

Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

**§ 556. Incidental transfers**

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized and directed to make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this chapter, as the Director may determine necessary to accomplish the purposes of this chapter.

(Pub. L. 107–296, title XV, § 1516, Nov. 25, 2002, 116 Stat. 2311.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

**§ 557. Reference**

With respect to any function transferred by or under this chapter (including under a reorganization plan that becomes effective under section 542 of this title) and exercised on or after the effective date of this chapter, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, other official, or component of the Department to which such function is so transferred.

(Pub. L. 107–296, title XV, § 1517, Nov. 25, 2002, 116 Stat. 2311.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

The effective date of this chapter, referred to in text, is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of this title.

SUBCHAPTER XII—A—TRANSPORTATION SECURITY

PART A—GENERAL PROVISIONS

**§ 561. Definitions**

In this subchapter:

**(1) Administration**

The term “Administration” means the Transportation Security Administration.

**(2) Administrator**

The term “Administrator” means the Administrator of the Transportation Security Administration.

**(3) Plan**

The term “Plan” means the strategic 5-year technology investment plan developed by the Administrator under section 563 of this title.

**(4) Security-related technology**

The term “security-related technology” means any technology that assists the Administration in the prevention of, or defense against, threats to United States transportation systems, including threats to people, property, and information.

(Pub. L. 107–296, title XVI, § 1601, as added Pub. L. 113–245, § 3(a), Dec. 18, 2014, 128 Stat. 2871.)

PRIOR PROVISIONS

A prior section 1601 of Pub. L. 107–296, title XVI, Nov. 25, 2002, 116 Stat. 2312, amended sections 114 and 40119 of Title 49, Transportation, see section 3(c) of Pub. L. 113–245, set out as a note below.

FINDINGS

Pub. L. 113–245, § 2, Dec. 18, 2014, 128 Stat. 2871, provided that: “Congress finds the following:

“(1) The Transportation Security Administration has not consistently implemented Department of Homeland Security policies and Government best practices for acquisition and procurement.

“(2) The Transportation Security Administration has only recently developed a multiyear technology investment plan, and has underutilized innovation opportunities within the private sector, including from small businesses.

“(3) The Transportation Security Administration has faced challenges in meeting key performance requirements for several major acquisitions and procurements, resulting in reduced security effectiveness and wasted expenditures.”

PRIOR AMENDMENTS NOT AFFECTED

Pub. L. 113–245, § 3(c), Dec. 18, 2014, 128 Stat. 2877, provided that: “Nothing in this section [enacting this subchapter] may be construed to affect any amendment made by title XVI of the Homeland Security Act of 2002 [title XVI of Pub. L. 107–296, amending sections 114, 40119, 44935 and 46301 of Title 49, Transportation] as in effect before the date of enactment of this Act [Dec. 18, 2014].”

PART B—TRANSPORTATION SECURITY ADMINISTRATION ACQUISITION IMPROVEMENTS

**§ 563. 5-year technology investment plan**

**(a) In general**

The Administrator shall—

(1) not later than 180 days after December 18, 2014, develop and submit to Congress a strategic 5-year technology investment plan, that may include a classified addendum to report sensitive transportation security risks, technology vulnerabilities, or other sensitive security information; and

(2) to the extent possible, publish the Plan in an unclassified format in the public domain.

**(b) Consultation**

The Administrator shall develop the Plan in consultation with—

- (1) the Under Secretary for Management;
- (2) the Under Secretary for Science and Technology;
- (3) the Chief Information Officer; and
- (4) the aviation industry stakeholder advisory committee established by the Administrator.

**(c) Approval**

The Administrator may not publish the Plan under subsection (a)(2) until it has been approved by the Secretary.

**(d) Contents of Plan**

The Plan shall include—

(1) an analysis of transportation security risks and the associated capability gaps that would be best addressed by security-related technology, including consideration of the most recent quadrennial homeland security review under section 347 of this title;

(2) a set of security-related technology acquisition needs that—

(A) is prioritized based on risk and associated capability gaps identified under paragraph (1); and

(B) includes planned technology programs and projects with defined objectives, goals, timelines, and measures;

(3) an analysis of current and forecast trends in domestic and international passenger travel;

(4) an identification of currently deployed security-related technologies that are at or near the end of their lifecycles;

(5) an identification of test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines necessary to support the acquisition of the security-related technologies expected to meet the needs under paragraph (2);

(6) an identification of opportunities for public-private partnerships, small and disadvantaged company participation, intragovernment collaboration, university centers of excellence, and national laboratory technology transfer;

(7) an identification of the Administration's acquisition workforce needs for the management of planned security-related technology acquisitions, including consideration of leveraging acquisition expertise of other Federal agencies;

(8) an identification of the security resources, including information security resources, that will be required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack;

(9) an identification of initiatives to streamline the Administration's acquisition process and provide greater predictability and clarity to small, medium, and large businesses, including the timeline for testing and evaluation;

(10) an assessment of the impact to commercial aviation passengers;

(11) a strategy for consulting airport management, air carrier representatives, and Federal security directors whenever an acquisition will lead to the removal of equipment at airports, and how the strategy for consulting with such officials of the relevant airports will address potential negative impacts on commercial passengers or airport operations; and

(12) in consultation with the National Institutes of Standards and Technology, an identification of security-related technology interface standards, in existence or if implemented, that could promote more interoperable passenger, baggage, and cargo screening systems.

**(e) Leveraging the private sector**

To the extent possible, and in a manner that is consistent with fair and equitable practices, the Plan shall—

(1) leverage emerging technology trends and research and development investment trends within the public and private sectors;

(2) incorporate private sector input, including from the aviation industry stakeholder advisory committee established by the Administrator, through requests for information, industry days, and other innovative means consistent with the Federal Acquisition Regulation; and

(3) in consultation with the Under Secretary for Science and Technology, identify technologies in existence or in development that, with or without adaptation, are expected to be suitable to meeting mission needs.

**(f) Disclosure**

The Administrator shall include with the Plan a list of nongovernment persons that contributed to the writing of the Plan.

**(g) Update and report**

Beginning 2 years after the date the Plan is submitted to Congress under subsection (a), and biennially thereafter, the Administrator shall submit to Congress—

(1) an update of the Plan; and

(2) a report on the extent to which each security-related technology acquired by the Administration since the last issuance or update of the Plan is consistent with the planned technology programs and projects identified under subsection (d)(2) for that security-related technology.

(Pub. L. 107-296, title XVI, §1611, as added Pub. L. 113-245, §3(a), Dec. 18, 2014, 128 Stat. 2872.)

**§ 563a. Acquisition justification and reports****(a) Acquisition justification**

Before the Administration implements any security-related technology acquisition, the Administrator, in accordance with the Department's policies and directives, shall determine whether the acquisition is justified by conducting an analysis that includes—

(1) an identification of the scenarios and level of risk to transportation security from those scenarios that would be addressed by the security-related technology acquisition;

(2) an assessment of how the proposed acquisition aligns to the Plan;

(3) a comparison of the total expected lifecycle cost against the total expected quantitative and qualitative benefits to transportation security;

(4) an analysis of alternative security solutions, including policy or procedure solutions, to determine if the proposed security-related technology acquisition is the most effective and cost-efficient solution based on cost-benefit considerations;

(5) an assessment of the potential privacy and civil liberties implications of the proposed acquisition that includes, to the extent practicable, consultation with organizations that advocate for the protection of privacy and civil liberties;