *ADDITIONAL COVERT TESTING*.—The Inspector
23 General of the Department of Homeland Security shall con-
24 duct red-team, covert testing of airport access controls to
25 the SIDAs of airports.

1 (c) *REPORTS TO CONGRESS.*—

2 (1) *ADMINISTRATOR REPORT.*—Not later than 90
3 days after the date of the enactment of this Act, the
4 Administrator shall submit to the appropriate con-
5 gressional committees a report on the progress to ex-
6 pand the use of inspections and of red-team, covert
7 testing under subsection (a).

8 (2) *INSPECTOR GENERAL REPORT.*—Not later
9 than 180 days after the date of the enactment of this
10 Act, the Inspector General of the Department of
11 Homeland Security shall submit to the appropriate
12 congressional committees a report on the effectiveness
13 of airport access controls to the SIDAs of airports
14 based on red-team, covert testing under subsection (b).

15 **SEC. 3409. SECURITY DIRECTIVES.**

16 (a) *REVIEW.*—Not later than 180 days after the date
17 of the enactment of this Act and annually thereafter, the
18 Administrator, in consultation with the appropriate regu-
19 lated entities, shall conduct a comprehensive review of every
20 current security directive addressed to any regulated entity
21 to—

22 (1) *determine whether each such security direc-*
23 *tive continues to be relevant;*

1 (2) *determine whether such security directives*
2 *should be streamlined or consolidated to most effi-*
3 *ciently maximize risk reduction; and*

4 (3) *update, consolidate, or revoke any security*
5 *directive as necessary.*

6 (b) *NOTICE.*—*For each security directive that the Ad-*
7 *ministrators issues, the Administrator shall submit to the*
8 *appropriate congressional committees notice of—*

9 (1) *the extent to which each such security direc-*
10 *tive responds to a specific threat, security threat as-*
11 *essment, or emergency situation against civil avia-*
12 *tion; and*

13 (2) *when it is anticipated that each such secu-*
14 *rity directive will expire.*

15 **SEC. 3410. IMPLEMENTATION REPORT.**

16 *Not later than one year after the date of the enactment*
17 *of this Act, the Comptroller General of the United States*
18 *shall—*

19 (1) *assess the progress made by the TSA and the*
20 *effect on aviation security of implementing the re-*
21 *quirements under sections 3402 through 3409 of this*
22 *subtitle; and*

23 (2) *report to the appropriate congressional com-*
24 *mittees on the results of the assessment under para-*
25 *graph (1), including any recommendations.*

1 **SEC. 3411. MISCELLANEOUS AMENDMENTS.**

2 (a) *ASAC TERMS OF OFFICE.*—Subparagraph (A) of
3 section 44946(c)(2) of title 49, United States Code, is
4 amended to read as follows:

5 “(A) *TERMS.*—The term of each member of
6 the Advisory Committee shall be two years, but
7 a member may continue to serve until a suc-
8 cessor is appointed. A member of the Advisory
9 Committee may be reappointed.”.

10 (b) *FEEDBACK.*—Paragraph (5) of section 44946(b) of
11 title 49, United States Code, is amended by striking “para-
12 graph (4)” and inserting “paragraph (2) or (4)”.

13 ***Subtitle E—Checkpoints of the***
14 ***Future***

15 **SEC. 3501. CHECKPOINTS OF THE FUTURE.**

16 (a) *IN GENERAL.*—The Administrator, in accordance
17 with chapter 449 of title 49, United States Code, shall re-
18 quest the Aviation Security Advisory Committee (estab-
19 lished pursuant to section 44946 of such title) to develop
20 recommendations for more efficient and effective passenger
21 screening processes.

22 (b) *CONSIDERATIONS.*—In making recommendations
23 to improve existing passenger screening processes, the Avia-
24 tion Security Advisory Committee shall consider—

- 25 (1) *the configuration of a checkpoint;*
26 (2) *technology innovation;*

1 (3) ways to address any vulnerabilities identified
2 in audits of checkpoint operations;

3 (4) ways to prevent security breaches at airports
4 at which Federal security screening is provided;

5 (5) best practices in aviation security;

6 (6) recommendations from airports and aircraft
7 operators, and any relevant advisory committees; and

8 (7) “curb to curb” processes and procedures.

9 (c) *REPORT.*—Not later than one year after the date
10 of enactment of this Act, the Administrator shall submit
11 to the Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland Security
13 and Governmental Affairs and the Committee on Com-
14 merce, Science, and Transportation of the Senate a report
15 on the results of the Aviation Security Advisory Committee
16 review under this section, including any recommendations
17 for improving passenger screening processes.

18 **SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY**

19 **AND SECURITY AT CATEGORY X AIRPORTS.**

20 (a) *IN GENERAL.*—The Administrator shall establish
21 a pilot program at at least three and not more than six
22 airports to reconfigure and install security systems that in-
23 crease efficiency and reduce vulnerabilities in airport ter-
24 minals, particularly at airports that have large open areas
25 at which screening is conducted.

1 (b) *SELECTION OF AIRPORTS.*—*In selecting airports*
2 *for the pilot program established under subsection (a), the*
3 *Administrator shall—*

4 (1) *select airports from among airports classified*
5 *by the TSA as Category X airports and that are able*
6 *to begin the reconfiguration and installation of secu-*
7 *rity systems expeditiously; and*

8 (2) *give priority to an airport that—*

9 (A) *submits a proposal that seeks Federal*
10 *funding for reconfiguration of such airport's se-*
11 *curity systems;*

12 (B) *has the space needed to reduce*
13 *vulnerabilities and reconfigure existing security*
14 *systems; and*

15 (C) *is able to enter into a cost-sharing ar-*
16 *rangement with the TSA under which such air-*
17 *port will provided funding towards the cost of*
18 *such pilot program.*

19 **SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND**
20 **TESTING OF PROTOTYPES FOR AIRPORT SE-**
21 **CURITY SYSTEMS.**

22 (a) *IN GENERAL.*—*The Administrator shall establish*
23 *a pilot program at three airports to develop and test proto-*
24 *types of screening security systems and security checkpoint*
25 *configurations that are intended to expedite the movement*

1 of passengers by deploying a range of technologies, includ-
2 ing passive and active systems, new types of security bag-
3 gage and personal screening systems, and new systems to
4 review and address passenger and baggage anomalies.

5 (b) *SELECTION OF AIRPORTS.*—*In selecting airports*
6 *for the pilot program established under subsection (a), the*
7 *Administrator shall—*

8 (1) *select airports from among airports classified*
9 *by the TSA as Category X airports that are able to*
10 *begin the reconfiguration and installation of security*
11 *systems expeditiously;*

12 (2) *consider detection capabilities; and*

13 (3) *give priority to an airport that—*

14 (A) *submits a proposal that seeks Federal*
15 *funding to test prototypes for new airport secu-*
16 *rity systems;*

17 (B) *has the space needed to reduce*
18 *vulnerabilities and reconfigure existing security*
19 *systems; and*

20 (C) *is able to enter into a cost-sharing ar-*
21 *rangement with the TSA under which such air-*
22 *port will provided funding towards the cost of*
23 *such pilot program.*

1 **SEC. 3504. REPORT REQUIRED.**

2 *Not later than 90 days after the date of the enactment*
3 *of this Act, the Administrator shall submit to the Committee*
4 *on Homeland Security of the House of Representatives and*
5 *the Committee on Homeland Security and Governmental*
6 *Affairs and the Committee on Commerce, Science, and*
7 *Transportation of the Senate and a report on the pilot pro-*
8 *grams established under sections 3502 and 3503 of this sub-*
9 *title.*

10 **SEC. 3505. FUNDING.**

11 *The Administrator shall carry out the pilot programs*
12 *established under sections 3502 and 3503 of this subtitle*
13 *using amounts—*

14 *(1) appropriated to the TSA before the date of*
15 *the enactment of this Act and available for obligation*
16 *as of such date of enactment; and*

17 *(2) amounts obtained as reimbursements from*
18 *airports under such pilot programs.*

19 **SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES BY**
20 **THE TRANSPORTATION SECURITY ADMINIS-**
21 **TRATION.**

22 *The Administrator, in carrying out the functions of*
23 *the pilot programs established under sections 3502 and*
24 *3503 of this subtitle, may accept services, supplies, equip-*
25 *ment, personnel, or facilities, without reimbursement, from*
26 *any other public or private entity.*

1 ***Subtitle F—Miscellaneous***
2 ***Provisions***

3 **SEC. 3601. VISIBLE DETERRENT.**

4 *Section 1303 of the Implementing Recommendations*
5 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is*
6 *amended—*

7 (1) *in subsection (a)—*

8 (A) *in paragraph (3), by striking “and” at*
9 *the end;*

10 (B) *in paragraph (4), by striking the period*
11 *at the end and inserting “; and”; and*

12 (C) *by adding at the end the following new*
13 *paragraph:*

14 “(5) *shall require, as appropriate based on risk,*
15 *in the case of a VIPR team deployed to an airport,*
16 *that the VIPR team conduct operations—*

17 “(A) *in the sterile area and any other areas*
18 *to which only individuals issued security creden-*
19 *tials have unescorted access; and*

20 “(B) *in nonsterile areas.”; and*

21 (2) *in subsection (b), by striking “such sums as*
22 *necessary for fiscal years 2007 through 2011” and in-*
23 *serting “such sums as necessary, including funds to*
24 *develop not more than 60 VIPR teams, for fiscal*
25 *years 2016 through 2018”.*

1 **SEC. 3602. LAW ENFORCEMENT TRAINING FOR MASS CAS-**
2 **UALTY AND ACTIVE SHOOTER INCIDENTS.**

3 *Paragraph (2) of section 2006(a) of the Homeland Se-*
4 *curity Act of 2002 (6 U.S.C. 607(a)) is amended—*

5 *(1) by redesignating subparagraphs (E) through*
6 *(I) as subparagraphs (F) through (J), respectively;*
7 *and*

8 *(2) by inserting after subparagraph (D) the fol-*
9 *lowing new subparagraph:*

10 *“(E) training exercises to enhance pre-*
11 *paredness for and response to mass casualty and*
12 *active shooter incidents and security events at*
13 *public locations, including airports and mass*
14 *transit systems;”.*

15 **SEC. 3603. ASSISTANCE TO AIRPORTS AND SURFACE TRANS-**
16 **PORTATION SYSTEMS.**

17 *Subsection (a) of section 2008 of the Homeland Secu-*
18 *urity Act of 2002 (6 U.S.C. 609) is amended—*

19 *(1) by redesignating paragraphs (9) through (13)*
20 *as paragraphs (10) through (14), respectively; and*

21 *(2) by inserting after paragraph (8) the fol-*
22 *lowing new paragraph:*

23 *“(9) enhancing the security and preparedness of*
24 *secure and nonsecure areas of eligible airports and*
25 *surface transportation systems;”.*

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: “An Act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.”

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H.R. 636

**HOUSE AMENDMENTS TO
SENATE AMENDMENTS**