

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

H. R. 636

To amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. THUNE (for himself and Mr. NELSON)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Aviation Administration Reauthorization Act of
6 2016”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States Code.
- Sec. 3. Definition of appropriate committees of Congress.
- Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

- Sec. 1001. Airport planning and development and noise compatibility planning and programs.
- Sec. 1002. Air navigation facilities and equipment.
- Sec. 1003. FAA operations.
- Sec. 1004. FAA research and development.
- Sec. 1005. Funding for aviation programs.
- Sec. 1006. Extension of expiring authorities.

Subtitle B—Airport Improvement Program Modifications

- Sec. 1201. Small airport regulation relief.
- Sec. 1202. Priority review of construction projects in cold weather States.
- Sec. 1203. State block grants updates.
- Sec. 1204. Contract Tower Program updates.
- Sec. 1205. Approval of certain applications for the contract tower program.
- Sec. 1206. Remote towers.
- Sec. 1207. Midway Island airport.
- Sec. 1208. Airport road funding.
- Sec. 1209. Repeal of inherently low-emission airport vehicle pilot program.
- Sec. 1210. Modification of zero-emission airport vehicles and infrastructure pilot program.
- Sec. 1211. Repeal of airport ground support equipment emissions retrofit pilot program.
- Sec. 1212. Funding eligibility for airport energy efficiency assessments.
- Sec. 1213. Recycling plans; safety projects at unclassified airports.
- Sec. 1214. Transfers of instrument landing systems.
- Sec. 1215. Non-movement area surveillance pilot program.
- Sec. 1216. Amendments to definitions.
- Sec. 1217. Clarification of noise exposure map updates.
- Sec. 1218. Provision of facilities.
- Sec. 1219. Contract weather observers.
- Sec. 1220. Federal share adjustment.
- Sec. 1221. Miscellaneous technical amendments.
- Sec. 1222. Mothers' rooms at airports.
- Sec. 1223. Eligibility for airport development grants at airports that enter into certain leases with components of the Armed Forces.
- Sec. 1224. Clarification of definition of aviation-related activity for hangar use.
- Sec. 1225. Use of airport improvement program funds for runway safety repairs.

Subtitle C—Passenger Facility Charges

- Sec. 1301. PFC streamlining.
- Sec. 1302. Intermodal access projects.
- Sec. 1303. Use of revenue at a previously associated airport.
- Sec. 1304. Future aviation infrastructure and financing study.

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.

PART I—PRIVACY AND TRANSPARENCY

- Sec. 2101. Unmanned aircraft systems privacy policy.
- Sec. 2102. Sense of Congress.

- Sec. 2103. Federal Trade Commission authority.
- Sec. 2104. National Telecommunications and Information Administration multi-stakeholder process.
- Sec. 2105. Identification standards.
- Sec. 2106. Commercial and governmental operators.
- Sec. 2107. Analysis of current remedies under Federal, State, and local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.
- Sec. 2122. Utilization of unmanned aircraft system test sites.
- Sec. 2123. Additional research, development, and testing.
- Sec. 2124. Safety standards.
- Sec. 2125. Unmanned aircraft systems in the Arctic.
- Sec. 2126. Special authority for certain unmanned aircraft systems.
- Sec. 2127. Additional rulemaking authority.
- Sec. 2128. Governmental unmanned aircraft systems.
- Sec. 2129. Special rules for model aircraft.
- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.
- Sec. 2131. Safety statements.
- Sec. 2132. Treatment of unmanned aircraft operating underground.
- Sec. 2133. Enforcement.
- Sec. 2134. Aviation emergency safety public services disruption.
- Sec. 2135. Pilot project for airport safety and airspace hazard mitigation.
- Sec. 2136. Contribution to financing of regulatory functions.
- Sec. 2137. Sense of Congress regarding small UAS rulemaking.
- Sec. 2138. Unmanned aircraft systems traffic management.
- Sec. 2139. Emergency exemption process.
- Sec. 2140. Public use operations by tribal governments.
- Sec. 2141. Carriage of property by small unmanned aircraft systems for compensation or hire.
- Sec. 2142. Collegiate Training Initiative program for unmanned aircraft systems.

PART III—TRANSITION AND SAVINGS PROVISIONS

- Sec. 2151. Senior advisor for unmanned aircraft systems integration.
- Sec. 2152. Effect on other laws.
- Sec. 2153. Spectrum.
- Sec. 2154. Applications for designation.
- Sec. 2155. Use of unmanned aircraft systems at institutions of higher education.
- Sec. 2156. Transition language.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.
- Sec. 2212. Safety oversight and certification advisory committee.

PART II—AIRCRAFT CERTIFICATION REFORM

- Sec. 2221. Aircraft certification performance objectives and metrics.
- Sec. 2222. Organization designation authorizations.
- Sec. 2223. ODA review.

- Sec. 2224. Type certification resolution process.
- Sec. 2225. Safety enhancing technologies for small general aviation airplanes.
- Sec. 2226. Streamlining certification of small general aviation airplanes.

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.
- Sec. 2232. FAA task force on flight standards reform.
- Sec. 2233. Centralized safety guidance database.
- Sec. 2234. Regulatory Consistency Communications Board.
- Sec. 2235. Flight standards service realignment feasibility report.
- Sec. 2236. Additional certification resources.

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.
- Sec. 2242. Workforce study.

PART V—INTERNATIONAL AVIATION

- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.
- Sec. 2252. Bilateral exchanges of safety oversight responsibilities.
- Sec. 2253. FAA leadership abroad.
- Sec. 2254. Registration, certification, and related fees.

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Pilot records database deadline.
- Sec. 2302. Access to air carrier flight decks.
- Sec. 2303. Aircraft tracking and flight data.
- Sec. 2304. Automation reliance improvements.
- Sec. 2305. Enhanced mental health screening for pilots.
- Sec. 2306. Flight attendant duty period limitations and rest requirements.
- Sec. 2307. Training to combat human trafficking for certain air carrier employees.
- Sec. 2308. Report on obsolete test equipment.
- Sec. 2309. Plan for systems to provide direct warnings of potential runway incursions.
- Sec. 2310. Laser pointer incidents.
- Sec. 2311. Helicopter air ambulance operations data and reports.
- Sec. 2312. Part 135 accident and incident data.
- Sec. 2313. Definition of human factors.
- Sec. 2314. Sense of Congress; pilot in command authority.
- Sec. 2315. Enhancing ASIAs.
- Sec. 2316. Improving runway safety.
- Sec. 2317. Safe air transportation of lithium cells and batteries.
- Sec. 2318. Prohibition on implementation of policy change to permit small, non-locking knives on aircraft.
- Sec. 2319. Aircraft cabin evacuation procedures.

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.
- Sec. 2402. Tower marking.
- Sec. 2403. Crash-resistant fuel systems.

- Sec. 2404. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.

Subtitle E—General Provisions

- Sec. 2501. Designated agency safety and health officer.
- Sec. 2502. Repair stations located outside United States.
- Sec. 2503. FAA technical training.
- Sec. 2504. Safety critical staffing.
- Sec. 2505. Approach control radar in all air traffic control towers.

Subtitle F—Third Class Medical Reform and General Aviation Pilot Protections

- Sec. 2601. Short title.
- Sec. 2602. Medical certification of certain small aircraft pilots.
- Sec. 2603. Expansion of pilot's bill of rights.
- Sec. 2604. Limitations on reexamination of certificate holders.
- Sec. 2605. Expediting updates to notam program.
- Sec. 2606. Accessibility of certain flight data.
- Sec. 2607. Authority for legal counsel to issue certain notices.

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.
- Sec. 3102. Involuntary changes to itineraries.
- Sec. 3103. Additional consumer protections.
- Sec. 3104. Addressing the needs of families of passengers involved in aircraft accidents.
- Sec. 3105. Emergency medical kits.
- Sec. 3106. Travelers with disabilities.
- Sec. 3107. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 3108. Extension of competitive access reports.
- Sec. 3109. Refunds for delayed baggage.
- Sec. 3110. Refunds for other fees that are not honored by a covered air carrier.
- Sec. 3111. Disclosure of fees to consumers.
- Sec. 3112. Seat assignments.
- Sec. 3113. Child seating.
- Sec. 3114. Consumer complaint process improvement.
- Sec. 3115. Online access to aviation consumer protection information.
- Sec. 3116. Study on in cabin wheelchair restraint systems.
- Sec. 3117. Training policies regarding assistance for persons with disabilities.
- Sec. 3118. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 3119. Report on covered air carrier change, cancellation, and baggage fees.
- Sec. 3120. Enforcement of aviation consumer protection rules.
- Sec. 3121. Dimensions for passenger seats.
- Sec. 3122. Cell phone voice communications.
- Sec. 3123. Availability of slots for new entrant air carriers at Newark Liberty International Airport.

Subtitle B—Essential Air Service

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- Sec. 3201. Essential air service.
- Sec. 3202. Small community air service development program.
- Sec. 3203. Small community program amendments.
- Sec. 3204. Waivers.
- Sec. 3205. Working group on improving air service to small communities.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

- Sec. 4001. Definitions.

Subtitle A—Next Generation Air Transportation System

- Sec. 4101. Return on investment assessment.
- Sec. 4102. Ensuring FAA readiness to use new technology.
- Sec. 4103. NextGen annual performance goals.
- Sec. 4104. Facility outage contingency plans.
- Sec. 4105. ADS-B mandate assessment.
- Sec. 4106. Nextgen interoperability.
- Sec. 4107. NextGen transition management.
- Sec. 4108. Implementation of NextGen operational improvements.
- Sec. 4109. Cybersecurity.
- Sec. 4110. Defining NextGen.
- Sec. 4111. Human factors.
- Sec. 4112. Major acquisition reports.
- Sec. 4113. Equipage mandates.
- Sec. 4114. Workforce.
- Sec. 4115. Architectural leadership.
- Sec. 4116. Programmatic risk management.
- Sec. 4117. NextGen prioritization.

Subtitle B—Administration Organization and Employees

- Sec. 4201. Cost-saving initiatives.
- Sec. 4202. Treatment of essential employees during furloughs.
- Sec. 4203. Controller candidate interviews.
- Sec. 4204. Hiring of air traffic controllers.
- Sec. 4205. Computation of basic annuity for certain air traffic controllers.
- Sec. 4206. Air traffic services at aviation events.
- Sec. 4207. Full annuity supplement for certain air traffic controllers.
- Sec. 4208. Inclusion of disabled veteran leave in Federal Aviation Administration personnel management system.

TITLE V—MISCELLANEOUS

- Sec. 5001. National Transportation Safety Board investigative officers.
- Sec. 5002. Performance-Based Navigation.
- Sec. 5003. Overflights of national parks.
- Sec. 5004. Navigable airspace analysis for commercial space launch site runways.
- Sec. 5005. Survey and report on spaceport development.
- Sec. 5006. Aviation fuel.
- Sec. 5007. Comprehensive Aviation Preparedness Plan.
- Sec. 5008. Advanced Materials Center of Excellence.
- Sec. 5009. Interference with airline employees.
- Sec. 5010. Secondary cockpit barriers.
- Sec. 5011. GAO evaluation and audit.
- Sec. 5012. Federal Aviation Administration performance measures and targets.

- Sec. 5013. Staffing of certain air traffic control towers.
- Sec. 5014. Critical airfield markings.
- Sec. 5015. Research and deployment of certain airfield pavement technologies.
- Sec. 5016. Report on general aviation flight sharing.
- Sec. 5017. Increase in duration of general aviation aircraft registration.
- Sec. 5018. Modification of limitation of liability relating to aircraft.
- Sec. 5019. Government Accountability Office study of illegal drugs seized at international airports in the United States.
- Sec. 5020. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
- Sec. 5021. Work plan for the New York/New Jersey/Philadelphia metroplex program.
- Sec. 5022. Report on plans for air traffic control facilities in the New York City and Newark region.
- Sec. 5023. GAO study of international airline alliances.
- Sec. 5024. Treatment of multi-year lessees of large and turbine-powered multi-engine aircraft.
- Sec. 5025. Evaluation of emerging technologies.
- Sec. 5026. Student outreach report.
- Sec. 5027. Right to privacy when using air traffic control system.
- Sec. 5028. Conduct of security screening by the Transportation Security Administration at certain airports.
- Sec. 5029. Aviation cybersecurity.
- Sec. 5030. Prohibitions against smoking on passenger flights.
- Sec. 5031. Technical and conforming amendments.

1 SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 49, United States Code.

7 SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF
8 CONGRESS.

9 In this Act, unless expressly provided otherwise, the
10 term “appropriate committees of Congress” means the
11 Committee on Commerce, Science, and Transportation of
12 the Senate and the Committee on Transportation and In-
13 frastructure of the House of Representatives.

1 **SEC. 4. EFFECTIVE DATE.**

2 Except as otherwise expressly provided, this Act and
3 the amendments made by this Act shall take effect on the
4 date of enactment of this Act.

5 **TITLE I—AUTHORIZATIONS**
6 **Subtitle A—Funding of FAA**
7 **Programs**

8 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
9 **NOISE COMPATIBILITY PLANNING AND PRO-**
10 **GRAMS.**

11 (a) **AUTHORIZATION.**—Section 48103(a) is amended
12 by striking “section 47505(a)(2), and carrying out noise
13 compatibility programs under section 47504(c)
14 \$3,350,000,000 for each of fiscal years 2012 through
15 2015 and \$2,652,083,333 for the period beginning on Oc-
16 tober 1, 2015, and ending on July 15, 2016” and inserting
17 “section 47505(a)(2), carrying out noise compatibility
18 programs under section 47504(c), for an airport coopera-
19 tive research program under section 44511, for Airports
20 Technology-Safety research, and Airports Technology-Ef-
21 ficiency research, \$3,350,000,000 for fiscal year 2016 and
22 \$3,750,000,000 for fiscal year 2017”.

23 (b) **OBLIGATIONAL AUTHORITY.**—Section 47104(c)
24 is amended in the matter preceding paragraph (1) by
25 striking “July 15, 2016” and inserting “September 30,
26 2017”.

1 **SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

2 Section 48101(a) is amended by striking paragraphs
3 (1) through (5) and inserting the following:

4 “(1) \$2,855,241,025 for fiscal year 2016.

5 “(2) \$2,862,020,524 for fiscal year 2017.”.

6 **SEC. 1003. FAA OPERATIONS.**

7 (a) **IN GENERAL.**—Section 106(k)(1) is amended by
8 striking subparagraphs (A) through (E) and inserting the
9 following:

10 “(A) \$9,910,009,314 for fiscal year 2016;

11 and

12 “(B) \$10,025,361,111 for fiscal year
13 2017.”.

14 (b) **AUTHORIZED EXPENDITURES.**—Section
15 106(k)(2) is amended by striking “for fiscal years 2012
16 through 2015” each place it appears and inserting “for
17 fiscal years 2016 through 2017”.

18 (c) **AUTHORITY TO TRANSFER FUNDS.**—Section
19 106(k)(3) is amended by striking “2012 through 2015
20 and for the period beginning on October 1, 2015, and end-
21 ing on July 15, 2016” and inserting “2016 through
22 2017”.

23 **SEC. 1004. FAA RESEARCH AND DEVELOPMENT.**

24 Section 48102 is amended—

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by striking “44511-44513” and in-
4 sserting “44512-44513”; and

5 (ii) by striking “and, for each of fiscal
6 years 2012 through 2015, under sub-
7 section (g)”;

8 (B) in paragraph (8), by striking “; and”
9 and inserting a semicolon; and

10 (C) by striking paragraph (9) and insert-
11 ing the following:

12 “(9) \$166,000,000 for fiscal year 2016; and

13 “(10) \$169,000,000 for fiscal year 2017.”; and

14 (2) in subsection (b), by striking paragraph (3).

15 **SEC. 1005. FUNDING FOR AVIATION PROGRAMS.**

16 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
17 ANTEE.—Section 48114(a)(1)(A) is amended to read as
18 follows:

19 “(A) IN GENERAL.—The total budget re-
20 sources made available from the Airport and
21 Airway Trust Fund each fiscal year under sec-
22 tions 48101, 48102, 48103, and 106(k)—

23 “(i) shall in each of fiscal years 2016
24 through 2017, be equal to the sum of—

1 “(I) 90 percent of the estimated
2 level of receipts plus interest credited
3 to the Airport and Airway Trust
4 Fund for that fiscal year; and

5 “(II) the actual level of receipts
6 plus interest credited to the Airport
7 and Airway Trust Fund for the sec-
8 ond preceding fiscal year minus the
9 total amount made available for obli-
10 gation from the Airport and Airway
11 Trust Fund for the second preceding
12 fiscal year; and

13 “(ii) may be used only for the aviation
14 investment programs listed in subsection
15 (b)(1).”.

16 (b) ENFORCEMENT OF GUARANTEES.—Section
17 48114(c)(2) is amended by striking “2016” and inserting
18 “2017”.

19 **SEC. 1006. EXTENSION OF EXPIRING AUTHORITIES.**

20 (a) MARSHALL ISLANDS, MICRONESIA, AND
21 PALAU.—Section 47115(j) is amended by striking “2015
22 and for the period beginning on October 1, 2015, and end-
23 ing on July 15, 2016,” and inserting “2017”.

24 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
25 NING AND PROJECTS BY STATE AND LOCAL GOVERN-

1 MENTS.—Section 47141(f) is amended by striking “July
2 15, 2016” and inserting “September 30, 2017”.

3 (c) INSPECTOR GENERAL REPORT ON PARTICIPA-
4 TION IN FAA PROGRAMS BY DISADVANTAGED SMALL
5 BUSINESS CONCERNS.—

6 (1) IN GENERAL.—For each of fiscal years
7 2016 through 2017, the Inspector General of the
8 Department of Transportation shall submit to Con-
9 gress a report on the number of new small business
10 concerns owned and controlled by socially and eco-
11 nomically disadvantaged individuals, including those
12 owned by veterans, that participated in the pro-
13 grams and activities funded using the amounts made
14 available under this Act.

15 (2) NEW SMALL BUSINESS CONCERNS.—For
16 purposes of paragraph (1), a new small business
17 concern is a small business concern that did not par-
18 ticipate in the programs and activities described in
19 paragraph (1) in a previous fiscal year.

20 (3) CONTENTS.—The report shall include—

21 (A) a list of the top 25 and bottom 25
22 large and medium hub airports in terms of pro-
23 viding opportunities for small business concerns
24 owned and controlled by socially and economi-
25 cally disadvantaged individuals to participate in

1 the programs and activities funded using the
2 amounts made available under this Act;

3 (B) the results of an assessment, to be
4 conducted by the Inspector General, on the rea-
5 sons why the top airports have been successful
6 in providing such opportunities; and

7 (C) recommendations to the Administrator
8 of the Federal Aviation Administration and
9 Congress on methods for other airports to
10 achieve results similar to those of the top air-
11 ports.

12 (d) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
13 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
14 the FAA Modernization and Reform Act of 2012 (49
15 U.S.C. 47141 note) is amended by striking “July 15,
16 2016” and inserting “September 30, 2017”.

17 **Subtitle B—Airport Improvement**
18 **Program Modifications**

19 **SEC. 1201. SMALL AIRPORT REGULATION RELIEF.**

20 Section 47114(c)(1)(F) is amended to read as fol-
21 lows:

22 “(F) SPECIAL RULE FOR FISCAL YEARS
23 2016 THROUGH 2017.—Notwithstanding sub-
24 paragraph (A), the Secretary shall apportion to
25 a sponsor of an airport under that subpara-

1 graph for each of fiscal years 2016 through
2 2017 an amount based on the number of pas-
3 senger boardings at the airport during calendar
4 year 2012 if the airport—

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

7 “(ii) had fewer than 10,000 passenger
8 boardings during the calendar year used to
9 calculate the apportionment for fiscal year
10 2016 or 2017 under subparagraph (A);
11 and

12 “(iii) had scheduled air service in the
13 calendar year used to calculate the appor-
14 tionment.”.

15 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
16 **PROJECTS IN COLD WEATHER STATES.**

17 (a) IN GENERAL.—The Administrator of the Federal
18 Aviation Administration, to the extent practicable, shall
19 schedule the Administrator’s review of construction
20 projects so that projects to be carried out in the States
21 in which the weather during a typical calendar year pre-
22 vents major construction projects from being carried out
23 before May 1 are reviewed as early as possible.

1 (b) REPORT.—The Administrator shall update the
2 appropriate committees of Congress annually on the effec-
3 tiveness of the review and prioritization.

4 **SEC. 1203. STATE BLOCK GRANTS UPDATES.**

5 Section 47128(a) is amended by striking “9 qualified
6 States for fiscal years 2000 and 2001 and 10 qualified
7 States for each fiscal year thereafter” and inserting “15
8 qualified States for fiscal year 2016 and each fiscal year
9 thereafter”.

10 **SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.**

11 (a) SPECIAL RULE.—Section 47124(b)(1)(B) is
12 amended by striking “after such determination is made”
13 and inserting “after the end of the period described in sub-
14 section (d)(6)(C)”.

15 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-
16 SHARE PROGRAM; FUNDING.—Section 47124(b)(3)(E) is
17 amended to read as follows:

18 “(E) FUNDING.—Of the amounts appro-
19 priated under section 106(k)(1), such sums as
20 may be necessary may be used to carry out this
21 paragraph.”.

22 (c) CAP ON FEDERAL SHARE OF COST OF CON-
23 STRUCTION.—Section 47124(b)(4)(C) is amended by
24 striking “\$2,000,000” and inserting “\$4,000,000”.

1 (d) COST BENEFIT RATIO REVISION.—Section
2 47124 is amended by adding at the end the following:

3 “(d) COST BENEFIT RATIOS.—

4 “(1) CONTRACT AIR TRAFFIC CONTROL TOWER
5 PROGRAM AT COST-SHARE AIRPORTS.—Beginning on
6 the date of enactment of the Federal Aviation Ad-
7 ministration Reauthorization Act of 2016, if an air
8 traffic control tower is operating under the Cost-
9 share Program, the Secretary shall annually cal-
10 culate a new benefit-to-cost ratio for the tower.

11 “(2) CONTRACT TOWER PROGRAM AT NON-
12 COST-SHARE AIRPORTS.—Beginning on the date of
13 enactment of the Federal Aviation Administration
14 Reauthorization Act of 2016, if a tower is operating
15 under the Contract Tower Program and continued
16 under subsection (b)(1), the Secretary shall not cal-
17 culate a new benefit-to-cost ratio for the tower un-
18 less the annual aircraft traffic at the airport where
19 the tower is located decreases by more than 25 per-
20 cent from the previous year or by more than 60 per-
21 cent over a 3-year period.

22 “(3) CONSIDERATIONS.—In establishing a ben-
23 efit-to-cost ratio under paragraph (1) or paragraph
24 (2), the Secretary may consider only the following
25 costs:

1 “(A) The Federal Aviation Administra-
2 tion’s actual cost of wages and benefits of per-
3 sonnel working at the tower.

4 “(B) The Federal Aviation Administra-
5 tion’s actual telecommunications costs of the
6 tower.

7 “(C) Relocation and replacement costs of
8 equipment of the Federal Aviation Administra-
9 tion associated with the tower, if paid for by
10 the Federal Aviation Administration.

11 “(D) Logistics, such as direct costs associ-
12 ated with establishing or updating the tower’s
13 interface with other systems and equipment of
14 the Federal Aviation Administration, if paid for
15 by the Federal Aviation Administration.

16 “(4) EXCLUSIONS.—In establishing a benefit-
17 to-cost ratio under paragraph (1) or paragraph (2),
18 the Secretary may not consider the following costs:

19 “(A) Airway facilities costs, including labor
20 and other costs associated with maintaining and
21 repairing the systems and equipment of the
22 Federal Aviation Administration.

23 “(B) Costs for depreciating the building
24 and equipment owned by the Federal Aviation
25 Administration.

1 “(C) Indirect overhead costs of the Federal
2 Aviation Administration.

3 “(D) Costs for utilities, janitorial, and
4 other services paid for or provided by the air-
5 port or the State or political subdivision of a
6 State having jurisdiction over the airport where
7 the tower is located.

8 “(E) The cost of new or replacement
9 equipment, or construction of a new or replace-
10 ment tower, if the costs incurred were incurred
11 by the airport or the State or political subdivi-
12 sion of a State having jurisdiction over the air-
13 port where the tower is or will be located.

14 “(F) Other expenses of the Federal Avia-
15 tion Administration not directly associated with
16 the actual operation of the tower.

17 “(5) MARGIN OF ERROR.—The Secretary shall
18 add a 5 percent margin of error to a benefit-to-cost
19 ratio determination to acknowledge and account for
20 any direct or indirect factors that are not included
21 in the criteria the Secretary used in calculating the
22 benefit-to-cost ratio.

23 “(6) PROCEDURES.—The Secretary shall estab-
24 lish procedures—

1 “(A) to allow an airport or the State or po-
2 litical subdivision of a State having jurisdiction
3 over the airport where the tower is located not
4 less than 90 days following the receipt of an
5 initial benefit-to-cost ratio determination from
6 the Secretary—

7 “(i) to request the Secretary recon-
8 sider that determination; and

9 “(ii) to submit updated or additional
10 data to the Secretary in support of the re-
11 consideration;

12 “(B) to allow the Secretary not more than
13 90 days to review the data submitted under
14 subparagraph (A)(ii) and respond to the re-
15 quest under subparagraph (A)(i);

16 “(C) to allow the airport, State, or political
17 subdivision of a State, as applicable, 30 days
18 following the date of the response under sub-
19 paragraph (B) to review the response before
20 any action is taken based on a benefit-to-cost
21 determination; and

22 “(D) to provide, after the end of the period
23 described in subparagraph (C), an 18-month
24 grace period before cost-share payments are due
25 from the airport, State, or political subdivision

1 of a State if as a result of the benefit-to-cost
2 ratio determination the airport, State, or polit-
3 ical subdivision, as applicable, is required to
4 transition to the Cost-share Program.

5 “(e) DEFINITIONS.—In this section:

6 “(1) CONTRACT TOWER PROGRAM.—The term
7 ‘Contract Tower Program’ means the level I air traf-
8 fic control tower contract program established under
9 subsection (a) and continued under subsection
10 (b)(1).

11 “(2) COST-SHARE PROGRAM.—The term ‘Cost-
12 share Program’ means the cost-share program estab-
13 lished under subsection (b)(3).”.

14 (e) CONFORMING AMENDMENTS.—Section 47124(b)
15 is amended—

16 (1) in paragraph (1)(C), by striking “the pro-
17 gram established under paragraph (3)” and insert-
18 ing “the Cost-share Program”;

19 (2) in paragraph (3)—

20 (A) in the heading, by striking “CONTRACT
21 AIR TRAFFIC CONTROL TOWER PROGRAM” and
22 inserting “COST-SHARE PROGRAM”;

23 (B) in subparagraph (A), by striking “con-
24 tract tower program established under sub-
25 section (a) and continued under paragraph (1)

1 (in this paragraph referred to as the ‘Contract
2 Tower Program’)” and inserting “Contract
3 Tower Program”;

4 (C) in subparagraph (B), by striking “In
5 carrying out the program” and inserting “In
6 carrying out the Cost-share Program”;

7 (D) in subparagraph (C), by striking “par-
8 ticipate in the program” and inserting “partici-
9 pate in the Cost-share Program”;

10 (E) in subparagraph (D), by striking
11 “under the program” and inserting “under the
12 Cost-share Program”; and

13 (F) in subparagraph (F), by striking “the
14 program continued under paragraph (1)” and
15 inserting “the Contract Tower Program”; and

16 (3) in paragraph (4)(B)(i)(I), by striking “con-
17 tract tower program established under subsection (a)
18 and continued under paragraph (1) or the pilot pro-
19 gram established under paragraph (3)” and insert-
20 ing “Contract Tower Program or the Cost-share
21 Program”.

22 (f) EXEMPTION.—Section 47124(b)(3)(D) is amend-
23 ed by adding at the end the following: “Airports with both
24 Part 121 air service and more than 25,000 passenger
25 enplanements in calendar year 2014 shall be exempt from

1 any cost share requirement under the Cost-share Pro-
2 gram.”.

3 (g) SAVINGS PROVISION.—Notwithstanding the
4 amendments made by this section, the towers for which
5 assistance is being provided under section 41724 of title
6 49, United States Code, on the day before the date of en-
7 actment of this Act may continue to be provided such as-
8 sistance under the terms of that section as in effect on
9 that day.

10 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR THE**
11 **CONTRACT TOWER PROGRAM.**

12 (a) IN GENERAL.—If the Administrator of the Fed-
13 eral Aviation Administration has not implemented a re-
14 vised cost-benefit methodology for purposes of determining
15 eligibility for the Contract Tower Program before the date
16 that is 30 days after the date of enactment of this Act,
17 any air traffic control tower with an application for par-
18 ticipation in the Contract Tower Program pending as of
19 January 1, 2016, shall be approved for participation in
20 the Contract Tower Program if the Administrator deter-
21 mines the tower is eligible under the criteria set forth in
22 the Federal Aviation Administration report, Establish-
23 ment and Discontinuance Criteria for Airport Traffic Con-
24 trol Towers, dated August 1990 (FAA–APO–90–7).

1 (b) REQUESTS FOR ADDITIONAL AUTHORITY.—The
2 Administrator shall respond not later than 30 days after
3 the date the Administrator receives a formal request from
4 an airport and air traffic control contractor for additional
5 authority to expand contract tower operational hours and
6 staff to accommodate flight traffic outside of current
7 tower operational hours.

8 (c) DEFINITION OF CONTRACT TOWER PROGRAM.—
9 In this section, the term “Contract Tower Program” has
10 the meaning given the term in section 47124(e) of title
11 49, United States Code.

12 **SEC. 1206. REMOTE TOWERS.**

13 (a) PILOT PROGRAM.—

14 (1) ESTABLISHMENT.—The Administrator of
15 the Federal Aviation Administration shall estab-
16 lish—

17 (A) in consultation with airport operators
18 and general aviation users, a pilot program at
19 public-use airports to construct and operate re-
20 mote towers; and

21 (B) a selection process for participation in
22 the pilot program.

23 (2) SAFETY CONSIDERATIONS.—In establishing
24 the pilot program, the Administrator shall consult
25 with operators of remote towers in foreign countries

1 to design the pilot program in a manner that
2 leverages as many safety and airspace efficiency ben-
3 efits as possible.

4 (3) REQUIREMENTS.—In selecting the airports
5 for participation in the pilot program, the Adminis-
6 trator shall—

7 (A) to the extent practicable, ensure that
8 at least 2 different vendors of remote tower sys-
9 tems participate;

10 (B) include at least 1 airport currently in
11 the Contract Tower Program and at least 1 air-
12 port that does not have an air traffic control
13 tower; and

14 (C) clearly identify the research questions
15 that will be addressed at each airport.

16 (4) RESEARCH.—In selecting an airport for
17 participation in the pilot program, the Administrator
18 shall consider—

19 (A) how inclusion of that airport will add
20 research value to assist the Administrator in
21 evaluating the feasibility, safety, and cost-bene-
22 fits of remote towers;

23 (B) the amount and variety of air traffic
24 at an airport; and

1 (C) the costs and benefits of including that
2 airport.

3 (5) DATA.—The Administrator shall clearly
4 identify and collect air traffic control information
5 and data from participating airports that will assist
6 the Administrator in evaluating the feasibility, safe-
7 ty, and cost-benefits of remote towers.

8 (6) REPORT.—Not later than 1 year after the
9 date the first remote tower is operational, and annu-
10 ally thereafter, the Administrator shall submit to the
11 appropriate committees of Congress a report—

12 (A) detailing any benefits, costs, or safety
13 improvements associated with the use of the re-
14 mote towers; and

15 (B) evaluating the feasibility of using re-
16 mote towers, particularly in the Contract Tower
17 Program and for airports without any air traf-
18 fic control tower, or to improve safety at air-
19 ports with towers.

20 (7) DEADLINE.—Not later than 1 year after
21 the date of enactment of this Act, the Administrator
22 shall select airports for participation in the pilot pro-
23 gram.

24 (8) DEFINITIONS.—In this subsection:

1 (A) CONTRACT TOWER PROGRAM.—The
2 term “Contract Tower Program” has the mean-
3 ing given the term in section 47124(e) of title
4 49, United States Code.

5 (B) REMOTE TOWER.—The term “remote
6 tower” means a system whereby air traffic serv-
7 ices are provided to operators at an airport
8 from a location that may not be on or near the
9 airport.

10 (b) AIP FUNDING ELIGIBILITY.—For purposes of
11 the pilot program under subsection (a), and after certifi-
12 cated systems are available, constructing a remote tower
13 or acquiring and installing air traffic control, communica-
14 tions, or related equipment for a remote tower shall be
15 considered airport development (as defined in section
16 47102 of title 49, United States Code) for purposes of
17 subchapter I of chapter 471 of that title if components
18 are installed and used at the airport, except for off-airport
19 sensors installed on leased towers, as needed.

20 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

21 Section 186(d) of the Vision 100—Century of Avia-
22 tion Reauthorization Act (Public Law 108–176; 117 Stat.
23 2518) is amended by striking “and for the period begin-
24 ning on October 1, 2015, and ending on July 15, 2016,”
25 and inserting “and for fiscal years 2016 through 2017”.

1 **SEC. 1208. AIRPORT ROAD FUNDING.**

2 (a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—

3 Section 47107(b) is amended by adding at the end the
4 following:

5 “(4) This subsection does not prevent the use
6 of airport revenue for the maintenance and improve-
7 ment of the on-airport portion of a surface transpor-
8 tation facility providing access to an airport and
9 non-airport locations if the surface transportation
10 facility is owned or operated by the airport owner or
11 operator and the use of airport revenue is prorated
12 to airport use and limited to portions of the facility
13 located on the airport. The Secretary shall determine
14 the maximum percentage contribution of airport rev-
15 enue toward surface transportation facility mainte-
16 nance or improvement, taking into consideration the
17 current and projected use of the surface transpor-
18 tation facility located on the airport for airport and
19 non-airport purposes. The de minimus use, as deter-
20 mined by the Secretary, of a surface transportation
21 facility for non-airport purposes shall not require
22 prorating.”.

23 (b) RESTRICTIONS ON THE USE OF AIRPORT REV-
24 ENUE.—Section 47133(c) is amended—

25 (1) by inserting “(1)” before “Nothing” and in-
26 denting appropriately; and

1 (2) by adding at the end the following:

2 “(2) Nothing in this section may be construed
3 to prevent the use of airport revenue for the pro-
4 rated maintenance and improvement costs of the on-
5 airport portion of the surface transportation facility,
6 subject to the provisions of section 47107(b)(4).”.

7 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
8 **PORT VEHICLE PILOT PROGRAM.**

9 (a) REPEAL.—Section 47136 is repealed.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
11 The table of contents for chapter 471 is amended by strik-
12 ing the item relating to section 47136 and inserting the
13 following:

“47136. [Reserved].”.

14 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
15 **HICLES AND INFRASTRUCTURE PILOT PRO-**
16 **GRAM.**

17 Section 47136a is amended—

18 (1) in subsection (a), by striking “, including”
19 and inserting “used exclusively for transporting pas-
20 sengers on-airport or for employee shuttle buses
21 within the airport, including”; and

22 (2) in subsection (f), by inserting “, as in effect
23 on the day before the date of enactment of the Fed-
24 eral Aviation Administration Reauthorization Act of
25 2016,” after “section 47136”.

1 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
2 **MENT EMISSIONS RETROFIT PILOT PRO-**
3 **GRAM.**

4 (a) REPEAL.—Section 47140 is repealed.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 The table of contents for chapter 471 is amended by strik-
7 ing the item relating to section 47140 and inserting the
8 following:

“47140. [Reserved].”.

9 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
10 **EFFICIENCY ASSESSMENTS.**

11 (a) COST REIMBURSEMENTS.—Section 47140a(a) is
12 amended by striking “airport.” and inserting “airport,
13 and to reimburse the airport sponsor for the costs incurred
14 in conducting the assessment.”.

15 (b) SAFETY PRIORITY.—Section 47140a(b)(2) is
16 amended by inserting “, including a certification that no
17 safety projects would be deferred by prioritizing a grant
18 under this section,” after “an application”.

19 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
20 **CLASSIFIED AIRPORTS.**

21 Section 47106(a) is amended—

22 (1) in paragraph (5), by striking “; and” and
23 inserting a semicolon;

24 (2) in paragraph (6)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “for an airport that has an air-
3 port master plan, the master plan addresses”
4 and inserting “a master plan project, it will ad-
5 dress”; and

6 (B) in subparagraph (E), by striking the
7 period at the end and inserting “; and”; and
8 (3) by adding at the end the following:

9 “(7) if the project is at an unclassified airport,
10 the project will be funded with an amount appor-
11 tioned under subsection 47114(d)(3)(B) and is—

12 “(A) for maintenance of the pavement of
13 the primary runway;

14 “(B) for obstruction removal for the pri-
15 mary runway;

16 “(C) for the rehabilitation of the primary
17 runway; or

18 “(D) a project that the Secretary considers
19 necessary for the safe operation of the air-
20 port.”.

21 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYS-**
22 **TEMS.**

23 Section 44502(e) is amended by striking the first sen-
24 tence and inserting “An airport may transfer, without con-
25 sideration, to the Administrator of the Federal Aviation

1 Administration an instrument landing system consisting
2 of a glide slope and localizer that conforms to performance
3 specifications of the Administrator if an airport improve-
4 ment project grant was used to assist in purchasing the
5 system, and if the Federal Aviation Administration has
6 determined that a satellite navigation system cannot pro-
7 vide a suitable approach.”.

8 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
9 **PROGRAM.**

10 (a) IN GENERAL.—Subchapter I of chapter 471 is
11 amended by adding at the end the following:

12 **“§ 47143. Non-movement area surveillance surface**
13 **display systems pilot program**

14 “(a) IN GENERAL.—The Administrator of the Fed-
15 eral Aviation Administration may carry out a pilot pro-
16 gram to support non-Federal acquisition and installation
17 of qualifying non-movement area surveillance surface dis-
18 play systems and sensors if—

19 “(1) the Administrator determines that acquisi-
20 tion and installation of qualifying non-movement
21 area surveillance surface display systems and sen-
22 sors improve safety or capacity in the National Air-
23 space System; and

24 “(2) the non-movement area surveillance sur-
25 face display systems and sensors are supplemental to

1 existing movement area systems and sensors at the
2 selected airports established under other programs
3 administered by the Administrator.

4 “(b) PROJECT GRANTS.—

5 “(1) IN GENERAL.—For purposes of carrying
6 out the pilot program, the Administrator may make
7 a project grant out of funds apportioned under para-
8 graph (1) or paragraph (2) of section 47114(c) to
9 not more than 5 eligible sponsors to acquire and in-
10 stall qualifying non-movement area surveillance sur-
11 face display systems and sensors. The Administrator
12 may distribute not more than \$2,000,000 per spon-
13 sor from the discretionary fund. The airports se-
14 lected to participate in the pilot program shall have
15 existing Federal Aviation Administration movement
16 area systems and airlines that are participants in
17 Federal Aviation Administration’s Airport Collabo-
18 rative Decision Making process.

19 “(2) PROCEDURES.—In accordance with the au-
20 thority under section 106, the Administrator may es-
21 tablish procurement procedures applicable to grants
22 issued under this subsection. The procedures may
23 permit the sponsor to carry out the project with ven-
24 dors that have been accepted in the procurement
25 procedure or using Federal Aviation Administration

1 contracts. The procedures may provide for the direct
2 reimbursement (including administrative costs) of
3 the Administrator by the sponsor using grant funds
4 under this subsection, for the ordering of system-re-
5 lated equipment and its installation, or for the direct
6 ordering of system-related equipment and its instal-
7 lation by the sponsor, using such grant funds, from
8 the suppliers with which the Administrator has con-
9 tracted.

10 “(3) DATA EXCHANGE PROCESSES.—The Ad-
11 ministrator may establish data exchange processes to
12 allow airport participation in the Federal Aviation
13 Administration’s Airport Collaborative Decision
14 Making process and fusion of the non-movement
15 surveillance data with the Administration’s move-
16 ment area systems.

17 “(c) DEFINITIONS.—In this section:

18 “(1) NON-MOVEMENT AREA.—The term ‘non-
19 movement area’ is the portion of the airfield surface
20 that is not under the control of air traffic control.

21 “(2) NON-MOVEMENT AREA SURVEILLANCE
22 SURFACE DISPLAY SYSTEM AND SENSORS.—The
23 term ‘non-movement area surveillance surface dis-
24 play system and sensors’ is a non-Federal surveil-
25 lance system that uses on-airport sensors that track

1 vehicles or aircraft that are equipped with tran-
 2 sponders in the non-movement area.

3 “(3) QUALIFYING NON-MOVEMENT AREA SUR-
 4 VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-
 5 SORS.—The term ‘qualifying non-movement area
 6 surveillance surface display system and sensors’ is a
 7 non-movement area surveillance surface display sys-
 8 tem that—

9 “(A) provides the required transmit and
 10 receive data formats consistent with the Na-
 11 tional Airspace System architecture at the ap-
 12 propriate service delivery point;

13 “(B) is on-airport; and

14 “(C) is airport operated.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 The table of contents of chapter 471 is amended by insert-
 17 ing after the item relating to section 47142 the following:

“47143. Non-movement area surveillance surface display systems pilot pro-
 gram.”.

18 **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

19 Section 47102 is amended—

20 (1) by redesignating paragraphs (10) through
 21 (28) as paragraphs (12) through (30), respectively;

22 (2) by redesignating paragraphs (7) through
 23 (9) as paragraphs (8) through (10), respectively;

24 (3) in paragraph (3)—

1 (A) in subparagraph (B)—

2 (i) by redesignating clauses (iii)
3 through (x) as clauses (iv) through (xi), re-
4 spectively; and

5 (ii) by striking clause (ii) and insert-
6 ing the following:

7 “(II) security equipment owned
8 and operated by the airport, including
9 explosive detection devices, universal
10 access control systems, perimeter
11 fencing, and emergency call boxes,
12 which the Secretary may require by
13 regulation for, or approve as contrib-
14 uting significantly to, the security of
15 individuals and property at the air-
16 port;

17 “(III) safety apparatus owned
18 and operated by the airport, which the
19 Secretary may require by regulation
20 for, or approve as contributing signifi-
21 cantly to, the safety of individuals and
22 property at the airport, and inte-
23 grated in-pavement lighting systems
24 for runways and taxiways and other

1 runway and taxiway incursion preven-
2 tion devices;”;

3 (B) in subparagraph (K), by striking
4 “such project will result in an airport receiving
5 appropriate” and inserting “the airport would
6 be able to receive”; and

7 (C) in subparagraph (L)—

8 (i) by striking “or conversion of vehi-
9 cles and” and inserting “of vehicles used
10 exclusively for transporting passengers on-
11 airport, employee shuttle buses within the
12 airport, or”;

13 (ii) by striking “airport, to” and in-
14 serting “airport and equipped with”; and

15 (iii) by striking “7505a) and if such
16 project will result in an airport receiving
17 appropriate” and inserting “7505a)) and if
18 the airport would be able to receive”;

19 (4) in paragraph (5), by striking “regulations”
20 and inserting “requirements”;

21 (5) by inserting after paragraph (6) the fol-
22 lowing:

23 “(7) ‘categorized airport’ means a nonprimary
24 airport that has an identified role in the National
25 Plan of Integrated Airport Systems.”;

1 (6) in paragraph (9), as redesignated, by strik-
2 ing “public” and inserting “public-use”;

3 (7) by inserting after paragraph (10), as redesi-
4 gnated, the following:

5 “(11) ‘joint use airport’ means an airport
6 owned by the Department of Defense, at which both
7 military and civilian aircraft make shared use of the
8 airfield.”;

9 (8) in paragraph (24), as redesignated, by
10 amending subparagraph (B)(i) to read as follows:

11 “(i) determined by the Secretary to
12 have at least—

13 “(I) 100 based aircraft that are
14 currently registered with the Federal
15 Aviation Administration under chap-
16 ter 445 of this title; and

17 “(II) 1 based jet aircraft that is
18 currently registered with the Federal
19 Aviation Administration where, for
20 the purposes of this clause, ‘based’
21 means the aircraft or jet aircraft over-
22 nights at the airport for the greater
23 part of the year; or”;

24 (9) by adding at the end the following:

1 “(31) ‘unclassified airport’ means a nonprimary
2 airport that is included in the National Plan of Inte-
3 grated Airport Systems that is not categorized by
4 the Administrator of the Federal Aviation Adminis-
5 tration in the most current report entitled General
6 Aviation Airports: A National Asset.”.

7 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**
8 **DATES.**

9 Section 47503(b) is amended—

10 (1) by striking “a change in the operation of
11 the airport would establish” and inserting “there is
12 a change in the operation of the airport that would
13 establish”; and

14 (2) by inserting after “reduction” the following:
15 “if the change has occurred during the longer of—

16 “(1) the noise exposure map period forecast by
17 the airport operator under subsection (a); or

18 “(2) the implementation timeframe of the oper-
19 ator’s noise compatibility program”.

20 **SEC. 1218. PROVISION OF FACILITIES.**

21 Section 44502 is amended by adding at the end the
22 following:

23 “(f) AIRPORT SPACE.—

24 “(1) RESTRICTION.—The Administrator may
25 not require an airport owner or sponsor (as defined

1 in section 47102) to provide to the Federal Aviation
2 Administration without cost any of the following:

3 “(A) Building construction, maintenance,
4 utilities, or expenses for services relating to air
5 traffic control, air navigation, or weather re-
6 porting.

7 “(B) Space in a facility owned by the air-
8 port owner or sponsor for services relating to
9 air traffic control, air navigation, or weather re-
10 porting.

11 “(2) RULE OF CONSTRUCTION.—Nothing in
12 this subsection may be construed to affect—

13 “(A) any agreement the Secretary may
14 have or make with an airport owner or sponsor
15 for the airport owner or sponsor to provide any
16 of the items described in subparagraph (A) or
17 subparagraph (B) of paragraph (1) at below-
18 market rates; or

19 “(B) any grant assurance that requires an
20 airport owner or sponsor to provide land to the
21 Administration without cost for an air traffic
22 control facility.”.

23 **SEC. 1219. CONTRACT WEATHER OBSERVERS.**

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

1 Federal Aviation Administration shall submit to the ap-
2 propriate committees of Congress a report—

3 (1) which includes public and stakeholder input,
4 and examines all safety risks, hazard effects, effi-
5 ciency and operational effects on airports, airlines,
6 and other stakeholders that could result from loss of
7 contract weather observer service at the 57 airports
8 targeted for the loss of this service;

9 (2) detailing how the Federal Aviation Adminis-
10 tration will accurately report rapidly changing severe
11 weather conditions at these airports, including thun-
12 derstorms, lightning, fog, visibility, smoke, dust,
13 haze, cloud layers and ceilings, ice pellets, and freez-
14 ing rain or drizzle without contract weather observ-
15 ers; and

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

21 (b) MORATORIUM.—The Administrator may not fi-
22 nalize any determination regarding the continued use of
23 the contract weather observer service at any airport until
24 after the date the report is submitted under subsection
25 (a).

1 (c) REPORT ON GOLDEN TRIANGLE INITIATIVE OF
2 NOAA.—

3 (1) REPORT REQUIRED.—Not later than 1 year
4 after the date of enactment of this Act, the Adminis-
5 trator of the National Oceanic and Atmospheric Ad-
6 ministration and the Administrator of the Federal
7 Aviation Administration shall jointly submit to the
8 appropriate committees of Congress a report on the
9 Golden Triangle Initiative of the National Oceanic
10 and Atmospheric Administration.

11 (2) ELEMENTS.—The report shall include the
12 following:

13 (A) An assessment of the impacts of en-
14 hanced aviation forecast services provided as
15 part of the Golden Triangle Initiative on weath-
16 er-related air traffic delays.

17 (B) A description of the costs of providing
18 such enhanced aviation forecast services.

19 (C) A description of potential alternative
20 mechanisms to provide enhanced aviation fore-
21 cast services comparable to such enhanced avia-
22 tion forecast services for airports in rural or low
23 population density areas.

24 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

25 Section 47109(a)(5) is amended to read as follows:

1 “(5) 95 percent for a project at an airport for
2 which the United States Government’s share would
3 otherwise be capped at 90 percent under paragraph
4 (2) or paragraph (3) if the Administrator determines
5 that the project is a successive phase of a multi-
6 phased construction project for which the sponsor
7 received a grant in fiscal year 2011 or earlier.”.

8 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

9 (a) AIRPORT SECURITY PROGRAM.—Section 47137 is
10 amended—

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

12 (2) in subsection (e), by striking “Homeland Security” and inserting “Transportation”; and

13 (3) in subsection (g), by inserting “of Transportation” after “Secretary” the first place it appears.

14 (b) SECTION 516 PROPERTY CONVEYANCE RE-
15 LEASES.—Section 817(a) of the FAA Modernization and
16 Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

17 (1) by striking “or section 23” and inserting “,
18 section 23”; and

19 (2) by inserting before the period at the end the
20 following: “, or section 47125 of title 49, United
21 States Code”.

1 **SEC. 1222. MOTHERS' ROOMS AT AIRPORTS.**

2 (a) LACTATION AREA DEFINED.—Section 47102, as
3 amended by section 1216 of this Act, is further amend-
4 ed—

5 (1) by redesignating paragraphs (12) through
6 (31) as paragraphs (13) through (32), respectively;
7 and

8 (2) by inserting after paragraph (11) the fol-
9 lowing:

10 “(12) ‘lactation area’ means a room or other lo-
11 cation in a commercial service airport that—

12 “(A) provides a location for members of
13 the public to express breast milk that is shield-
14 ed from view and free from intrusion from the
15 public;

16 “(B) has a door that can be locked;

17 “(C) includes a place to sit, a table or
18 other flat surface, and an electrical outlet;

19 “(D) is readily accessible to and usable by
20 individuals with disabilities, including individ-
21 uals who use wheelchairs; and

22 “(E) is not located in a restroom.”.

23 (b) PROJECT GRANTS WRITTEN ASSURANCES FOR
24 LARGE AND MEDIUM HUB AIRPORTS.—

25 (1) IN GENERAL.—Section 47107(a) is amend-
26 ed—

1 (A) in paragraph (20), by striking “and”
2 at the end;

3 (B) in paragraph (21), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(22) with respect to a medium or large hub
7 airport, the airport owner or operator will maintain
8 a lactation area in each passenger terminal building
9 of the airport in the sterile area (as defined in sec-
10 tion 1540.5 of title 49, Code of Federal Regulations)
11 of the building.”.

12 (2) APPLICABILITY.—

13 (A) IN GENERAL.—The amendment made
14 by paragraph (1) shall apply to a project grant
15 application submitted for a fiscal year begin-
16 ning on or after the date that is 2 years after
17 the date of enactment of this Act.

18 (B) SPECIAL RULE.—The requirement in
19 the amendments made by paragraph (1) that a
20 lactation area be located in the sterile area of
21 a passenger terminal building shall not apply
22 with respect to a project grant application for
23 a period of time, determined by the Secretary
24 of Transportation, if the Secretary determines
25 that construction or maintenance activities

1 make it impracticable or unsafe for the lacta-
2 tion area to be located in the sterile area of the
3 building.

4 (c) TERMINAL DEVELOPMENT COSTS.—Section
5 47119(a) is amended by adding at the end the following:

6 “(3) LACTATION AREAS.—In addition to the
7 projects described in paragraph (1), the Secretary
8 may approve a project for terminal development for
9 the construction or installation of a lactation area at
10 a commercial service airport.”.

11 (d) PRE-EXISTING FACILITIES.—On application by
12 an airport sponsor, the Secretary of Transportation may
13 determine that a lactation area in existence on the date
14 of enactment of this Act complies with the requirement
15 of paragraph (22) of section 47107(a) of title 49, United
16 States Code, as added by subsection (b), notwithstanding
17 the absence of one of the facilities or characteristics re-
18 ferred to in the definition of the term “lactation area”
19 in paragraph (12) of section 47102 of such title, as added
20 by subsection (a).

1 **SEC. 1223. ELIGIBILITY FOR AIRPORT DEVELOPMENT**
2 **GRANTS AT AIRPORTS THAT ENTER INTO**
3 **CERTAIN LEASES WITH COMPONENTS OF**
4 **THE ARMED FORCES.**

5 Section 47107, as amended by section 1208 of this
6 Act, is further amended by adding at the end the fol-
7 lowing:

8 “(t) AIRPORTS THAT ENTER INTO CERTAIN LEASES
9 WITH THE ARMED FORCES.—The Secretary of Transpor-
10 tation may not disapprove a project grant application
11 under this subchapter for an airport development project
12 at an airport solely because the airport renews a lease for
13 the use, at a nominal rate, of airport property by a regular
14 or reserve component of the Armed Forces, including the
15 National Guard.”.

16 **SEC. 1224. CLARIFICATION OF DEFINITION OF AVIATION-**
17 **RELATED ACTIVITY FOR HANGAR USE.**

18 Section 47107, as amended by section 1223 of this
19 Act, is further amended by adding at the end the fol-
20 lowing:

21 “(u) CONSTRUCTION OF RECREATIONAL AIR-
22 CRAFT.—

23 “(1) IN GENERAL.—The construction of a cov-
24 ered aircraft shall be treated as an aeronautical ac-
25 tivity for purposes of—

1 “(A) determining an airport’s compliance
2 with a grant assurance made under this section
3 or any other provision of law; and

4 “(B) the receipt of Federal financial assist-
5 ance for airport development.

6 “(2) COVERED AIRCRAFT DEFINED.—In this
7 subsection, the term ‘covered aircraft’ means an air-
8 craft—

9 “(A) used or intended to be used exclu-
10 sively for recreational purposes; and

11 “(B) constructed or under construction, re-
12 pair, or restoration by a private individual at a
13 general aviation airport.”.

14 **SEC. 1225. USE OF AIRPORT IMPROVEMENT PROGRAM**
15 **FUNDS FOR RUNWAY SAFETY REPAIRS.**

16 (a) IN GENERAL.—Subchapter I of chapter 471, as
17 amended by this subtitle, is further amended by adding
18 at the end the following:

19 **“§47144. Use of funds for repairs for runway safety**
20 **repairs**

21 “(a) IN GENERAL.—The Secretary of Transportation
22 may make project grants under this subchapter to an air-
23 port described in subsection (b) from funds under section
24 47114 apportioned to that airport or funds available for
25 discretionary grants to that airport under section 47115

1 to conduct airport development to repair the runway safe-
2 ty area of the airport damaged as a result of a natural
3 disaster in order to maintain compliance with the regula-
4 tions of the Federal Aviation Administration relating to
5 runway safety areas, without regard to whether construc-
6 tion of the runway safety area damaged was carried out
7 using amounts the airport received under this subchapter.

8 “(b) AIRPORTS DESCRIBED.—An airport is described
9 in this subsection if—

10 “(1) the airport is a public-use airport;

11 “(2) the airport is listed in the National Plan
12 of Integrated Airport Systems of the Federal Avia-
13 tion Administration;

14 “(3) the runway safety area of the airport was
15 damaged as a result of a natural disaster;

16 “(4) the airport was denied funding under the
17 Robert T. Stafford Disaster Relief and Emergency
18 Assistance Act (42 U.S.C. 4121 et seq.) with respect
19 to the disaster;

20 “(5) the operator of the airport has exhausted
21 all legal remedies, including legal action against any
22 parties (or insurers thereof) whose action or inaction
23 may have contributed to the need for the repair of
24 the runway safety area;

1 (1) in the heading by striking “NONHUB” and
2 inserting “CERTAIN”; and

3 (2) in paragraph (1), by striking “nonhub” and
4 inserting “nonhub, small hub, medium hub, and
5 large hub”.

6 **SEC. 1302. INTERMODAL ACCESS PROJECTS.**

7 Section 40117 is amended by adding at the end the
8 following:

9 “(n) PFC ELIGIBILITY FOR INTERMODAL GROUND
10 ACCESS PROJECTS.—

11 “(1) IN GENERAL.—The Secretary may author-
12 ize a passenger facility charge imposed under sub-
13 section (b)(1) to be used to finance the eligible cap-
14 ital costs of an intermodal ground access project.

15 “(2) DEFINITION OF INTERMODAL GROUND AC-
16 CESS PROJECT.—In this subsection, the term ‘inter-
17 modal ground access project’ means a project for
18 constructing a local facility owned or operated by an
19 eligible agency that—

20 “(A) is located on airport property; and

21 “(B) is directly and substantially related to
22 the movement of passengers or property trav-
23 eling in air transportation.

1 “(3) ELIGIBLE CAPITAL COSTS.—The eligible
2 capital costs of an intermodal ground access project
3 shall be the lesser of—

4 “(A) the total capital cost of the project
5 multiplied by the ratio that the number of indi-
6 viduals projected to use the project to gain ac-
7 cess to or depart from the airport bears to the
8 total number of individuals projected to use the
9 local facility; or

10 “(B) the total cost of the capital improve-
11 ments that are located on airport property.

12 “(4) DETERMINATIONS.—The Secretary shall
13 determine the projected use and cost of a project for
14 purposes of paragraph (3) at the time the project is
15 approved under this subsection, except that, in the
16 case of a project to be financed in part using funds
17 administered by the Federal Transit Administration,
18 the Secretary shall use the travel forecasting model
19 for the project at the time the project is approved
20 by the Federal Transit Administration to enter pre-
21 liminary engineering to determine the projected use
22 and cost of the project for purposes of paragraph
23 (3).

24 “(5) NONATTAINMENT AREAS.—For airport
25 property, any area of which is located in a non-

1 attainment area (as defined under section 171 of the
2 Clean Air Act (42 U.S.C. 7501)) for 1 or more cri-
3 teria pollutant, the airport emissions reductions
4 from less airport surface transportation and parking
5 as a direct result of the development of an inter-
6 modal project on the airport property would be eligi-
7 ble for air quality emissions credits.”.

8 **SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCI-**
9 **ATED AIRPORT.**

10 Section 40117, as amended by section 1302 of this
11 Act, is further amended by adding at the end the fol-
12 lowing:

13 “(o) USE OF REVENUES AT A PREVIOUSLY ASSOCI-
14 ATED AIRPORT.—Notwithstanding the requirements relat-
15 ing to airport control under subsection (b)(1), the Sec-
16 retary may authorize use of a passenger facility charge
17 under subsection (b) to finance an eligible airport-related
18 project if—

19 “(1) the eligible agency seeking to impose the
20 new charge controls an airport where a \$2.00 pas-
21 senger facility charge became effective on January 1,
22 2013; and

23 “(2) the location of the project to be financed
24 by the new charge is at an airport that was under

1 the control of the same eligible agency that had con-
2 trolled the airport described in paragraph (1).”.

3 **SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FI-**
4 **NANCING STUDY.**

5 (a) FUTURE AVIATION INFRASTRUCTURE AND FI-
6 NANCING STUDY.—Not later than 60 days after the date
7 of enactment of this Act, the Secretary of Transportation
8 shall enter into an agreement with the Transportation Re-
9 search Board of the National Academies to conduct a
10 study and make recommendations on the actions needed
11 to upgrade and restore the national aviation infrastructure
12 system to its role as a premier system that meets the
13 growing and shifting demands of the 21st century, includ-
14 ing airport infrastructure needs and existing financial re-
15 sources for commercial service airports.

16 (b) CONSULTATION.—In carrying out the study, the
17 Transportation Research Board shall convene and consult
18 with a panel of national experts, including—

- 19 (1) nonhub airports;
- 20 (2) small hub airports;
- 21 (3) medium hub airports;
- 22 (4) large hub airports;
- 23 (5) airports with international service;
- 24 (6) non-primary airports;
- 25 (7) local elected officials;

1 (8) relevant labor organizations;

2 (9) passengers;

3 (10) air carriers; and

4 (11) representatives of the tourism industry.

5 (c) CONSIDERATIONS.—In carrying out the study, the
6 Transportation Research Board shall consider—

7 (1) the ability of airport infrastructure to meet
8 current and projected passenger volumes;

9 (2) the available financial tools and resources
10 for airports of different sizes;

11 (3) the current debt held by airports, and its
12 impact on future construction and capacity needs;

13 (4) the impact of capacity constraints on pas-
14 sengers and ticket prices;

15 (5) the purchasing power of the passenger facil-
16 ity charge from the last increase in 2000 to the year
17 of enactment of this Act;

18 (6) the impact to passengers and airports of in-
19 dexing the passenger facility charge for inflation;

20 (7) how long airports are constrained with cur-
21 rent passenger facility charge collections;

22 (8) the impact of passenger facility charges to
23 promote competition;

24 (9) the additional resources or options to fund
25 terminal construction projects;

1 (10) the resources eligible for use toward noise
2 reduction and emission reduction projects;

3 (11) the gap between AIP-eligible projects and
4 the annual Federal funding provided;

5 (12) the impact of regulatory requirements on
6 airport infrastructure financing needs;

7 (13) airline competition;

8 (14) airline ancillary fees and their impact on
9 ticket pricing and taxable revenue; and

10 (15) the ability of airports to finance necessary
11 safety, security, capacity, and environmental projects
12 identified in capital improvement plans.

13 (d) REPORT.—Not later than 15 months after the
14 date of enactment of this Act, the Transportation Re-
15 search Board shall submit to the Secretary and the appro-
16 priate committees of Congress a report on its findings and
17 recommendations.

18 (e) FUNDING.—The Secretary is authorized to use
19 such sums as are necessary to carry out the requirements
20 of this section.

1 **TITLE II—SAFETY**
2 **Subtitle A—Unmanned Aircraft**
3 **Systems Reform**

4 **SEC. 2001. DEFINITIONS.**

5 (a) IN GENERAL.—Unless expressly provided other-
6 wise, the terms used in this subtitle have the meanings
7 given the terms in section 44801 of title 49, United States
8 Code, as added by section 2121 of this Act.

9 (b) DEFINITION OF CIVIL AIRCRAFT.—The term
10 “civil aircraft” has the meaning given the term in section
11 40102 of title 49, United States Code.

12 **PART I—PRIVACY AND TRANSPARENCY**

13 **SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**
14 **ICY.**

15 It is the policy of the United States that the operation
16 of any unmanned aircraft or unmanned aircraft system
17 shall be carried out in a manner that respects and protects
18 personal privacy consistent with the United States Con-
19 stitution and Federal, State, and local law.

20 **SEC. 2102. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) each person that uses an unmanned aircraft
23 system for compensation or hire, or in the further-
24 ance of a business enterprise, except for news gather-
25 ing, should have a written privacy policy consistent

1 with section 2101 that is appropriate to the nature
2 and scope of the activities regarding the collection,
3 use, retention, dissemination, and deletion of any
4 data collected during the operation of an unmanned
5 aircraft system;

6 (2) each privacy policy described in paragraph
7 (1) should be periodically reviewed and updated as
8 necessary; and

9 (3) each privacy policy described in paragraph
10 (1) should be publicly available.

11 **SEC. 2103. FEDERAL TRADE COMMISSION AUTHORITY.**

12 A violation of a privacy policy by a person that uses
13 an unmanned aircraft system for compensation or hire,
14 or in the furtherance of a business enterprise, in the na-
15 tional airspace system shall be an unfair and deceptive
16 practice in violation of section 5(a) of the Federal Trade
17 Commission Act (15 U.S.C. 45(a)).

18 **SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFOR-**
19 **MATION ADMINISTRATION MULTI-STAKE-**
20 **HOLDER PROCESS.**

21 Not later than July 31, 2016, the Administrator of
22 the National Telecommunications and Information Ad-
23 ministration shall submit to the appropriate committees
24 of Congress a report on the industry privacy best practices
25 developed through the multi-stakeholder engagement proc-

1 ess (established under Presidential Memorandum of Feb-
2 ruary 15, 2015 (80 Fed. Reg. 9355)) on unmanned air-
3 craft systems transparency and accountability. In addition
4 to the agreed upon best practices, this report shall include
5 relevant stakeholder recommendations for legislative or
6 regulatory action regarding privacy, accountability, and
7 transparency, including ways to encourage the adoption
8 of privacy policies by companies that use unmanned air-
9 craft systems for compensation or hire, or in the further-
10 ance of a business enterprise. The report shall take into
11 account existing rights protected under the First Amend-
12 ment to the United States Constitution in public spaces
13 and the First Amendment rights of journalists to control
14 their archives.

15 **SEC. 2105. IDENTIFICATION STANDARDS.**

16 (a) IN GENERAL.—The Director of the National In-
17 stitute of Standards and Technology, in collaboration with
18 the Administrator of the Federal Aviation Administration,
19 and in consultation with the Secretary of Transportation,
20 the President of RTCA, Inc., and the Administrator of
21 the National Telecommunications and Information Ad-
22 ministration, shall convene industry stakeholders to facili-
23 tate the development of consensus standards for remotely
24 identifying operators and owners of unmanned aircraft
25 systems and associated unmanned aircraft.

1 (b) CONSIDERATIONS.—As part of the standards de-
2 veloped under subsection (a), the Director shall consider—

3 (1) requirements for remote identification of
4 unmanned aircraft systems;

5 (2) appropriate requirements for different clas-
6 sifications of unmanned aircraft systems operations,
7 including public and civil;

8 (3) the role of manufacturers, the Federal Avia-
9 tion Administration, and the owners of the systems
10 described in paragraphs (1) and (2) in reporting and
11 verifying identification data; and

12 (4) the feasibility of the development and oper-
13 ation of a publicly searchable online database to fur-
14 ther enable the immediate remote identification of
15 any unmanned aircraft and its operator by the gen-
16 eral public and potential exceptions to inclusion in
17 the online database.

18 (c) DEADLINE.—Not later than 1 year after the date
19 of enactment of this Act, the Director shall submit to the
20 appropriate committees of Congress a report on the con-
21 sensus identification standards.

22 (d) GUIDANCE.—Not later than 1 year after the date
23 that the Director submits the report on the consensus
24 identification standards under subsection (c), the Admin-
25 istrator of the Federal Aviation Administration shall issue

1 regulatory guidance based on the consensus identification
2 standards.

3 **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERA-**
4 **TORS.**

5 (a) IN GENERAL.—Except for model aircraft under
6 section 44808 of title 49, United States Code, in author-
7 izing the operation of any public unmanned aircraft sys-
8 tem or the operation of any unmanned aircraft system by
9 a person conducting civil aircraft operations, the Adminis-
10 trator of the Federal Aviation Administration, to the ex-
11 tent practicable and consistent with applicable law and
12 without compromising national security, homeland de-
13 fense, or law enforcement, shall make the identifying in-
14 formation in subsection (b) available to the public via an
15 easily searchable online database. The Administrator shall
16 place a clear and conspicuous link to the database on the
17 home page of the Federal Aviation Administration’s
18 website.

19 (b) CONTENTS.—The database described in sub-
20 section (a) shall contain the following:

21 (1) The name of each individual, or agency, as
22 applicable, authorized to conduct civil or public un-
23 manned aircraft systems operations described in
24 subsection (a).

1 (2) The name of each owner of an unmanned
2 aircraft system described in paragraph (1).

3 (3) The expiration date of any authorization re-
4 lated to a person identified in paragraph (1) or
5 paragraph (2).

6 (4) The contact information for each person
7 identified in paragraphs (1) and (2), including a
8 telephone number and an electronic mail address, in
9 accordance with applicable privacy laws.

10 (5) The tail number or specific identification
11 number of all unmanned aircraft authorized for use
12 that links each unmanned aircraft to the owner of
13 that aircraft.

14 (6) For any unmanned aircraft system that will
15 collect personally identifiable information about indi-
16 viduals, including the use of facial recognition—

17 (A) the circumstance under which the sys-
18 tem will be used;

19 (B) the specific kinds of personally identi-
20 fiable information that the system will collect
21 about individuals; and

22 (C) how the information referred to in sub-
23 paragraph (B), and the conclusions drawn from
24 such information, will be used, disclosed, and
25 otherwise handled, including—

1 (i) how the collection or retention of
2 such information that is unrelated to the
3 specific use will be minimized;

4 (ii) under what circumstances such in-
5 formation might be sold, leased, or other-
6 wise provided to third parties;

7 (iii) the period during which such in-
8 formation will be retained;

9 (iv) when and how such information,
10 including information no longer relevant to
11 the specified use, will be destroyed; and

12 (v) steps that will be used to protect
13 against the unauthorized disclosure of any
14 information or data, such as the use of
15 encryption methods and other security fea-
16 tures.

17 (7) With respect to public unmanned aircraft
18 systems—

19 (A) the locations where the unmanned air-
20 craft system will operate;

21 (B) the time during which the unmanned
22 aircraft system will operate;

23 (C) the general purpose of the flight; and

24 (D) the technical capabilities that the un-
25 manned aircraft system possesses.

1 (c) RECORDS.—Each person described in subsection
2 (b)(1), to the extent practicable without compromising na-
3 tional security, homeland defense, or law enforcement
4 shall maintain and make available to the Administrator
5 for not less than 1 year a record of the name and contact
6 information of each person on whose behalf the unmanned
7 aircraft system has been operated.

8 (d) DEADLINE.—The Administrator shall make the
9 database available not later than 1 year after the date of
10 enactment of this Act.

11 (e) TERMINATION.—The Administrator may cease
12 the operation of such database on September 30, 2017.

13 **SEC. 2107. ANALYSIS OF CURRENT REMEDIES UNDER FED-**
14 **ERAL, STATE, AND LOCAL JURISDICTIONS.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Comptroller General of the United States
17 shall conduct and submit to the appropriate committees
18 of Congress a review of the privacy issues and concerns
19 associated with the operation of unmanned aircraft sys-
20 tems in the national airspace system that—

21 (1) examines and identifies the existing Fed-
22 eral, State, or local laws, including constitutional
23 law, that address an individual's personal privacy;

24 (2) identifies specific issues and concerns that
25 may limit the availability of existing civil or criminal

1 legal remedies regarding inappropriate operation of
2 unmanned aircraft systems in the national airspace
3 system;

4 (3) identifies any deficiencies in current Fed-
5 eral, State, or local privacy protections; and

6 (4) recommends legislative or other actions to
7 address the limitations and deficiencies identified in
8 paragraphs (2) and (3).

9 **PART II—UNMANNED AIRCRAFT SYSTEMS**

10 **SEC. 2121. DEFINITIONS.**

11 (a) IN GENERAL.—Part A of subtitle VII is amended
12 by inserting after chapter 447 the following:

13 **“CHAPTER 448—UNMANNED AIRCRAFT**
14 **SYSTEMS**

“Sec.

“44801. Definitions.

15 **“§ 44801. Definitions**

16 “In this chapter—

17 “(1) ‘appropriate committees of Congress’
18 means the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives.

22 “(2) ‘Arctic’ means the United States zone of
23 the Chukchi Sea, Beaufort Sea, and Bering Sea
24 north of the Aleutian chain.

1 “(3) ‘certificate of waiver’ and ‘certificate of au-
2 thorization’ mean a Federal Aviation Administration
3 grant of approval for a specific flight operation.

4 “(4) ‘permanent areas’ means areas on land or
5 water that provide for launch, recovery, and oper-
6 ation of small unmanned aircraft.

7 “(5) ‘public unmanned aircraft system’ means
8 an unmanned aircraft system that meets the quali-
9 fications and conditions required for operation of a
10 public aircraft (as defined in section 40102(a)).

11 “(6) ‘sense and avoid capability’ means the ca-
12 pability of an unmanned aircraft to remain a safe
13 distance from and to avoid collisions with other air-
14 borne aircraft.

15 “(7) ‘small unmanned aircraft’ means an un-
16 manned aircraft weighing less than 55 pounds, in-
17 cluding the weight of anything attached to or carried
18 by the aircraft.

19 “(8) ‘test range’ means a defined geographic
20 area where research and development are conducted
21 as authorized by the Administrator of the Federal
22 Aviation Administration.

23 “(9) ‘test site’ means any of the 6 test ranges
24 established by the Administrator of the Federal
25 Aviation Administration under section 332(c) of the

1 FAA Modernization and Reform Act of 2012 (49
2 U.S.C. 40101 note), as in effect on the day before
3 the date of enactment of the Federal Aviation Ad-
4 ministration Reauthorization Act of 2016, and any
5 public entity authorized by the Federal Aviation Ad-
6 ministration as an unmanned aircraft system flight
7 test center before January 1, 2009.

8 “(10) ‘unmanned aircraft’ means an aircraft
9 that is operated without the possibility of direct
10 human intervention from within or on the aircraft.

11 “(11) ‘unmanned aircraft system’ means an un-
12 manned aircraft and associated elements (including
13 communication links and the components that con-
14 trol the unmanned aircraft) that are required for the
15 operator to operate safely and efficiently in the na-
16 tional airspace system.”.

17 (b) TABLE OF CHAPTERS.—The table of chapters for
18 subtitle VII is amended by inserting after the item relating
19 to chapter 447 the following:

“448. Unmanned Aircraft Systems 44801”.

20 **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**
21 **TEST SITES.**

22 (a) IN GENERAL.—Chapter 448, as designated by
23 section 2121 of this Act, is amended by inserting after
24 section 44801 the following:

1 **“§ 44802. Unmanned aircraft system test sites**

2 “(a)(1) IN GENERAL.—The Administrator of the
3 Federal Aviation Administration shall establish and up-
4 date, as appropriate, a program for the use of the 6 test
5 sites established under section 332(c) of the FAA Mod-
6 ernization and Reform Act of 2012 (49 U.S.C. 40101
7 note), and any public entity authorized by the Federal
8 Aviation Administration as an unmanned aircraft system
9 flight test center before January 1, 2009, to facilitate the
10 safe integration of unmanned aircraft systems into the na-
11 tional airspace system.

12 “(2) TERMINATION.—The program shall terminate
13 on September 30, 2017.

14 “(b) PROGRAM REQUIREMENTS.—In establishing the
15 program under subsection (a), the Administrator shall—

16 “(1) designate airspace for safely testing the in-
17 tegration of unmanned flight operations in the na-
18 tional airspace system;

19 “(2) develop operational standards and air traf-
20 fic requirements for unmanned flight operations at
21 test sites, including test ranges;

22 “(3) coordinate with and leverage the resources
23 of the National Aeronautics and Space Administra-
24 tion and the Department of Defense;

25 “(4) address both civil and public unmanned
26 aircraft systems;

1 “(5) ensure that the program is coordinated
2 with relevant aspects of the Next Generation Air
3 Transportation System;

4 “(6) provide for verification of the safety of un-
5 manned aircraft systems and related navigation pro-
6 cedures as it relates to continued development of
7 standards for integration into the national airspace
8 system;

9 “(7) engage each test site operator in projects
10 for research, development, testing, and evaluation of
11 unmanned aircraft systems to facilitate the Federal
12 Aviation Administration’s development of standards
13 for the safe integration of unmanned aircraft into
14 the national airspace system, which may include so-
15 lutions for—

16 “(A) developing and enforcing geographic
17 and altitude limitations;

18 “(B) classifications of airspace where man-
19 ufacturers must prevent flight of an unmanned
20 aircraft system;

21 “(C) classifications of airspace where man-
22 ufacturers of unmanned aircraft systems must
23 alert the operator to hazards or limitations on
24 flight;

25 “(D) sense and avoid capabilities;

1 “(E) beyond-line-of-sight, nighttime oper-
2 ations and unmanned traffic management, or
3 other critical research priorities; and

4 “(F) improving privacy protections
5 through the use of advances in unmanned air-
6 craft systems technology;

7 “(8) coordinate periodically with all test site op-
8 erators to ensure test site operators know which
9 data should be collected, what procedures should be
10 followed, and what research would advance efforts to
11 safely integrate unmanned aircraft systems into the
12 national airspace system;

13 “(9) allow a test site to develop multiple test
14 ranges within the test site;

15 “(10) streamline the approval process for test
16 sites when processing unmanned aircraft certificates
17 of waiver or authorization for operations at the test
18 sites;

19 “(11) require each test site operator to protect
20 proprietary technology, sensitive data, or sensitive
21 research of any civil or private entity when using
22 that test site without the need to obtain an experi-
23 mental or special airworthiness certificate;

24 “(12) evaluate options for the operation of 1 or
25 more small unmanned aircraft systems beyond the

1 visual line of sight of the operator for testing under
2 controlled conditions that ensure the safety of per-
3 sons and property, including on the ground; and

4 “(13) allow test site operators to receive Fed-
5 eral funding, other than from the Federal Aviation
6 Administration, including in-kind contributions,
7 from test site participants in the furtherance of re-
8 search, development, and testing objectives.

9 “(c) TEST SITE LOCATIONS.—In determining the lo-
10 cation of a test site under subsection (a), the Adminis-
11 trator shall—

12 “(1) take into consideration geographic and cli-
13 matic diversity;

14 “(2) take into consideration the location of
15 ground infrastructure and research needs; and

16 “(3) consult with the Administrator of the Na-
17 tional Aeronautics and Space Administration and
18 the Secretary of Defense.

19 “(d) REPORT TO CONGRESS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Federal Aviation Ad-
22 ministration Reauthorization Act of 2016, the Ad-
23 ministrator shall submit to the appropriate commit-
24 tees of Congress a report on the establishment and
25 implementation of the program under subsection (a).

1 “(2) BRIEFINGS.—Beginning 180 days after
2 the date of enactment of the Federal Aviation Ad-
3 ministration Reauthorization Act of 2016, and every
4 180 days thereafter until September 30, 2017, the
5 Administrator shall provide to the appropriate com-
6 mittees of Congress a briefing that includes—

7 “(A) a current summary of unmanned air-
8 craft systems operations at the test sites since
9 the last briefing to Congress;

10 “(B) a description of all of the data gen-
11 erated from the operations described in sub-
12 paragraph (A), and shared with the Federal
13 Aviation Administration through a cooperative
14 research and development agreement authorized
15 in section 2123 of the Federal Aviation Admin-
16 istration Reauthorization Act of 2016, that re-
17 late to unmanned aircraft systems research pri-
18 orities, including beyond-line-of-sight, un-
19 manned traffic management, nighttime oper-
20 ations, and sense and avoid technology;

21 “(C) a description of how the data de-
22 scribed in subparagraph (B) will be or is
23 used—

24 “(i) to advance Federal Aviation Ad-
25 ministration priorities;

1 “(ii) to validate the safety of un-
2 manned aircraft systems and related tech-
3 nology; and

4 “(iii) to inform future rulemaking re-
5 lated to the integration of unmanned air-
6 craft systems into the national airspace;

7 “(D) an evaluation of the activities and
8 specific outcomes from activities at the test
9 sites that support the safe integration of un-
10 manned aircraft systems under this chapter;
11 and

12 “(E) recommendations for future Federal
13 Aviation Administration test site operations
14 that would generate data necessary to inform
15 future rulemaking related to unmanned aircraft
16 systems.

17 “(e) REVIEW OF OPERATIONS BY TEST SITE OPERA-
18 TIONS.—The operator of each test site under subsection (a)
19 shall—

20 “(1) review the operations of unmanned aircraft
21 systems conducted at the test site, including—

22 “(A) ongoing or completed research; and

23 “(B) data regarding operations by private
24 and public operators; and

1 “(2) submit to the Administrator, in such form
2 and manner as specified by the Administrator, the
3 results of the review, including recommendations to
4 further enable private research and development op-
5 erations at the test sites that contribute to the Fed-
6 eral Aviation Administration’s safe integration of
7 unmanned aircraft systems into the national air-
8 space system, on a quarterly basis until the program
9 terminates.

10 “(f) TESTING.—The Secretary may authorize an op-
11 erator of a test site described in subsection (a) to admin-
12 ister testing requirements established by the Adminis-
13 trator for unmanned aircraft systems operations.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) TABLE OF CONTENTS.—The table of con-
16 tents for chapter 448, as added by section 2121 of
17 this Act, is further amended by inserting after the
18 item relating to section 44801 the following:

 “44802. Unmanned aircraft system test sites.”.

19 (2) PILOT PROJECTS.—Section 332 of the FAA
20 Modernization and Reform Act of 2012 (49 U.S.C.
21 40101 note) is amended by striking subsection (c).

22 **SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND**
23 **TESTING.**

24 (a) RESEARCH PLAN.—Not later than 1 year after
25 the date of enactment of this Act, the Administrator of

1 the Federal Aviation Administration and the United
2 States Unmanned Aircraft System Executive Committee,
3 jointly, and in coordination with industry, users, the Cen-
4 ter of Excellence for Unmanned Aircraft Systems, and test
5 site operators, shall develop a research plan to identify on-
6 going research into the broad range of technical, proce-
7 dural, and policy concerns arising from the integration of
8 unmanned aircraft systems into the national airspace sys-
9 tem, and research needs regarding those concerns. In de-
10 veloping the plan, the Administrator shall determine and
11 engage the appropriate entities to meet the research needs
12 identified in the plan.

13 (b) **COLLABORATIVE RESEARCH AND DEVELOPMENT**
14 **AGREEMENTS.**—The Administrator may use the other
15 transaction authority under section 106(l)(6) of title 49,
16 United States Code, and enter into collaborative research
17 and development agreements, to direct research related to
18 unmanned aircraft systems, including at any test site
19 under section 44802(a) of that title.

20 **SEC. 2124. SAFETY STANDARDS.**

21 (a) **IN GENERAL.**—Chapter 448, as amended by sec-
22 tion 2122 of this Act, is further amended by inserting
23 after section 44802 the following:

1 **“SEC. 44803. AIRCRAFT SAFETY STANDARDS.**

2 “(a) CONSENSUS AIRCRAFT SAFETY STANDARDS.—

3 Not later than 60 days after the date of enactment of the
4 Federal Aviation Administration Reauthorization Act of
5 2016, the Director of the National Institute of Standards
6 and Technology and the Administrator of the Federal
7 Aviation Administration, in consultation with government
8 and industry stakeholders and appropriate standards-set-
9 ting organizations, shall initiate a collaborative process to
10 develop risk-based, consensus industry airworthiness
11 standards related to the safe integration of small un-
12 manned aircraft systems into the national airspace sys-
13 tem.

14 “(b) CONSIDERATIONS.—In developing the consensus
15 aircraft safety standards, the Director and Administrator
16 shall consider the following:

17 “(1) Technologies or standards related to geo-
18 graphic limitations, altitude limitations, and sense
19 and avoid capabilities.

20 “(2) Using performance-based standards.

21 “(3) Predetermined action to maintain safety in
22 the event that a communications link between a
23 small unmanned aircraft and its operator is lost or
24 compromised.

1 “(4) Detectability and identifiability to pilots,
2 the Federal Aviation Administration, and air traffic
3 controllers, as appropriate.

4 “(5) Means to prevent tampering with or modi-
5 fication of any system, limitation, or other safety
6 mechanism or standard under this section or any
7 other provision of law, including a means to identify
8 any tampering or modification that has been made.

9 “(6) Consensus identification standards under
10 section 2105.

11 “(7) How to update or modify a small un-
12 manned aircraft system that was commercially dis-
13 tributed prior to the development of the consensus
14 aircraft safety standards so that, to the greatest ex-
15 tent practicable, such systems meet the consensus
16 aircraft safety standards.

17 “(8) Any technology or standard related to
18 small unmanned aircraft systems that promotes
19 aviation safety.

20 “(c) CONSULTATION.—In developing the consensus
21 aircraft safety standards under subsection (a), the Direc-
22 tor and Administrator shall consult with—

23 “(1) the Administrator of the National Aero-
24 nautics and Space Administration;

25 “(2) the President of RTCA, Inc.;

1 “(3) the Secretary of Defense;

2 “(4) each operator of a test site under section
3 44802;

4 “(5) the Center of Excellence for Unmanned
5 Aircraft Systems;

6 “(6) unmanned aircraft systems stakeholders;

7 and

8 “(7) community-based aviation organizations.

9 “(d) FAA APPROVAL.—Not later than 1 year after
10 the date of enactment of the Federal Aviation Administra-
11 tion Reauthorization Act of 2016, the Administrator of the
12 Federal Aviation Administration shall establish a process
13 for the approval of small unmanned aircraft systems make
14 and models based upon the consensus aircraft safety
15 standards developed under subsection (a). The consensus
16 aircraft safety standards developed under subsection (a)
17 shall allow the Administrator to approve small unmanned
18 aircraft systems for operation within the national airspace
19 system without requiring the type certification process in
20 parts 21 and 23 of the Code of Federal Regulations.

21 “(e) ELIGIBILITY.—The consensus aircraft safety
22 standards for approval of small unmanned aircraft sys-
23 tems developed under this section shall set eligibility re-
24 quirements for an airworthiness approval of a small un-
25 manned aircraft system which shall include the following:

1 “(1) An applicant must provide the Federal
2 Aviation Administration with—

3 “(A) the aircraft’s operating instructions;
4 and

5 “(B) the manufacturer’s statement of com-
6 pliance as described in subsection (f) of this
7 section.

8 “(2) A sample aircraft must be inspected by the
9 Federal Aviation Administration and found to be in
10 a condition for safe operation and in compliance
11 with the consensus aircraft safety standards re-
12 quired by the Administrator in subsection (d).

13 “(f) MANUFACTURER’S STATEMENT OF COMPLIANCE
14 FOR SMALL UAS.—The manufacturer’s statement of com-
15 pliance shall—

16 “(1) identify the aircraft make and model, and
17 consensus aircraft safety standard used;

18 “(2) state that the aircraft make and model
19 meets the provisions of the standard identified in
20 paragraph (1);

21 “(3) state that the aircraft make and model
22 conforms to the manufacturer’s design data, using
23 the manufacturer’s quality assurance system that
24 meets the identified consensus standard adopted by
25 the Administrator in subsection (d), and is manufac-

1 tured in way that ensures consistency in the produc-
2 tion process so that every unit produced meets the
3 applicable consensus aircraft safety standards;

4 “(4) state that the manufacturer will make
5 available to any interested person—

6 “(A) the aircraft’s operating instructions,
7 that meet the standard identified in paragraph
8 (1); and

9 “(B) the aircraft’s maintenance and in-
10 spection procedures, that meet the standard
11 identified in paragraph (1);

12 “(5) state that the manufacturer will monitor
13 and correct safety-of-flight issues through a contin-
14 ued airworthiness system that meets the standard
15 identified in paragraph (1);

16 “(6) state that at the request of the Adminis-
17 tration, the manufacturer will provide access by the
18 Administration to its facilities; and

19 “(7) state that the manufacturer, in accordance
20 with a production acceptance test procedure that
21 meets an applicable consensus aircraft safety stand-
22 ard has—

23 “(A) ground and flight tested random sam-
24 ples of the aircraft;

1 “(B) found the sample aircraft perform-
2 ance acceptable; and

3 “(C) determined that the make and model
4 of aircraft is suitable for safe operation.

5 “(g) PROHIBITION.—It shall be unlawful for any per-
6 son to introduce or deliver for introduction into interstate
7 commerce any unmanned aircraft manufactured after the
8 date that the Administrator adopts consensus aircraft
9 safety standards under this section, unless the manufac-
10 turer has received approval under subsection (d) for each
11 make and model.”.

12 (b) TABLE OF CONTENTS.—The table of contents for
13 chapter 448, as amended by section 2122 of this Act, is
14 further amended by inserting after the item relating to
15 section 44802 the following:

 “44803. Aircraft safety standards.”.

16 **SEC. 2125. UNMANNED AIRCRAFT SYSTEMS IN THE ARCTIC.**

17 (a) IN GENERAL.—Chapter 448, as amended by sec-
18 tion 2124 of this Act, is further amended by inserting
19 after section 44803 the following:

20 **“§ 44804. Unmanned aircraft systems in the Arctic**

21 “(a) IN GENERAL.—The Secretary of Transportation
22 shall develop a plan and initiate a process to work with
23 relevant Federal agencies and national and international
24 communities to designate permanent areas in the Arctic

1 where small unmanned aircraft may operate 24 hours per
2 day for research and commercial purposes.

3 “(b) PLAN CONTENTS.—The plan under subsection
4 (a) shall include the development of processes to facilitate
5 the safe operation of unmanned aircraft beyond line of
6 sight.

7 “(c) REQUIREMENTS.—Each permanent area des-
8 ignated under subsection (a) shall enable over-water
9 flights from the surface to at least 2,000 feet in altitude,
10 with ingress and egress routes from selected coastal
11 launch sites.

12 “(d) AGREEMENTS.—To implement the plan under
13 subsection (a), the Secretary may enter into an agreement
14 with relevant national and international communities.

15 “(e) AIRCRAFT APPROVAL.—Not later than 1 year
16 after the entry into force of an agreement necessary to
17 effectuate the purposes of this section, the Secretary shall
18 work with relevant national and international communities
19 to establish and implement a process, or may apply an
20 applicable process already established, for approving the
21 use of unmanned aircraft in the designated permanent
22 areas in the Arctic without regard to whether an un-
23 manned aircraft is used as a public aircraft, a civil air-
24 craft, or a model aircraft.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TABLE OF CONTENTS.—The table of con-
2 tents for chapter 448, as amended by section 2124
3 of this Act, is further amended by inserting after the
4 item relating to section 44803 the following:

“44804. Unmanned aircraft systems in the Arctic.”.

5 (2) EXPANDING USE OF UNMANNED AIRCRAFT
6 SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-
7 ernization and Reform Act of 2012 (49 U.S.C.
8 40101 note) is amended by striking subsection (d).

9 **SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
10 **AIRCRAFT SYSTEMS.**

11 (a) IN GENERAL.—Chapter 448, as amended by sec-
12 tion 2125 of this Act, is further amended by inserting
13 after section 44804 the following:

14 **“§ 44805. Special authority for certain unmanned air-**
15 **craft systems**

16 “(a) IN GENERAL.—Notwithstanding any other re-
17 quirement of this chapter, the Secretary of Transportation
18 shall use a risk-based approach to determine if certain un-
19 manned aircraft systems may operate safely in the na-
20 tional airspace system notwithstanding completion of the
21 comprehensive plan and rulemaking required by section
22 332 of the FAA Modernization and Reform Act of 2012
23 (49 U.S.C. 40101 note) or the guidance required by sec-
24 tion 44807.

1 “(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
2 TEMS.—In making the determination under subsection
3 (a), the Secretary shall determine, at a minimum—

4 “(1) which types of unmanned aircraft systems,
5 if any, as a result of their size, weight, speed, oper-
6 ational capability, proximity to airports and popu-
7 lated areas, and operation within or beyond visual
8 line of sight, or operation during the day or night,
9 do not create a hazard to users of the national air-
10 space system or the public; and

11 “(2) whether a certificate under section 44703
12 or section 44704 of this title, or a certificate of
13 waiver or certificate of authorization, is required for
14 the operation of unmanned aircraft systems identi-
15 fied under paragraph (1) of this subsection.

16 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
17 Secretary determines under this section that certain un-
18 manned aircraft systems may operate safely in the na-
19 tional airspace system, the Secretary shall establish re-
20 quirements for the safe operation of such aircraft systems
21 in the national airspace system, including operation re-
22 lated to research, development, and testing of proprietary
23 systems.

24 “(d) PILOT CERTIFICATION EXEMPTION.—If the
25 Secretary proposes, under this section, to require an oper-

1 ator of an unmanned aircraft system to hold an airman
2 certificate, a medical certificate, or to have a minimum
3 number of hours operating a manned aircraft, the Sec-
4 retary shall set forth the reasoning for such proposal and
5 seek public notice and comment before imposing any such
6 requirements.

7 “(e) SUNSET.—The authority under this section for
8 the Secretary to determine if certain unmanned aircraft
9 systems may operate safely in the national airspace system
10 terminates effective September 30, 2017.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) TABLE OF CONTENTS.—The table of con-
13 tents for chapter 448, as amended by section 2125
14 of this Act, is further amended by inserting after the
15 item relating to section 44804 the following:

“44805. Special rules for certain unmanned aircraft systems.”.

16 (2) SPECIAL RULES FOR CERTAIN UNMANNED
17 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
18 ernization and Reform Act of 2012 (49 U.S.C.
19 40101 note) and the item relating to that section in
20 the table of contents under section 1(b) of that Act
21 (126 Stat. 13) are repealed.

22 **SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) beyond visual line of sight and nighttime
2 operations of unmanned aircraft systems have tre-
3 mendous potential—

4 (A) to enhance research and development
5 both commercially and in academics;

6 (B) to spur economic growth and develop-
7 ment through innovative applications of this
8 emerging technology; and

9 (C) to improve emergency response efforts
10 as it relates to assessing damage to critical in-
11 frastructure such as roads, bridges, and utili-
12 ties, including water and power, ultimately
13 speeding response time;

14 (2) advancements in miniaturization of safety
15 technologies, including for aircraft weighing under
16 4.4 pounds, have increased economic opportunities
17 for using unmanned aircraft systems while reducing
18 kinetic energy and risk compared to unmanned air-
19 craft that may weigh as much as 55 pounds;

20 (3) advancements in unmanned technology will
21 have the capacity to ultimately improve manned air-
22 craft safety; and

23 (4) integrating unmanned aircraft systems safe-
24 ly into the national airspace, including beyond visual
25 line of sight and nighttime operations on a routine

1 basis should remain a top priority for the Federal
2 Aviation Administration as it pursues additional
3 rulemakings under the amendments made by this
4 section.

5 (b) IN GENERAL.—Chapter 448, as amended by sec-
6 tion 2126 of this Act, is further amended by inserting
7 after section 44805 the following:

8 **“§ 44806. Additional rulemaking authority**

9 “(a) IN GENERAL.—Notwithstanding the rulemaking
10 required by section 332 of the FAA Modernization and
11 Reform Act of 2012 (49 U.S.C. 40101 note) or the guid-
12 ance required by section 44807 of this title and subject
13 to subsection (b)(2) of this section and section 44808, the
14 Administrator may issue regulations under which a person
15 may operate certain unmanned aircraft systems (as deter-
16 mined by the Administrator) in the United States—

17 “(1) without an airman certificate;

18 “(2) without an airworthiness certificate for the
19 associated unmanned aircraft; or

20 “(3) that are not registered with the Federal
21 Aviation Administration.

22 “(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-
23 ATIONAL RULES.—

24 “(1) IN GENERAL.—Notwithstanding the rule-
25 making required by section 332 of the FAA Mod-

1 ernization and Reform Act of 2012 (49 U.S.C.
2 40101 note), the Administrator shall issue regula-
3 tions not later than 270 days after the date of en-
4 actment of the Federal Aviation Administration Re-
5 authorization Act of 2016 under which any person
6 may operate a micro unmanned aircraft system clas-
7 sification of unmanned aircraft systems, the aircraft
8 component of which weighs 4.4 pounds or less, in-
9 cluding payload, without the person operating the
10 system being required to pass any airman certifi-
11 cation requirement, including any requirements
12 under section 44703 of this title, part 61 of title 14,
13 Code of Federal Regulations, or any other rule or
14 regulation relating to airman certification.

15 “(2) OPERATIONAL RULES.—The rulemaking
16 required by paragraph (1) relating to micro un-
17 manned aircraft systems shall consider the following
18 rules, or any appropriate modifications thereof con-
19 cerning altitude, airspeed, geographic location, and
20 time of day as the Administrator considers appro-
21 priate, for operation of such systems:

22 “(A) Operation an altitude of less than
23 400 feet above ground level.

24 “(B) Operation with an airspeed of not
25 greater than 40 knots.

1 “(C) Operation within the visual line of
2 sight of the operator.

3 “(D) Operation during the hours between
4 sunrise and sunset.

5 “(E) Operation not less than 5 statute
6 miles from the geographic center of an airport
7 with an operational air traffic control tower or
8 an airport denoted on a current aeronautical
9 chart published by the Federal Aviation Admin-
10 istration, except that a micro unmanned air-
11 craft system may be operated within 5 statute
12 miles of such an airport if the operator of the
13 system—

14 “(i) provides notice to the airport op-
15 erator; and

16 “(ii) in the case of an airport with an
17 operational air traffic control tower, re-
18 ceives approval from the air traffic control
19 tower.

20 “(c) SCOPE OF REGULATIONS.—

21 “(1) IN GENERAL.—In determining whether a
22 person may operate an unmanned aircraft system
23 under 1 or more of the circumstances described
24 under paragraphs (1) through (3) of subsection (a),
25 the Administrator shall use a risk-based approach

1 and consider, at a minimum, the physical and func-
2 tional characteristics of the unmanned aircraft sys-
3 tem.

4 “(2) LIMITATION.—The Administrator may
5 only issue regulations under this section for un-
6 manned aircraft systems that the Administrator de-
7 termines may be operated safely in the national air-
8 space system.

9 “(d) RULES OF CONSTRUCTION.—Nothing in this
10 section may be construed—

11 “(1) to prohibit a person from operating an un-
12 manned aircraft system under a circumstance de-
13 scribed under paragraphs (1) through (3) of sub-
14 section (a) if—

15 “(A) the circumstance is allowed by regula-
16 tions issued under this section; and

17 “(B) the person operates the unmanned
18 aircraft system in a manner prescribed by the
19 regulations; and

20 “(2) to limit or affect in any way the Adminis-
21 trator’s authority to conduct a rulemaking, make a
22 determination, or carry out any activity related to
23 unmanned aircraft or unmanned aircraft systems
24 under any other provision of law.”.

1 (c) TABLE OF CONTENTS.—The table of contents for
2 chapter 448, as amended by section 2126 of this Act, is
3 further amended by inserting after the item relating to
4 section 44805 the following:

“44806. Additional rulemaking authority.”.

5 **SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
6 **TEMS.**

7 (a) IN GENERAL.—Chapter 448, as amended by sec-
8 tion 2127 of this Act, is further amended by inserting
9 after section 44806 the following:

10 **“§ 44807. Public unmanned aircraft systems**

11 “(a) GUIDANCE.—The Secretary of Transportation
12 shall issue guidance regarding the operation of a public
13 unmanned aircraft system—

14 “(1) to streamline the process for the issuance
15 of a certificate of authorization or a certificate of
16 waiver;

17 “(2) to provide for a collaborative process with
18 public agencies to allow for an incremental expan-
19 sion of access to the national airspace system as
20 technology matures and the necessary safety anal-
21 yses and data become available, and until standards
22 are completed and technology issues are resolved;

23 “(3) to facilitate the capability of public agen-
24 cies to develop and use test ranges, subject to oper-
25 ating restrictions required by the Federal Aviation

1 Administration, to test and operate public unmanned
2 aircraft systems; and

3 “(4) to provide guidance on a public agency’s
4 responsibilities when operating an unmanned air-
5 craft without a civil airworthiness certificate issued
6 by the Administration.

7 “(b) STANDARDS FOR OPERATION AND CERTIFI-
8 CATION.—The Administrator of the Federal Aviation Ad-
9 ministration shall develop and implement operational and
10 certification requirements for the operation of a public un-
11 manned aircraft system in the national airspace system.

12 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
13 CIES.—

14 “(1) IN GENERAL.—The Secretary shall enter
15 into an agreement with each appropriate public
16 agency to simplify the process for issuing a certifi-
17 cate of waiver or a certificate of authorization with
18 respect to an application for authorization to operate
19 a public unmanned aircraft system in the national
20 airspace system.

21 “(2) CONTENTS.—An agreement under para-
22 graph (1) shall—

23 “(A) with respect to an application de-
24 scribed in paragraph (1)—

1 “(i) provide for an expedited review of
2 the application;

3 “(ii) require a decision by the Admin-
4 istrator on approval or disapproval not
5 later than 60 business days after the date
6 of submission of the application;

7 “(iii) allow for an expedited appeal if
8 the application is disapproved; and

9 “(iv) if applicable, include verification
10 of the data minimization policy required
11 under subsection (d);

12 “(B) allow for a one-time approval of simi-
13 lar operations carried out during a fixed period
14 of time; and

15 “(C) allow a government public safety
16 agency to operate an unmanned aircraft weigh-
17 ing 25 pounds or less if that unmanned aircraft
18 is operated—

19 “(i) within or beyond the line of sight
20 of the operator;

21 “(ii) less than 400 feet above the
22 ground;

23 “(iii) during daylight conditions;

24 “(iv) within Class G airspace; and

1 “(v) outside of 5 statute miles from
2 any airport, heliport, seaplane base, space-
3 port, or other location with aviation activi-
4 ties.

5 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
6 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
7 180 days after the date of enactment of the Federal Avia-
8 tion Administration Reauthorization Act of 2016 each
9 Federal agency authorized by the Secretary to operate an
10 unmanned aircraft system shall develop and update a data
11 minimization policy that requires, at a minimum, that—

12 “(1) prior to the deployment of any new un-
13 manned aircraft system technology, and at least
14 every 3 years, existing policies and procedures relat-
15 ing to the collection, use, retention, and dissemina-
16 tion of information obtained by an unmanned air-
17 craft system must be examined to ensure that pri-
18 vacy, civil rights, and civil liberties are protected;

19 “(2) if the unmanned aircraft system is the
20 platform for information collection, information
21 must be collected, used, retained, and disseminated
22 consistent with the Constitution, Federal law, and
23 other applicable regulations and policies, such as the
24 Privacy Act of 1974 (5 U.S.C. 552a);

1 “(3) the Federal agency or person operating on
2 its behalf, only collect information using the un-
3 manned aircraft system, or use unmanned aircraft
4 system-collected information, to the extent that the
5 collection or use is consistent with and relevant to
6 an authorized purpose as determined by the head of
7 a Federal agency and consistent with the law;

8 “(4) any information collected, using an un-
9 manned aircraft or an unmanned aircraft system,
10 that may contain personal information will not be
11 retained by any Federal agency for more than 180
12 days after the date of collection unless—

13 “(A) the head of the Federal agency deter-
14 mines that retention of the information is di-
15 rectly relevant and necessary to accomplish the
16 specific purpose for which the Federal agency
17 used the unmanned aircraft system;

18 “(B) that Federal agency maintains the in-
19 formation in a system of records under section
20 552a of title 5; or

21 “(C) the information is required to be re-
22 tained for a longer period under other applica-
23 ble law, including regulations;

24 “(5) any information collected, using an un-
25 manned aircraft or unmanned aircraft system, that

1 is not maintained in a system of records under sec-
2 tion 552a of title 5, will not be disseminated outside
3 of that Federal agency unless—

4 “(A) dissemination is required by law; or

5 “(B) dissemination satisfies an authorized
6 purpose and complies with that Federal agen-
7 cy’s disclosure requirements;

8 “(6) to the extent it does not compromise law
9 enforcement or national security a Federal agency
10 shall—

11 “(A) provide notice to the public regarding
12 where in the national airspace system the Fed-
13 eral agency is authorized to operate the un-
14 manned aircraft system;

15 “(B) keep the public informed about the
16 Federal agency’s unmanned aircraft system
17 program, including any changes to that pro-
18 gram that would significantly affect privacy,
19 civil rights, or civil liberties;

20 “(C) make available to the public, on an
21 annual basis, a general summary of the Federal
22 agency’s unmanned aircraft system operations
23 during the previous fiscal year, including—

24 “(i) a brief description of types or cat-
25 egories of missions flown; and

1 “(ii) the number of times the Federal
2 agency provided assistance to other agen-
3 cies or to State, local, tribal, or territorial
4 governments; and

5 “(D) make available on a public and
6 searchable Internet website the data minimiza-
7 tion policy of the Federal agency;

8 “(7) ensures oversight of the Federal agency’s
9 unmanned aircraft system use, including—

10 “(A) the use of audits or assessments that
11 comply with existing Federal agency policies
12 and regulations;

13 “(B) the verification of the existence of
14 rules of conduct and training for Federal Gov-
15 ernment personnel and contractors who work on
16 programs, and procedures for reporting sus-
17 pected cases of misuse or abuse of unmanned
18 aircraft system technologies;

19 “(C) the establishment of policies and pro-
20 cedures, or confirmation that policies and pro-
21 cedures are in place, that provide meaningful
22 oversight of individuals who have access to sen-
23 sitive information, including personal informa-
24 tion, collected using an unmanned aircraft sys-
25 tem;

1 “(D) ensuring that any data-sharing
2 agreements or policies, data use policies, and
3 record management policies applicable to an un-
4 manned aircraft system conform to applicable
5 laws, regulations, and policies;

6 “(E) the establishment of policies and pro-
7 cedures, or confirmation that policies and pro-
8 cedures are in place, to authorize the use of an
9 unmanned aircraft system in response to a re-
10 quest for unmanned aircraft system assistance
11 in support of Federal, State, local, tribal, or
12 territorial government operations; and

13 “(F) a requirement that State, local, trib-
14 al, and territorial government recipients of Fed-
15 eral grant funding for the purchase or use of
16 unmanned aircraft systems for their own oper-
17 ations have in place policies and procedures to
18 safeguard individuals’ privacy, civil rights, and
19 civil liberties prior to expending such funds; and

20 “(8) ensures the protection of civil rights and
21 civil liberties, including—

22 “(A) ensuring that policies are in place to
23 prohibit the collection, use, retention, or dis-
24 semination of data in any manner that would
25 violate the First Amendment or in any manner

1 that would discriminate against persons based
2 upon their ethnicity, race, gender, national ori-
3 gin, religion, sexual orientation, or gender iden-
4 tity, in violation of law;

5 “(B) ensuring that unmanned aircraft sys-
6 tem activities are performed in a manner con-
7 sistent with the Constitution and applicable
8 laws, Executive Orders, and other Presidential
9 directives; and

10 “(C) ensuring that adequate procedures
11 are in place to receive, investigate, and address,
12 as appropriate, privacy, civil rights, and civil
13 liberties complaints.

14 “(e) LAW ENFORCEMENT AND NATIONAL SECUR-
15 ITY.—Each Federal agency shall effectuate a require-
16 ment under subsection (d) only to the extent it does not
17 compromise law enforcement or national security.

18 “(f) DEFINITION OF FEDERAL AGENCY.—In sub-
19 sections (d) and (e), the term ‘Federal agency’ has the
20 meaning given the term ‘agency’ in section 552(f) of title
21 5, United States Code.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF CONTENTS.—The table of con-
24 tents for chapter 448, as amended by section 2127

1 of this Act, is further amended by inserting after the
2 item relating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

3 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—
4 Section 334 of the FAA Modernization and reform
5 Act of 2012 (49 U.S.C. 40101 note) and the item
6 relating to that section in the table of contents
7 under section 1(b) of that Act (126 Stat. 13) are re-
8 pealed.

9 **SEC. 2129. SPECIAL RULES FOR MODEL AIRCRAFT.**

10 (a) IN GENERAL.—Chapter 448, as amended by sec-
11 tion 2128 of this Act, is further amended by inserting
12 after section 44807 the following:

13 **“§ 44808. Special rules for model aircraft**

14 “(a) IN GENERAL.—Notwithstanding any other pro-
15 vision of law relating to the incorporation of unmanned
16 aircraft systems into Federal Aviation Administration
17 plans and policies, including this chapter, the Adminis-
18 trator of the Federal Aviation Administration may not
19 promulgate any new rule or regulation specific only to an
20 unmanned aircraft operating as a model aircraft if—

21 “(1) the aircraft is flown strictly for hobby or
22 recreational use;

23 “(2) the aircraft is operated in accordance with
24 a community-based set of safety guidelines and with-

1 in the programming of a nationwide community-
2 based organization;

3 “(3) not flown beyond visual line of sight of
4 persons co-located with the operator or in direct
5 communication with the operator;

6 “(4) the aircraft is operated in a manner that
7 does not interfere with and gives way to any manned
8 aircraft;

9 “(5) when flown within 5 miles of an airport,
10 the operator of the aircraft provides the airport op-
11 erator, where applicable, and the airport air traffic
12 control tower (when an air traffic facility is located
13 at the airport) with prior notice and receives ap-
14 proval from the tower, to the extent practicable, for
15 the operation from each (model aircraft operators
16 flying from a permanent location within 5 miles of
17 an airport should establish a mutually agreed upon
18 operating procedure with the airport operator and
19 the airport air traffic control tower (when an air
20 traffic facility is located at the airport));

21 “(6) the aircraft is flown from the surface to
22 not more than 400 feet in altitude, except under
23 special conditions and programs established by a
24 community-based organization; and

1 “(7) the operator has passed an aeronautical
2 knowledge and safety test administered by the Fed-
3 eral Aviation Administration online for the operation
4 of unmanned aircraft systems subject to the require-
5 ments of section 44809 and maintains proof of test
6 passage to be made available to the Administrator or
7 law enforcement upon request.

8 “(b) UPDATES.—

9 “(1) IN GENERAL.—The Administrator, in col-
10 laboration with government and industry stake-
11 holders, including nationwide community-based orga-
12 nizations, shall initiate a process to update the oper-
13 ational parameters under subsection (a), as appro-
14 priate.

15 “(2) CONSIDERATIONS.—In updating an oper-
16 ational parameter under paragraph (1), the Admin-
17 istrator shall consider—

18 “(A) appropriate operational limitations to
19 mitigate aviation safety risk and risk to the un-
20 involved public;

21 “(B) operations outside the membership,
22 guidelines, and programming of a nationwide
23 community-based organization;

1 “(C) physical characteristics, technical
2 standards, and classes of aircraft operating
3 under this section;

4 “(D) trends in use, enforcement, or inci-
5 dents involving unmanned aircraft systems; and

6 “(E) ensuring, to the greatest extent prac-
7 ticable, that updates to the operational param-
8 eters correspond to, and leverage, advances in
9 technology.

10 “(3) SAVINGS CLAUSE.—Nothing in this sub-
11 section shall be construed as expanding the author-
12 ity of the Administrator to require operators of
13 model aircraft under the exemption of this sub-
14 section to be required to seek permissive authority of
15 the Administrator prior to operation in the national
16 airspace system.

17 “(c) STATUTORY CONSTRUCTION.—Nothing in this
18 section shall be construed to limit the authority of the Ad-
19 ministrator to pursue enforcement action against persons
20 operating model aircraft.

21 “(d) MODEL AIRCRAFT DEFINED.—In this section,
22 the term ‘model aircraft’ means an unmanned aircraft
23 that—

24 “(1) is capable of sustained flight in the atmos-
25 phere; and

1 “(2) is limited to weighing not more than 55
2 pounds, including the weight of anything attached to
3 or carried by the aircraft, unless otherwise approved
4 through a design, construction, inspection, flight
5 test, and operational safety program administered by
6 a community-based organization.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) TABLE OF CONTENTS.—The table of con-
9 tents for chapter 448, as amended by section 2128
10 of this Act, is further amended by inserting after the
11 item relating to section 44807 the following:

 “44808. Special rules for model aircraft.”.

12 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—

13 Section 336 of the FAA Modernization and Reform
14 Act of 2012 (49 U.S.C. 40101 note) and the item
15 relating to that section in the table of contents
16 under section 1(b) of that Act (126 Stat. 13) are re-
17 pealed.

18 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
19 **KNOWLEDGE AND SAFETY.**

20 (a) IN GENERAL.—Chapter 448, as amended by sec-
21 tion 2129 of this Act, is further amended by inserting
22 after section 44808 the following:

23 **“§ 44809. Aeronautical knowledge and safety test**

24 “(a) IN GENERAL.—An individual may not operate
25 an unmanned aircraft system unless—

1 “(1) the individual has successfully completed
2 an aeronautical knowledge and safety test under
3 subsection (c);

4 “(2) the individual has authority to operate an
5 unmanned aircraft under other Federal law; or

6 “(3) the individual is a holder of an airmen cer-
7 tificate issued under section 44703.

8 “(b) EXCEPTION.—This section shall not apply to the
9 operation of an unmanned aircraft system that has been
10 authorized by the Federal Aviation Administration under
11 section 44802, 44805, 44806, or 44807. The Adminis-
12 trator may waive the requirements of this section for oper-
13 ators of aircraft weighing less than 0.55 pounds or for
14 operators under the age of 13 operating the unmanned
15 aircraft system under the supervision of an adult as deter-
16 mined by the Administrator.

17 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
18 TEST.—Not later than 180 days after the date of enact-
19 ment of the Federal Aviation Administration Reauthoriza-
20 tion Act of 2016, the Administrator of the Federal Avia-
21 tion Administration, in consultation with manufacturers
22 of unmanned aircraft systems, other industry stake-
23 holders, and community-based aviation organizations,
24 shall develop an aeronautical knowledge and safety test
25 that can be administered electronically.

1 “(d) REQUIREMENTS.—The Administrator shall en-
2 sure that the aeronautical knowledge and safety test is de-
3 signed to adequately demonstrate an operator’s—

4 “(1) understanding of aeronautical safety
5 knowledge, as applicable; and

6 “(2) knowledge of Federal Aviation Administra-
7 tion regulations and requirements pertaining to the
8 operation of an unmanned aircraft system in the na-
9 tional airspace system.

10 “(e) RECORD OF COMPLIANCE.—

11 “(1) IN GENERAL.—Each operator of an un-
12 manned aircraft system described under subsection
13 (a) shall maintain and make available for inspection,
14 upon request by the Administrator or a Federal,
15 State, or local law enforcement officer, a record of
16 compliance with this section through—

17 “(A) an identification number, issued by
18 the Federal Aviation Administration certifying
19 passage of the aeronautical knowledge and safe-
20 ty test;

21 “(B) if the individual has authority to op-
22 erate an unmanned aircraft system under other
23 Federal law, the requisite proof of authority
24 under that law; or

1 “(C) an airmen certificate issued under
2 section 44703.

3 “(2) COORDINATION.—The Administrator may
4 coordinate the identification number under para-
5 graph (1)(A) with an operator’s registration number
6 to the extent practicable.

7 “(3) LIMITATION.—No fine or penalty may be
8 imposed for the initial failure of an operator of an
9 unmanned aircraft system to comply with paragraph
10 (1) unless the Administrator finds that the conduct
11 of the operator actually posed a risk to the national
12 airspace system.”.

13 (b) TABLE OF CONTENTS.—The table of contents for
14 chapter 448, as amended by section 2129 of this Act, is
15 further amended by inserting after the item relating to
16 section 44808 the following:

 “44809. Aeronautical knowledge and safety test.”.

17 **SEC. 2131. SAFETY STATEMENTS.**

18 (a) IN GENERAL.—Chapter 448, as amended by sec-
19 tion 2130 of this Act, is further amended by inserting
20 after section 44809 the following:

21 **“§ 44810. Safety statements**

22 “(a) PROHIBITION.—Beginning on the date that is
23 1 year after the date of publication of the guidance under
24 subsection (b)(1), it shall be unlawful for any person to
25 introduce or deliver for introduction into interstate com-

1 merce any unmanned aircraft manufactured unless a safe-
2 ty statement is attached to the unmanned aircraft or ac-
3 companying the unmanned aircraft in its packaging.

4 “(b) SAFETY STATEMENT.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of the Federal Aviation Ad-
7 ministration Reauthorization Act of 2016, the Ad-
8 ministrator of the Federal Aviation Administration
9 shall issue guidance for implementing this section.

10 “(2) REQUIREMENTS.—A safety statement de-
11 scribed in subsection (a) shall include—

12 “(A) information about laws and regula-
13 tions applicable to unmanned aircraft systems;

14 “(B) recommendations for using un-
15 manned aircraft in a manner that promotes the
16 safety of persons and property;

17 “(C) the date that the safety statement
18 was created or last modified; and

19 “(D) language approved by the Adminis-
20 trator regarding the following:

21 “(i) A person may operate the un-
22 manned aircraft as a model aircraft (as de-
23 fined in section 44808) or otherwise in ac-
24 cordance with Federal Aviation Adminis-
25 tration authorization or regulation, includ-

1 ing requirements for the completion of the
2 aeronautical knowledge and safety test
3 under section 44809.

4 “(ii) The definition of a model aircraft
5 under section 44808.

6 “(iii) The requirements regarding a
7 model aircraft under paragraphs (1)
8 through (7) of section 44808(a).

9 “(iv) The Administrator of the Fed-
10 eral Aviation Administration may pursue
11 enforcement action against a person oper-
12 ating model aircraft who endangers the
13 safety of the national airspace system.

14 “(c) CIVIL PENALTY.—A person who violates sub-
15 section (a) shall be liable for each violation to the United
16 States Government for a civil penalty described in section
17 46301(a).”

18 (b) TABLE OF CONTENTS.—The table of contents for
19 chapter 448, as amended by section 2130 of this Act, is
20 further amended by inserting after the item relating to
21 section 44809 the following:

“44810. Safety statements.”

22 **SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-**
23 **ATING UNDERGROUND.**

24 An unmanned aircraft system that is operated under-
25 ground for mining purposes shall not be subject to regula-

1 tion or enforcement by the Federal Aviation Administra-
2 tion under chapter 448 of title 49, United States Code.

3 **SEC. 2133. ENFORCEMENT.**

4 (a) UAS SAFETY ENFORCEMENT.—The Adminis-
5 trator of the Federal Aviation Administration shall estab-
6 lish a program to utilize available remote detection and
7 identification technologies for safety oversight, including
8 enforcement actions against operators of unmanned air-
9 craft systems that are not in compliance with applicable
10 Federal aviation laws, including regulations.

11 (b) CIVIL PENALTIES.—

12 (1) IN GENERAL.—Section 46301 is amended—

13 (A) in subsection (a)(1)(A), by inserting
14 “chapter 448,” after “chapter 447 (except sec-
15 tions 44717 and 44719–44723),”;

16 (B) in subsection (a)(5), by inserting
17 “chapter 448,” after “chapter 447 (except sec-
18 tions 44717–44723),”;

19 (C) in subsection (d)(2), by inserting
20 “chapter 448,” after “chapter 447 (except sec-
21 tions 44717 and 44719–44723),”;

22 (D) in subsection (f), by inserting “chapter
23 448,” after “chapter 447 (except 44717 and
24 44719–44723),”.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 subsection shall be construed to limit the authority
3 of the Administrator to pursue an enforcement ac-
4 tion for a violation of this Act, a regulation pre-
5 scribed or order or authority issued under this Act,
6 or any other applicable provision of aviation safety
7 law or regulation.

8 (c) REPORTING.—As part of the program, the Ad-
9 ministrator shall establish and publicize a mechanism for
10 the public and Federal, State, and local law enforcement
11 to report a suspected abuse or a violation of chapter 448
12 of title 49, United States Code, for enforcement action.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
14 out this section, there is authorized to be appropriated
15 \$5,000,000 for each of the fiscal years 2016 through
16 2017.

17 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
18 **ICES DISRUPTION.**

19 (a) IN GENERAL.—Chapter 463 is amended—

20 (1) in section 46301(d)(2), by inserting “sec-
21 tion 46320,” after “section 46319,”; and

22 (2) by adding at the end the following:

1 **“§ 46320. Interference with firefighting, law enforce-**
2 **ment, or emergency response activities**

3 “(a) PROHIBITION.—No person may operate an air-
4 craft so as to interfere with firefighting, law enforcement,
5 or emergency response activities.

6 “(b) DEFINITION.—For purposes of this section, an
7 aircraft interferes with the activities specified in sub-
8 section (a) when its operation prevents the initiation of,
9 interrupts, or endangers a person or property engaged in
10 those activities.

11 “(c) CIVIL PENALTY.—A person violating subsection
12 (a) shall be liable for a civil penalty of not more than
13 \$20,000.

14 “(d) COMPROMISE AND SETOFF.—The United States
15 Government may deduct the amount of a civil penalty im-
16 posed or compromised under this section from the
17 amounts the Government owes the person liable for the
18 penalty.”.

19 (b) TABLE OF CONTENTS.—The table of contents for
20 chapter 463 is amended by inserting after the item relat-
21 ing to section 46319 the following:

“46320. Interference with firefighting, law enforcement, or emergency response
activities.”.

1 **SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**
2 **SPACE HAZARD MITIGATION.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration shall carry out a pilot program
5 for airspace hazard mitigation at airports and other crit-
6 ical infrastructure.

7 (b) CONSULTATION.—In carrying out the pilot pro-
8 gram under subsection (a), the Administrator shall work
9 with the Secretary of Defense, Secretary of Homeland Se-
10 curity, and the heads of relevant Federal agencies for the
11 purpose of ensuring technologies that are developed, test-
12 ed, or deployed by those departments and agencies to miti-
13 gate threats posed by errant or hostile unmanned aircraft
14 system operations do not adversely impact or interfere
15 with safe airport operations, navigation, and air traffic
16 services.

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

21 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**
22 **FUNCTIONS.**

23 (a) IN GENERAL.—Chapter 448, as amended by sec-
24 tion 2131 of this Act, is further amended by inserting
25 after section 44810 the following:

1 **“§ 44811. Regulatory and administrative fees**

2 “(a) IN GENERAL.—Subject to subsection (b), the
3 Administrator may assess and collect regulatory and ad-
4 ministrative fees to recover the costs of regulatory and ad-
5 ministrative activities under this chapter related to au-
6 thorization to operate unmanned aircraft systems for com-
7 pensation or hire, or in the furtherance of a business en-
8 terprise.

9 “(b) LIMITATIONS.—Fees authorized under sub-
10 section (a) shall be reasonable, cost-based relative to the
11 regulatory or administrative activity, and may not be dis-
12 criminatory or a deterrent to compliance.

13 “(c) RECEIPTS CREDITED TO ACCOUNT.—Notwith-
14 standing section 3302 of title 31, all fees and amounts
15 collected under this section shall be credited to the sepa-
16 rate account established under section 45303(e). Section
17 41742 shall not apply to fees and amounts collected under
18 this section.

19 “(d) REGULATIONS.—Not later than 1 year after the
20 date of enactment of the Federal Aviation Administration
21 Reauthorization Act of 2016, the Administrator shall issue
22 regulations to carry out this section.”.

23 (b) TABLE OF CONTENTS.—The table of contents for
24 chapter 448, as amended by section 2131 of this Act, is

1 further amended by inserting after the item relating to
2 section 44810 the following:

“44811. Regulatory and administrative fees.”.

3 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**
4 **RULEMAKING.**

5 It is the sense of the Congress that the Administrator
6 of the Federal Aviation Administration and Secretary of
7 Transportation should take every necessary action to expe-
8 dite final action on the notice of proposed rulemaking
9 dated February 23, 2015 (80 Fed. Reg. 9544), entitled
10 “Operation and Certification of Small Unmanned Aircraft
11 Systems”.

12 **SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**
13 **AGEMENT.**

14 (a) RESEARCH PLAN FOR UTM DEVELOPMENT.—

15 (1) IN GENERAL.—The Administrator of the
16 Federal Aviation Administration, in coordination
17 with the Administrator of the National Aeronautics
18 and Space Administration, shall develop a research
19 plan for unmanned aircraft systems traffic manage-
20 ment (referred to in this section as “UTM”) devel-
21 opment.

22 (2) REQUIREMENTS.—In developing the re-
23 search plan under paragraph (1), the Administrator
24 shall—

25 (A) identify research goals related to:

- 1 (i) operational parameters related to
2 altitude, geographic coverage, classes of
3 airspace, and critical infrastructure;
- 4 (ii) avionics capability requirements or
5 standards;
- 6 (iii) operator identification and au-
7 thentication requirements and capabilities;
- 8 (iv) communication protocols with air
9 traffic control facilities that will not inter-
10 fere with existing responsibility to
11 deconflict manned aircraft in the national
12 airspace system;
- 13 (v) collision avoidance requirements;
- 14 (vi) separation standards for manned
15 and unmanned aircraft; and
- 16 (vii) spectrum needs;
- 17 (B) evaluate options for the administration
18 and management structure for the traffic man-
19 agement of low altitude operations of small un-
20 manned aircraft systems; and
- 21 (C) ensure the plan is consistent with the
22 broader Federal Aviation Administration regu-
23 latory and operational framework encompassing
24 all unmanned aircraft systems operations ex-

1 pected to be authorized in the national airspace
2 system.

3 (3) ASSESSMENT.—The research plan under
4 paragraph (1) shall include an assessment of—

5 (A) the ability to allow near-term small un-
6 manned aircraft system operations without need
7 of an automated UTM system;

8 (B) the full range of operational capability
9 any automated UTM system should possess;

10 (C) the operational characteristics and
11 metrics that would drive incremental adoption
12 of automated capability and procedures con-
13 sistent with a rising aggregate community de-
14 mand for service for low altitude operations of
15 small unmanned aircraft systems; and

16 (D) the integration points for small un-
17 manned aircraft system traffic management
18 with the existing national airspace system plan-
19 ning and traffic management systems.

20 (4) DEADLINES.—The Administrator shall—

21 (A) initiate development of the research
22 plan not later than 90 days after the date of
23 enactment of this Act; and

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

- 1 (i) complete the research plan;
- 2 (ii) submit the research plan to the
- 3 appropriate committees of Congress; and
- 4 (iii) publish the research plan on the
- 5 Federal Aviation Administration's Web
- 6 site.

7 (b) PILOT PROGRAM.—

8 (1) IN GENERAL.—Not later than 120 days

9 after the date the research plan under subsection (a)

10 is submitted under paragraph (4)(B) of that sub-

11 section, the Administrator of the Federal Aviation

12 Administration shall coordinate with the Adminis-

13 trator of the National Aeronautics and Space Ad-

14 ministration and the small unmanned aircraft sys-

15 tems industry to develop operational concepts and

16 top-level system requirements for a UTM system

17 pilot program, consistent with subsection (a).

18 (2) SOLICITATION.—The Administrator shall

19 issue a solicitation for operational prototype systems

20 that meet the necessary objectives for use in a pilot

21 program to demonstrate, validate, or modify, as ap-

22 propriate, the requirements developed under para-

23 graph (1).

24 (c) COMPREHENSIVE PLAN.—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date the pilot program under subsection
3 (b) is complete, the Administrator of the Federal
4 Aviation Administration, in coordination with the
5 Administrator of the National Aeronautics and
6 Space Administration, and in consultation with the
7 head of each relevant Federal agency, shall develop
8 a comprehensive plan for the deployment of UTM
9 systems in the national airspace.

10 (2) SYSTEM REQUIREMENTS.—The comprehen-
11 sive plan under paragraph (1) shall include require-
12 ments or standards consistent with established or
13 planned rulemaking for, at a minimum—

14 (A) the flight of small unmanned aircraft
15 systems in controlled and uncontrolled airspace;

16 (B) communications, as applicable—

17 (i) among small unmanned aircraft
18 systems;

19 (ii) between small unmanned aircraft
20 systems and manned aircraft operating in
21 the same airspace; and

22 (iii) between small unmanned aircraft
23 systems and air traffic control as consid-
24 ered necessary; and

1 (C) air traffic management for small un-
2 manned aircraft systems operations.

3 (d) SYSTEM IMPLEMENTATION.—Based on the com-
4 prehensive plan under subsection (c), including the re-
5 quirements under paragraph (2) of that subsection, and
6 the pilot program under subsection (b), the Administrator
7 shall determine the operational need and implementation
8 schedule for evolutionary use of automation support sys-
9 tems to separate and deconflict manned and unmanned
10 aircraft systems.

11 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of enactment of this Act, the Administrator of the
14 Federal Aviation Administration shall publish guidance
15 for applications for, and procedures for the processing of,
16 on an emergency basis, exemptions or certificates of au-
17 thorization or waiver for the use of unmanned aircraft sys-
18 tems by civil or public operators in response to a catas-
19 trophe, disaster, or other emergency to facilitate emer-
20 gency response operations, such as firefighting, search and
21 rescue, and utility and infrastructure restoration efforts.
22 This guidance shall outline procedures for operations
23 under both sections 44805 and 44807, of title 49, United
24 States Code, with priority given to applications for public

1 unmanned aircraft systems engaged in emergency re-
2 sponse activities.

3 (b) REQUIREMENTS.—In providing guidance under
4 subsection (a), the Administrator shall—

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

11 (2) explicitly state the procedures for coordi-
12 nating with an incident commander, if any, to en-
13 sure operations granted under procedures developed
14 under subsection (a) do not interfere with manned
15 catastrophe, disaster, or other emergency response
16 operations or otherwise impact response efforts.

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

1 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
2 **MENTS.**

3 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
4 MENTS.—Section 40102(a)(41) is amended by adding at
5 the end the following:

6 “(F) An unmanned aircraft that is owned
7 and operated by or exclusively leased for at
8 least 90 consecutive days by an Indian tribal
9 government (as defined in section 102 of the
10 Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5122)), except
12 as provided in section 40125(b).”.

13 (b) CONFORMING AMENDMENT.—Section 40125(b)
14 is amended by striking “or (D)” and inserting “(D), or
15 (F)”.

16 **SEC. 2141. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
17 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
18 **HIRE.**

19 (a) IN GENERAL.—Chapter 448, as amended by sec-
20 tion 2136 of this Act, is further amended by adding after
21 section 44811 the following:

22 **“§ 44812. Carriage of property by small unmanned**
23 **aircraft systems for compensation or hire**

24 “(a) IN GENERAL.—Not later than 2 years after the
25 date of enactment of this section, the Secretary of Trans-
26 portation shall issue a final rule authorizing the carriage

1 of property by operators of small unmanned aircraft sys-
2 tems for compensation or hire within the United States.

3 “(b) CONTENTS.—The final rule required under sub-
4 section (a) shall provide for the following:

5 “(1) SMALL UAS AIR CARRIER CERTIFICATE.—

6 The Administrator of the Federal Aviation Adminis-
7 tration, at the direction of the Secretary, shall estab-
8 lish a certificate (to be known as a ‘small UAS air
9 carrier certificate’) for persons that undertake di-
10 rectly, by lease, or other arrangement the operation
11 of small unmanned aircraft systems to carry prop-
12 erty in air transportation, including commercial fleet
13 operations with highly automated unmanned aircraft
14 systems. The requirements to operate under a small
15 UAS air carrier certificate shall—

16 “(A) consider the unique characteristics of
17 highly automated, small unmanned aircraft sys-
18 tems; and

19 “(B) include requirements for the safe op-
20 eration of small unmanned aircraft systems
21 that, at a minimum, address—

22 “(i) airworthiness of small unmanned
23 aircraft systems;

24 “(ii) qualifications for operators and
25 the type and nature of the operations; and

1 “(iii) operating specifications gov-
2 erning the type and nature of the un-
3 manned aircraft system air carrier oper-
4 ations.

5 “(2) SMALL UAS AIR CARRIER CERTIFICATION
6 PROCESS.—The Administrator, at the direction of
7 the Secretary, shall establish a process for the
8 issuance of small UAS air carrier certificates estab-
9 lished pursuant to paragraph (1) that is perform-
10 ance-based and ensures required safety levels are
11 met. Such certification process shall consider—

12 “(A) safety risks and the mitigation of
13 those risks associated with the operation of
14 highly automated, small unmanned aircraft
15 around other manned and unmanned aircraft,
16 and over persons and property on the ground;

17 “(B) the competencies and compliance pro-
18 grams of manufacturers, operators, and compa-
19 nies that manufacture, operate, or both small
20 unmanned aircraft systems and components;
21 and

22 “(C) compliance with the requirements es-
23 tablished pursuant to paragraph (1).

24 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
25 TION.—The Secretary shall develop a classification

1 system for persons issued small UAS air carrier cer-
2 tificates pursuant to this subsection to establish eco-
3 nomic authority for the carriage of property by small
4 unmanned aircraft systems for compensation or hire.
5 Such classification shall only require—

6 “(A) registration with the Department of
7 Transportation; and

8 “(B) a valid small UAS air carrier certifi-
9 cate issued pursuant to this subsection.”.

10 (b) TABLE OF CONTENTS.—The table of contents for
11 chapter 448, as amended by section 2136 of this Act, is
12 further amended by adding after the item relating to sec-
13 tion 44811 the following:

“44812. Carriage of property by small unmanned aircraft systems for compensa-
tion or hire.”.

14 **SEC. 2142. COLLEGIATE TRAINING INITIATIVE PROGRAM**
15 **FOR UNMANNED AIRCRAFT SYSTEMS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration shall establish a Colle-
19 giate Training Initiative program relating to unmanned
20 aircraft systems by making new agreements or continuing
21 existing agreements with institutions of higher education
22 (as defined by the Administrator) under which the institu-
23 tions prepare students for careers involving unmanned air-
24 craft systems. The Administrator may establish standards

1 for the entry of such institutions into the program and
2 for their continued participation in the program.

3 (b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
4 this section, the term “unmanned aircraft system” has the
5 meaning given that term by section 44801 of title 49,
6 United States Code, as added by section 2121 of this Act.

7 **PART III—TRANSITION AND SAVINGS**

8 **PROVISIONS**

9 **SEC. 2151. SENIOR ADVISOR FOR UNMANNED AIRCRAFT** 10 **SYSTEMS INTEGRATION.**

11 (a) IN GENERAL.—There shall be in the Federal
12 Aviation Administration a Senior Advisor for Unmanned
13 Aircraft Systems Integration.

14 (b) QUALIFICATIONS.—The Senior Advisor for Un-
15 manned Aircraft Systems Integration shall have a dem-
16 onstrated ability in management and knowledge of or ex-
17 perience in aviation.

18 (c) RESPONSIBILITIES.—Unless otherwise deter-
19 mined by the Administrator of the Federal Aviation Ad-
20 ministration—

21 (1) the Senior Advisor shall report directly to
22 the Deputy Administrator of the Federal Aviation
23 Administration; and

24 (2) the responsibilities of the Senior Advisor
25 shall include the following:

1 (A) Providing advice to the Administrator
2 and Deputy Administrator related to the inte-
3 gration of unmanned aircraft systems into the
4 national airspace system.

5 (B) Reviewing and evaluating Federal
6 Aviation Administration policies, activities, and
7 operations related to unmanned aircraft sys-
8 tems.

9 (C) Facilitating coordination and collabo-
10 ration among components of the Federal Avia-
11 tion Administration with respect to activities re-
12 lated to unmanned aircraft systems integration.

13 (D) Interacting with Congress, and Fed-
14 eral, State, or local agencies, and stakeholder
15 organizations whose operations and interests
16 are affected by the activities of the Federal
17 Aviation Administration on matters related to
18 unmanned aircraft systems integration.

19 **SEC. 2152. EFFECT ON OTHER LAWS.**

20 (a) **FEDERAL PREEMPTION.**—No State or political
21 subdivision of a State may enact or enforce any law, regu-
22 lation, or other provision having the force and effect of
23 law relating to the design, manufacture, testing, licensing,
24 registration, certification, operation, or maintenance of an
25 unmanned aircraft system, including airspace, altitude,

1 flight paths, equipment or technology requirements, pur-
2 pose of operations, and pilot, operator, and observer quali-
3 fications, training, and certification.

4 (b) PRESERVATION OF STATE AND LOCAL AUTHOR-
5 ITY.—Nothing in this subtitle shall be construed to limit
6 a State or local government’s authority to enforce Federal,
7 State, or local laws relating to nuisance, voyeurism, pri-
8 vacy, data security, harassment, reckless endangerment,
9 wrongful death, personal injury, property damage, or
10 other illegal acts arising from the use of unmanned air-
11 craft systems if such laws are not specifically related to
12 the use of an unmanned aircraft system.

13 (c) NO PREEMPTION OF COMMON LAW OR STATU-
14 TORY CAUSES OF ACTION.—Nothing in this subtitle, nor
15 any standard, rule, requirement, standard of performance,
16 safety determination, or certification implemented pursu-
17 ant to this subtitle, shall be construed to preempt, dis-
18 place, or supplant any State or Federal common law rights
19 or any State or Federal statute creating a remedy for civil
20 relief, including those for civil damage, or a penalty for
21 a criminal conduct. Notwithstanding any other provision
22 of this subtitle, nothing in this subtitle, nor any amend-
23 ments made by this subtitle, shall preempt or preclude any
24 cause of action for personal injury, wrongful death, prop-
25 erty damage, or other injury based on negligence, strict

1 liability, products liability, failure to warn, or any other
2 legal theory of liability under any State law, maritime law,
3 or Federal common law or statutory theory.

4 **SEC. 2153. SPECTRUM.**

5 (a) IN GENERAL.—Small unmanned aircraft systems
6 may operate wireless control link, tracking, diagnostics,
7 payload communication, and collaborative-collision avoid-
8 ance, such as vehicle-to-vehicle communication, and other
9 uses, if permitted by and consistent with the Communica-
10 tions Act of 1934 (47 U.S.C. 151 et seq.), Federal Com-
11 munications Commission rules, and the safety-of-life de-
12 termination made by the Federal Aviation Administration,
13 and with carrier consent, whether they are operating with-
14 in the UTM system under section 2138 of this Act or out-
15 side such a system.

16 (b) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Administrator of the Federal
18 Aviation Administration, the National Telecommuni-
19 cations and Information Administration, and the Federal
20 Communications Commission, shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate, the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives, and the Committee
24 on Energy and Commerce of the House of Representatives
25 a report—

1 (1) on whether small unmanned aircraft sys-
2 tems operations should be permitted to operate on
3 spectrum designated for aviation use, on an unli-
4 censed, shared, or exclusive basis, for operations
5 within the UTM system or outside of such a system;

6 (2) that addresses any technological, statutory,
7 regulatory, and operational barriers to the use of
8 such spectrum; and

9 (3) that, if it is determined that spectrum des-
10 ignated for aviation use is not suitable for operations
11 by small unmanned aircraft systems, includes rec-
12 ommendations of other spectrum frequencies that
13 may be appropriate for such operations.

14 **SEC. 2154. APPLICATIONS FOR DESIGNATION.**

15 (a) APPLICATIONS FOR DESIGNATION.—Not later
16 than 180 days after the date of enactment of this Act,
17 the Secretary of Transportation shall establish a process
18 to allow applicants to petition the Administrator of the
19 Federal Aviation Administration to prohibit or otherwise
20 limit the operation of an aircraft, including an unmanned
21 aircraft, over, under, or within a specified distance from
22 a fixed site facility.

23 (b) REVIEW PROCESS.—

24 (1) APPLICATION PROCEDURES.—

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

4 (B) REQUIREMENTS.—The procedures
5 shall—

6 (i) allow individual fixed site facility
7 applications; and

8 (ii) allow for a group of similar facili-
9 ties to apply for a collective designation.

10 (C) CONSIDERATIONS.—In establishing the
11 procedures, the Administrator shall consider
12 how the process will apply to—

13 (i) critical infrastructure, such as en-
14 ergy production, transmission, and dis-
15 tribution facilities and equipment;

16 (ii) oil refineries and chemical facili-
17 ties;

18 (iii) amusement parks; and

19 (iv) other locations that may benefit
20 from such restrictions.

21 (2) DETERMINATION.—

22 (A) IN GENERAL.—The Secretary shall
23 provide for a determination under the review
24 process established under subsection (a) not
25 later than 90 days from the date of application,

1 unless the applicant is provided with written no-
2 tice describing the reason for the delay.

3 (B) AFFIRMATIVE DESIGNATIONS.—An af-
4 firmative designation shall outline—

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

8 (ii) such other limitations that the Ad-
9 ministrator determines may be appro-
10 priate.

11 (C) CONSIDERATIONS.—In making a de-
12 termination whether to grant or deny an appli-
13 cation for a designation, the Administrator may
14 consider—

- 15 (i) aviation safety;
- 16 (ii) personal safety of the uninvolved
17 public;
- 18 (iii) national security; or
- 19 (iv) homeland security.

20 (D) OPPORTUNITY FOR RESUBMISSION.—
21 If an application is denied and the applicant
22 can reasonably address the reason for the de-
23 nial, the Administrator may allow the applicant
24 to reapply for designation.

1 (c) PUBLIC INFORMATION.—Designations under sub-
2 section (a) shall be published by the Federal Aviation Ad-
3 ministration on a publicly accessible website.

4 **SEC. 2155. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
5 **STITUTIONS OF HIGHER EDUCATION.**

6 (a) IN GENERAL.—Not later than 270 days after the
7 date of enactment of this Act, the Administrator of the
8 Federal Aviation Administration shall establish procedures
9 and standards, as applicable, to facilitate the safe oper-
10 ation of unmanned aircraft systems by institutions of
11 higher education, including faculty, students, and staff.

12 (b) STANDARDS.—The procedures and standards re-
13 quired under subsection (a) shall outline risk-based oper-
14 ational parameters to ensure the safety of the national air-
15 space system and the uninvolved public that facilitates the
16 use of unmanned aircraft systems for educational or re-
17 search purposes.

18 (c) UNMANNED AIRCRAFT SYSTEM APPROVAL.—The
19 procedures required under subsection (a) shall allow un-
20 manned aircraft systems operated under this section to be
21 modified for research purposes without iterative approval
22 from the Administrator.

23 (d) ADDITIONAL PROCEDURES.—The Administrator
24 shall establish a procedure to provide for streamlined, risk-
25 based operational approval for unmanned aircraft systems

1 operated by institutions of higher education, including fac-
2 ulty, students, and staff, outside of the parameters or pur-
3 poses set forth in subsection (b).

4 (e) DEADLINES.—

5 (1) IN GENERAL.—If, by the date that is 270
6 days after the date of enactment of this Act, the Ad-
7 ministrator has not set forth standards and proce-
8 dures required under subsections (a), (b), and (c),
9 an institution of higher education may—

10 (A) without specific approval from the
11 Federal Aviation Administration, operate small
12 unmanned aircraft at model aircraft fields ap-
13 proved by the Academy of Model Aeronautics
14 and with the permission of the local club of the
15 Academy of Model Aeronautics; and

16 (B) submit to the Federal Aviation Admin-
17 istration applications for approval of the insti-
18 tution's designation of 1 or more outdoor flight
19 fields.

20 (2) CONSEQUENCE OF FAILURE TO APPROVE.—

21 If the Administrator does not take action with re-
22 spect to an application submitted under paragraph
23 (1)(B) within 30 days of the submission of the appli-
24 cation, the failure to do so shall be treated as ap-
25 proval of the application.

1 (f) DEFINITIONS.—In this section:

2 (1) INSTITUTION OF HIGHER EDUCATION.—The
3 term “institution of higher education” has the
4 meaning given that term by section 101(a) of the
5 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

6 (2) UNMANNED AIRCRAFT SYSTEM.—The term
7 “unmanned aircraft system” has the meaning given
8 the term in section 44801 of title 49, United States
9 Code, as added by section 2121 of this Act.

10 (3) EDUCATIONAL OR RESEARCH PURPOSES.—
11 The term “educational or research purposes”, with
12 respect to the operation of an unmanned aircraft
13 system by an institution of higher education, in-
14 cludes—

15 (A) instruction of students at the institu-
16 tion;

17 (B) academic or research related use of
18 unmanned aircraft systems by student organi-
19 zations recognized by the institution, if such
20 use has been approved by the institution;

21 (C) activities undertaken by the institution
22 as part of research projects, including research
23 projects sponsored by the Federal Government;
24 and

1 (D) other academic activities at the insti-
2 tution, including general research, engineering,
3 and robotics.

4 **SEC. 2156. TRANSITION LANGUAGE.**

5 (a) REGULATIONS.—Notwithstanding the repeals
6 under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),
7 2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-
8 minations, rules, regulations, permits, grants, and con-
9 tracts, which have been issued under any law described
10 under subsection (b) of this section on or before the effec-
11 tive date of this Act shall continue in effect until modified
12 or revoked by the Secretary of Transportation, acting
13 through the Administrator of the Federal Aviation Admin-
14 istration, as applicable, by a court of competent jurisdic-
15 tion, or by operation of law other than this Act.

16 (b) LAWS DESCRIBED.—The laws described under
17 this subsection are as follows:

18 (1) Section 332(c) of the FAA Modernization
19 and Reform Act of 2012 (49 U.S.C. 40101 note).

20 (2) Section 332(d) of the FAA Modernization
21 and Reform Act of 2012 (49 U.S.C. 40101 note).

22 (3) Section 333 of the FAA Modernization and
23 Reform Act of 2012 (49 U.S.C. 40101 note).

24 (4) Section 334 of the FAA Modernization and
25 Reform Act of 2012 (49 U.S.C. 40101 note).

1 (5) Section 336 of the FAA Modernization and
2 Reform Act of 2012 (49 U.S.C. 40101 note).

3 (c) EFFECT ON PENDING PROCEEDINGS.—This Act
4 shall not affect administrative or judicial proceedings
5 pending on the effective date of this Act.

6 **Subtitle B—FAA Safety**
7 **Certification Reform**

8 **PART I—GENERAL PROVISIONS**

9 **SEC. 2211. DEFINITIONS.**

10 In this subtitle:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Federal
13 Aviation Administration.

14 (2) ADVISORY COMMITTEE.—The term “Advi-
15 sory Committee” means the Safety Oversight and
16 Certification Advisory Committee established under
17 section 2212.

18 (3) FAA.—The term “FAA” means the Fed-
19 eral Aviation Administration.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Transportation.

22 (5) SYSTEMS SAFETY APPROACH.—The term
23 “systems safety approach” means the application of
24 specialized technical and managerial skills to the
25 systematic, forward-looking identification and con-

1 trol of hazards throughout the lifecycle of a project,
2 program, or activity.

3 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
4 **SORY COMMITTEE.**

5 (a) ESTABLISHMENT.—Not later than 60 days after
6 the date of enactment of this Act, the Secretary shall es-
7 tablish a Safety Oversight and Certification Advisory
8 Committee in accordance with this section.

9 (b) DUTIES.—The Advisory Committee shall provide
10 advice to the Secretary on policy-level issues facing the
11 aviation community that are related to FAA safety over-
12 sight and certification programs and activities, including
13 the following:

14 (1) Aircraft and flight standards certification
15 processes, including efforts to streamline those proc-
16 esses.

17 (2) Implementation and oversight of safety
18 management systems.

19 (3) Risk-based oversight efforts.

20 (4) Utilization of delegation and designation au-
21 thorities, including organization designation author-
22 ization.

23 (5) Regulatory interpretation standardization
24 efforts.

25 (6) Training programs.

1 (7) Expediting the rulemaking process and
2 prioritizing safety-related rules.

3 (8) Enhancing global competitiveness of U.S.
4 manufactured and FAA type-certificate aircraft
5 products and services throughout the world.

6 (c) FUNCTIONS.—In carrying out its duties under
7 subsection (b) related to FAA safety oversight and certifi-
8 cation programs and activities, the Advisory Committee
9 shall—

10 (1) foster aviation stakeholder collaboration in
11 an open and transparent manner;

12 (2) consult with, and ensure participation by—

13 (A) the private sector, including represent-
14 atives of—

15 (i) general aviation;

16 (ii) commercial aviation;

17 (iii) aviation labor;

18 (iv) aviation, aerospace, and avionics
19 manufacturing; and

20 (v) unmanned aircraft systems indus-
21 try; and

22 (B) the public;

23 (3) recommend consensus national goals, stra-
24 tegic objectives, and priorities for the most efficient,
25 streamlined, and cost-effective safety oversight and

1 certification processes in order to maintain the safe-
2 ty of the aviation system while allowing the FAA to
3 meet future needs and ensure that aviation stake-
4 holders remain competitive in the global market-
5 place;

6 (4) provide policy recommendations for the
7 FAA's safety oversight and certification efforts;

8 (5) periodically review and provide rec-
9 ommendations regarding the FAA's safety oversight
10 and certification efforts;

11 (6) periodically review and evaluate registration,
12 certification, and related fees;

13 (7) provide appropriate legislative, regulatory,
14 and guidance recommendations for the air transpor-
15 tation system and the aviation safety regulatory en-
16 vironment;

17 (8) recommend performance objectives for the
18 FAA and aviation industry;

19 (9) recommend performance metrics for the
20 FAA and the aviation industry to be tracked and re-
21 viewed as streamlining certification reform, flight
22 standards reform, and regulation standardization ef-
23 forts progress;

1 (10) provide a venue for tracking progress to-
2 ward national goals and sustaining joint commit-
3 ments;

4 (11) recommend recruiting, hiring, staffing lev-
5 els, training, and continuing education objectives for
6 FAA aviation safety engineers and aviation safety
7 inspectors;

8 (12) provide advice and recommendations to the
9 FAA on how to prioritize safety rulemaking projects;

10 (13) improve the development of FAA regula-
11 tions by providing information, advice, and rec-
12 ommendations related to aviation issues;

13 (14) encourage the validation of U.S. manufac-
14 tured and FAA type-certificate aircraft products and
15 services throughout the world; and

16 (15) any other functions as determined appro-
17 priate by the chairperson of the Advisory Committee
18 and the Administrator.

19 (d) MEMBERSHIP.—

20 (1) VOTING MEMBERS.—The Advisory Com-
21 mittee shall be composed of the following voting
22 members:

23 (A) The Administrator, or the Administra-
24 tor's designee.

1 (B) At least 1 representative, appointed by
2 the Secretary, of each of the following:

3 (i) Aircraft and engine manufacturers.

4 (ii) Avionics and equipment manufac-
5 turers.

6 (iii) Aviation labor organizations, in-
7 cluding collective bargaining representa-
8 tives of FAA aviation safety inspectors and
9 aviation safety engineers.

10 (iv) General aviation operators.

11 (v) Air carriers.

12 (vi) Business aviation operators.

13 (vii) Unmanned aircraft systems man-
14 ufacturers and operators.

15 (viii) Aviation safety management ex-
16 perts.

17 (2) NONVOTING MEMBERS.—

18 (A) IN GENERAL.—In addition to the
19 members appointed under paragraph (1), the
20 Advisory Committee shall be composed of non-
21 voting members appointed by the Secretary
22 from among individuals representing FAA safe-
23 ty oversight program offices.

24 (B) DUTIES.—A nonvoting member may—

1 (i) take part in deliberations of the
2 Advisory Committee; and

3 (ii) provide input with respect to any
4 report or recommendation of the Advisory
5 Committee.

6 (C) LIMITATION.—A nonvoting member
7 may not represent any stakeholder interest
8 other than that of an FAA safety oversight pro-
9 gram office.

10 (3) TERMS.—Each voting member and non-
11 voting member of the Advisory Committee shall be
12 appointed for a term of 2 years.

13 (4) RULE OF CONSTRUCTION.—Public Law
14 104–65 (2 U.S.C. 1601 et seq.) may not be con-
15 strued to prohibit or otherwise limit the appointment
16 of any individual as a member of the Advisory Com-
17 mittee.

18 (e) COMMITTEE CHARACTERISTICS.—The Advisory
19 Committee shall have the following characteristics:

20 (1) Each voting member under subsection
21 (d)(1)(B) shall be an executive that has decision au-
22 thority within the member’s organization and can
23 represent and enter into commitments on behalf of
24 that organization in a way that serves the entire

1 group of organizations that member represents
2 under that subsection.

3 (2) The ability to obtain necessary information
4 from experts in the aviation and aerospace commu-
5 nities.

6 (3) A membership size that enables the Advi-
7 sory Committee to have substantive discussions and
8 reach consensus on issues in an expeditious manner.

9 (4) Appropriate expertise, including expertise in
10 certification and risk-based safety oversight proc-
11 esses, operations, policy, technology, labor relations,
12 training, and finance.

13 (f) CHAIRPERSON.—

14 (1) IN GENERAL.—The chairperson of the Advi-
15 sory Committee shall be appointed by the Secretary
16 from among the voting members under subsection
17 (d)(1)(B).

18 (2) TERM.—Each member appointed under
19 paragraph (1) shall serve a term of 2 years as chair-
20 person.

21 (g) MEETINGS.—

22 (1) FREQUENCY.—The Advisory Committee
23 shall convene at least 2 meetings a year at the call
24 of the chairperson.

1 (2) PUBLIC ATTENDANCE.—Each meeting of
2 the Advisory Committee shall be open and accessible
3 to the public.

4 (h) SPECIAL COMMITTEES.—

5 (1) ESTABLISHMENT.—The Advisory Com-
6 mittee may establish 1 or more special committees
7 composed of private sector representatives, members
8 of the public, labor representatives, and other rel-
9 evant parties in complying with consultation and
10 participation requirements under subsection (c)(2).

11 (2) RULEMAKING ADVICE.—A special com-
12 mittee established by the Advisory Committee may—

13 (A) provide rulemaking advice and rec-
14 ommendations to the Advisory Committee;

15 (B) provide the FAA additional opportuni-
16 ties to obtain firsthand information and insight
17 from those persons that are most affected by
18 existing and proposed regulations; and

19 (C) assist in expediting the development,
20 revision, or elimination of rules in accordance
21 with, and without circumventing, established
22 public rulemaking processes and procedures.

23 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
24 Federal Advisory Committee Act (5 U.S.C. App.)

1 shall not apply to a special committee under this
2 subsection.

3 (i) SUNSET.—The Advisory Committee shall cease to
4 exist on September 30, 2017.

5 **PART II—AIRCRAFT CERTIFICATION REFORM**

6 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-** 7 **JECTIVES AND METRICS.**

8 (a) IN GENERAL.—Not later than 120 days after the
9 date the Advisory Committee is established under section
10 2212, the Administrator shall establish performance objec-
11 tives and apply and track performance metrics for the
12 FAA and the aviation industry relating to aircraft certifi-
13 cation in accordance with this section.

14 (b) COLLABORATION.—The Administrator shall carry
15 out this section in collaboration with the Advisory Com-
16 mittee and update agency performance objectives and
17 metrics after considering the proposals recommended by
18 the Advisory Committee under paragraphs (8) and (9) of
19 section 2212(c).

20 (c) PERFORMANCE OBJECTIVES.—In establishing
21 performance objectives under subsection (a), the Adminis-
22 trator shall ensure progress is made toward, at a min-
23 imum—

24 (1) eliminating certification delays and improv-
25 ing cycle times;

- 1 (2) increasing accountability for both FAA and
- 2 the aviation industry;
- 3 (3) achieving full utilization of FAA delegation
- 4 and designation authorities, including organizational
- 5 designation authorization;
- 6 (4) fully implementing risk management prin-
- 7 ciples and a systems safety approach;
- 8 (5) reducing duplication of effort;
- 9 (6) increasing transparency;
- 10 (7) developing and providing training, including
- 11 recurrent training, in auditing and a systems safety
- 12 approach to certification oversight;
- 13 (8) improving the process for approving or ac-
- 14 cepting the certification actions between the FAA
- 15 and bilateral partners;
- 16 (9) maintaining and improving safety;
- 17 (10) streamlining the hiring process for—
- 18 (A) qualified systems safety engineers at
- 19 staffing levels to support the FAA’s efforts to
- 20 implement a systems safety approach; and
- 21 (B) qualified systems safety engineers to
- 22 guide the engineering of complex systems within
- 23 the FAA; and
- 24 (11) maintaining the leadership of the United
- 25 States in international aviation and aerospace.

1 (d) PERFORMANCE METRICS.—In carrying out sub-
2 section (a), the Administrator shall—

3 (1) apply and track performance metrics for the
4 FAA and the aviation industry; and

5 (2) transmit to the appropriate committees of
6 Congress an annual report on tracking the progress
7 toward full implementation of the recommendations
8 under section 2212.

9 (e) DATA.—

10 (1) BASELINES.—Not later than 1 year after
11 the date the Advisory Committee recommends initial
12 performance metrics under section 2212(c)(9), the
13 Administrator shall generate initial data with respect
14 to each of the performance metrics applied and
15 tracked under this section.

16 (2) BENCHMARKS.—The Administrator shall
17 use the performance metrics applied and tracked
18 under this section to generate data on an ongoing
19 basis and to measure progress toward the consensus
20 national goals, strategic objectives, and priorities
21 recommended under section 2212(c)(3).

22 (f) PUBLICATION.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 the Administrator shall make data generated using
25 the performance metrics applied and tracked under

1 this section available in a searchable, sortable, and
2 downloadable format through the Internet Web site
3 of the FAA or other appropriate methods.

4 (2) LIMITATIONS.—The Administrator shall
5 make the data under paragraph (1) available in a
6 manner that—

7 (A) protects from disclosure identifying in-
8 formation regarding an individual or entity; and

9 (B) protects from inappropriate disclosure
10 proprietary information.

11 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

12 (a) IN GENERAL.—Chapter 447 is amended by add-
13 ing at the end the following:

14 **“§ 44736. Organization designation authorizations**

15 “(a) DELEGATIONS OF FUNCTIONS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (3), in the oversight of an ODA holder, the
18 Administrator of the Federal Aviation Administra-
19 tion, in accordance with Federal Aviation Adminis-
20 tration standards, shall—

21 “(A) require, based on an application sub-
22 mitted by the ODA holder and approved by the
23 Administrator (or the Administrator’s des-
24 ignee), a procedures manual that addresses all
25 procedures and limitations regarding the speci-

1 fied functions to be performed by the ODA
2 holder subject to regulations prescribed by the
3 Administrator;

4 “(B) delegate fully to the ODA holder each
5 of the functions specified in the procedures
6 manual, unless the Administrator determines,
7 after the date of the delegation and as a result
8 of an inspection or other investigation, that the
9 public interest and safety of air commerce re-
10 quires a limitation with respect to 1 or more of
11 the functions; and

12 “(C) conduct oversight activities, including
13 by inspecting the ODA holder’s delegated func-
14 tions and taking action based on validated in-
15 spection findings.

16 “(2) DUTIES OF ODA HOLDERS.—An ODA
17 holder shall—

18 “(A) perform each specified function dele-
19 gated to the ODA holder in accordance with the
20 approved procedures manual for the delegation;

21 “(B) make the procedures manual avail-
22 able to each member of the appropriate ODA
23 unit; and

1 “(C) cooperate fully with oversight activi-
2 ties conducted by the Administrator in connec-
3 tion with the delegation.

4 “(3) EXISTING ODA HOLDERS.—With regard to
5 an ODA holder operating under a procedures man-
6 ual approved by the Administrator before the date of
7 enactment of the Federal Aviation Administration
8 Reauthorization Act of 2016, the Administrator
9 shall—

10 “(A) at the request of the ODA holder,
11 and in an expeditious manner, consider revi-
12 sions to the ODA holder’s procedures manual;

13 “(B) delegate fully to the ODA holder each
14 of the functions specified in the procedures
15 manual, unless the Administrator determines,
16 after the date of the delegation and as a result
17 of an inspection or other investigation, that the
18 public interest and safety of air commerce re-
19 quires a limitation with respect to 1 or more of
20 the functions; and

21 “(C) conduct oversight activities, including
22 by inspecting the ODA holder’s delegated func-
23 tions and taking action based on validated in-
24 spection findings.

25 “(b) ODA OFFICE.—

1 “(1) ESTABLISHMENT.—Not later than 120
2 days after the date of enactment of Federal Aviation
3 Administration Reauthorization Act of 2016, the
4 Administrator shall identify, within the Office of
5 Aviation Safety, a centralized policy office to be re-
6 sponsible for the organization designation authoriza-
7 tion (referred to in this subsection as the ODA Of-
8 fice). The Director of the ODA Office shall report
9 to the Director of the Aircraft Certification Service.

10 “(2) PURPOSE.—The purpose of the ODA Of-
11 fice shall be to provide oversight and ensure consist-
12 ency of the Federal Aviation Administration audit
13 functions under the ODA program across the agen-
14 cy.

15 “(3) FUNCTIONS.—The ODA Office shall—

16 “(A)(i) at the request of an ODA holder,
17 eliminate all limitations specified in a proce-
18 dures manual in place on the date of enactment
19 of the Federal Aviation Administration Reau-
20 thorization Act of 2016 that are low and me-
21 dium risk as determined by a risk analysis
22 using criteria established by the ODA Office
23 and disclosed to the ODA holder, except where
24 an ODA holder’s performance warrants the re-
25 tention of a specific limitation due to docu-

1 mented concerns about inadequate current per-
2 formance in carrying out that authorized func-
3 tion;

4 “(ii) require an ODA holder to establish a
5 corrective action plan to regain authority for
6 any retained limitations;

7 “(iii) require an ODA holder to notify the
8 ODA Office when all corrective actions have
9 been accomplished;

10 “(iv) make a reassessment to determine if
11 subsequent performance in carrying out any re-
12 tained limitation warrants continued retention
13 and, if such reassessment determines perform-
14 ance meets objectives, lift such limitation imme-
15 diately;

16 “(B) improve the Administration and the
17 ODA holder performance and ensure full use of
18 the authorities delegated under the ODA pro-
19 gram;

20 “(C) develop a more consistent approach to
21 audit priorities, procedures, and training under
22 the ODA program;

23 “(D) expeditiously review a random sample
24 of limitations on delegated authorities under the

1 ODA program to determine if the limitations
2 are appropriate;

3 “(E) review and approve new limitations to
4 ODA functions; and

5 “(F) ensure national consistency in the in-
6 terpretation and application of the requirements
7 of the ODA program, including any limitations,
8 and in the performance of the ODA program.

9 “(c) DEFINITIONS.—In this section:

10 “(1) ODA OR ORGANIZATION DESIGNATION AU-
11 THORIZATION.—The term ‘ODA’ or ‘organization
12 designation authorization’ means an authorization
13 under section 44702(d) to perform approved func-
14 tions on behalf of the Administrator of the Federal
15 Aviation Administration under subpart D of part
16 183 of title 14, Code of Federal Regulations.

17 “(2) ODA HOLDER.—The term ‘ODA holder’
18 means an entity authorized under section
19 44702(d)—

20 “(A) to which the Administrator of the
21 Federal Aviation Administration issues an ODA
22 letter of designation under subpart D of part
23 183 of title 14, Code of Federal Regulations (or
24 any corresponding similar regulation or ruling);
25 and

1 “(B) that is responsible for administering
2 1 or more ODA units.

3 “(3) ODA PROGRAM.—The term ‘ODA pro-
4 gram’ means the program to standardize Federal
5 Aviation Administration management and oversight
6 of the organizations that are approved to perform
7 certain functions on behalf of the Administration
8 under section 44702(d).

9 “(4) ODA UNIT.—The term ‘ODA unit’ means
10 a group of 2 or more individuals under the super-
11 vision of an ODA holder who perform the specified
12 functions under an ODA.

13 “(5) ORGANIZATION.—The term ‘organization’
14 means a firm, a partnership, a corporation, a com-
15 pany, an association, a joint-stock association, or a
16 governmental entity.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
18 The table of contents of chapter 447 is amended by adding
19 after the item relating to section 44735 the following:

 “44736. Organization designation authorizations.”.

20 **SEC. 2223. ODA REVIEW.**

21 (a) EXPERT REVIEW PANEL.—

22 (1) ESTABLISHMENT.—Not later than 60 days
23 after the date of enactment of this Act, the Adminis-
24 trator of the FAA shall convene a multidisciplinary

1 expert review panel (referred to in this section as the
2 “Panel”).

3 (2) COMPOSITION.—

4 (A) IN GENERAL.—The Panel shall be
5 composed of not more than 20 members ap-
6 pointed by the Administrator.

7 (B) QUALIFICATIONS.—The members ap-
8 pointed to the Panel shall—

9 (i) each have a minimum of 5 years of
10 experience in processes and procedures
11 under the ODA program; and

12 (ii) include representatives of ODA
13 holders, aviation manufacturers, safety ex-
14 perts, and FAA labor organizations, in-
15 cluding labor representatives of FAA avia-
16 tion safety inspectors and aviation safety
17 engineers.

18 (b) SURVEY.—The Panel shall survey ODA holders
19 and ODA program applicants to document FAA safety
20 oversight and certification programs and activities, includ-
21 ing the FAA’s use of the ODA program and the speed
22 and efficiency of the certification process. In carrying out
23 this subsection, the Administrator shall consult with the
24 appropriate survey experts and the Panel to best design
25 and conduct the survey.

1 (c) ASSESSMENT.—The Panel shall—

2 (1) conduct an assessment of—

3 (A) the FAA’s processes and procedures
4 under the ODA program and whether the proc-
5 esses and procedures function as intended;

6 (B) the best practices of and lessons
7 learned by ODA holders and the FAA personnel
8 who provide oversight of ODA holders;

9 (C) the performance incentive policies, re-
10 lated to the ODA program for FAA personnel,
11 that do not conflict with the public interest;

12 (D) the training activities related to the
13 ODA program for FAA personnel and ODA
14 holders; and

15 (E) the impact, if any, that oversight of
16 the ODA program has on FAA resources and
17 the FAA’s ability to process applications for
18 certifications outside of the ODA program; and

19 (2) make recommendations for improving FAA
20 safety oversight and certification programs and ac-
21 tivities based on the results of the survey under sub-
22 section (b) and each element of the assessment
23 under paragraph (1) of this subsection.

24 (d) REPORT.—Not later than 180 days after the date
25 the Panel is convened under subsection (a), the Panel shall

1 submit to the Administrator, the Advisory Committee es-
2 tablished under section 2212, and the appropriate commit-
3 tees of Congress a report on results of the survey under
4 subsection (b) and the assessment and recommendations
5 under subsection (c).

6 (e) DEFINITIONS.—The terms used in this section
7 have the meanings given the terms in section 44736 of
8 title 49, United States Code.

9 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
10 Federal Advisory Committee Act (5 U.S.C. App.) shall not
11 apply to the Panel.

12 (g) SUNSET.—The Panel shall terminate on the date
13 the report is submitted under subsection (d).

14 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

15 (a) IN GENERAL.—Section 44704(a) is amended by
16 adding at the end the following:

17 “(6) TYPE CERTIFICATION RESOLUTION PROC-
18 ESS.—

19 “(A) IN GENERAL.—Not later than 15
20 months after the date of enactment of Federal
21 Aviation Administration Reauthorization Act of
22 2016, the Administrator shall establish an ef-
23 fective, expeditious, and milestone-based issue
24 resolution process for type certification activi-
25 ties under this subsection.

1 “(B) PROCESS REQUIREMENTS.—The res-
2 olution process shall provide for—

3 “(i) the resolution of technical issues
4 at preestablished stages of the certification
5 process, as agreed to by the Administrator
6 and the type certificate applicant;

7 “(ii) the automatic escalation to ap-
8 propriate management personnel of the
9 Federal Aviation Administration and the
10 type certificate applicant of any major cer-
11 tification process milestone that is not
12 completed or resolved within a specific pe-
13 riod of time agreed to by the Adminis-
14 trator and the type certificate applicant;
15 and

16 “(iii) the resolution of a major certifi-
17 cation process milestone escalated under
18 clause (ii) within a specific period of time
19 agreed to by the Administrator and the
20 type certificate applicant.

21 “(C) DEFINITION OF MAJOR CERTIFI-
22 CATION PROCESS MILESTONE.—In this para-
23 graph, the term ‘major certification process
24 milestone’ means a milestone related to a type
25 certification basis, type certification plan, type

1 inspection authorization, issue paper, or other
2 major type certification activity agreed to by
3 the Administrator and the type certificate appli-
4 cant.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
6 Section 44704 is amended in the heading by striking
7 “**airworthiness certificates,**” and inserting “**air-**
8 **worthiness certificates,**”.

9 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
10 **GENERAL AVIATION AIRPLANES.**

11 (a) POLICY.—In a manner consistent with the Small
12 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
13 note), not later than 180 days after the date of enactment
14 of this Act, the Administrator shall establish and begin
15 implementing a risk-based policy that streamlines the in-
16 stallation of safety enhancing technologies for small gen-
17 eral aviation airplanes in a manner that reduces regu-
18 latory delays and significantly improves safety.

19 (b) INCLUSIONS.—The safety enhancing technologies
20 for small general aviation airplanes described in subsection
21 (a) shall include, at a minimum, the replacement or ret-
22 rofit of primary flight displays, auto pilots, engine mon-
23 itors, and navigation equipment.

24 (c) COLLABORATION.—In carrying out this section,
25 the Administrator shall collaborate with general aviation

1 operators, general aviation manufacturers, and appro-
2 priate FAA labor organizations, including representatives
3 of FAA aviation safety inspectors and aviation safety engi-
4 neers, certified under section 7111 of title 5, United
5 States Code.

6 (d) DEFINITION OF SMALL GENERAL AVIATION AIR-
7 PLANE.—In this section, the term “small general aviation
8 airplane” means an airplane that—

9 (1) is certified to the standards of part 23 of
10 title 14, Code of Federal Regulations;

11 (2) has a seating capacity of not more than 9
12 passengers; and

13 (3) is not used in scheduled passenger-carrying
14 operations under part 121 of title 14, Code of Fed-
15 eral Regulations.

16 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-**
17 **ERAL AVIATION AIRPLANES.**

18 (a) FINAL RULEMAKING.—Not later than December
19 31, 2016, the Administrator shall issue a final rulemaking
20 to comply with section 3 of the Small Airplane Revitaliza-
21 tion Act of 2013 (49 U.S.C. 44704 note).

22 (b) GOVERNMENT REVIEW.—The Federal Govern-
23 ment’s review process shall be streamlined to meet the
24 deadline in subsection (a).

1 **PART III—FLIGHT STANDARDS REFORM**

2 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-**
3 **TIVES AND METRICS.**

4 (a) **IN GENERAL.**—Not later than 120 days after the
5 date the Advisory Committee is established under section
6 2212, the Administrator shall establish performance objec-
7 tives and apply and track performance metrics for the
8 FAA and the aviation industry relating to flight standards
9 activities in accordance with this section.

10 (b) **COLLABORATION.**—The Administrator shall carry
11 out this section in collaboration with the Advisory Com-
12 mittee and update agency performance objectives and
13 metrics after considering the recommendations of the Ad-
14 visory Committee under paragraphs (8) and (9) of section
15 2212(c).

16 (c) **PERFORMANCE OBJECTIVES.**—In carrying out
17 subsection (a), the Administrator shall ensure that
18 progress is made toward, at a minimum—

19 (1) eliminating delays with respect to such ac-
20 tivities;

21 (2) increasing accountability for both FAA and
22 the aviation industry;

23 (3) fully implementing risk management prin-
24 ciples and a systems safety approach;

25 (4) reducing duplication of effort;

1 (5) promoting appropriate compliance activities
2 and eliminating inconsistent regulatory interpreta-
3 tions and inconsistent enforcement activities;

4 (6) improving and providing greater opportuni-
5 ties for training, including recurrent training, in au-
6 diting and a systems safety approach to oversight;

7 (7) developing and allowing the use of a single
8 master source for guidance;

9 (8) providing and using a streamlined appeal
10 process for the resolution of regulatory interpreta-
11 tion questions;

12 (9) maintaining and improving safety; and

13 (10) increasing transparency.

14 (d) PERFORMANCE METRICS.—In carrying out sub-
15 section (a), the Administrator shall—

16 (1) apply and track performance metrics for the
17 FAA and the aviation industry; and

18 (2) transmit to the appropriate committees of
19 Congress an annual report tracking the progress to-
20 ward full implementation of the performance metrics
21 under section 2212.

22 (e) DATA.—

23 (1) BASELINES.—Not later than 1 year after
24 the date the Advisory Committee recommends initial
25 performance metrics under section 2212(c)(9), the

1 Administrator shall generate initial data with respect
2 to each of the performance metrics applied and
3 tracked that are approved based on the rec-
4 ommendations required under this section.

5 (2) BENCHMARKS.—The Administrator shall
6 use the performance metrics applied and tracked
7 under this section to generate data on an ongoing
8 basis and to measure progress toward the consensus
9 national goals, strategic objectives, and priorities
10 recommended under section 2212(c)(3).

11 (f) PUBLICATION.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 the Administrator shall make data generated using
14 the performance metrics applied and tracked under
15 this section available in a searchable, sortable, and
16 downloadable format through the Internet Web site
17 of the FAA or other appropriate methods.

18 (2) LIMITATIONS.—The Administrator shall
19 make the data under paragraph (1) available in a
20 manner that—

21 (A) protects from disclosure identifying in-
22 formation regarding an individual or entity; and

23 (B) protects from inappropriate disclosure
24 proprietary information.

1 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
2 **FORM.**

3 (a) ESTABLISHMENT.—Not later than 90 days after
4 the date of enactment of this Act, the Administrator shall
5 establish the FAA Task Force on Flight Standards Re-
6 form (referred to in this section as the “Task Force”).

7 (b) MEMBERSHIP.—

8 (1) APPOINTMENT.—The membership of the
9 Task Force shall be appointed by the Administrator.

10 (2) NUMBER.—The Task Force shall be com-
11 posed of not more than 20 members.

12 (3) REPRESENTATION REQUIREMENTS.—The
13 membership of the Task Force shall include rep-
14 resentatives, with knowledge of flight standards reg-
15 ulatory processes and requirements, of—

16 (A) air carriers;

17 (B) general aviation;

18 (C) business aviation;

19 (D) repair stations;

20 (E) unmanned aircraft systems operators;

21 (F) flight schools;

22 (G) labor unions, including those rep-
23 resenting FAA aviation safety inspectors and
24 those representing FAA aviation safety engi-
25 neers; and

26 (H) aviation safety experts.

1 (c) DUTIES.—The duties of the Task Force shall in-
2 clude, at a minimum, identifying cost-effective best prac-
3 tices and providing recommendations with respect to—

4 (1) simplifying and streamlining flight stand-
5 ards regulatory processes;

6 (2) reorganizing the Flight Standards Service
7 to establish an entity organized by function rather
8 than geographic region, if appropriate;

9 (3) FAA aviation safety inspector training op-
10 portunities;

11 (4) FAA aviation safety inspector standards
12 and performance; and

13 (5) achieving, across the FAA, consistent—

14 (A) regulatory interpretations; and

15 (B) application of oversight activities.

16 (d) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Task Force shall submit to
18 the Administrator, Advisory Committee established under
19 section 2212, and appropriate committees of Congress a
20 report detailing—

21 (1) the best practices identified and rec-
22 ommendations provided by the Task Force under
23 subsection (c); and

1 (2) any recommendations of the Task Force for
2 additional regulatory action or cost-effective legisla-
3 tive action.

4 (e) FEDERAL ADVISORY COMMITTEE ACT.—The
5 Federal Advisory Committee Act (5 U.S.C. App.) shall not
6 apply to the Task Force.

7 (f) SUNSET.—The Task Force shall cease to exist on
8 the date that the Task Force submits the report required
9 under subsection (d).

10 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

11 (a) ESTABLISHMENT.—Not later than 1 year after
12 the date of enactment of this Act, the Administrator of
13 the FAA shall establish a centralized safety guidance data-
14 base for all of the regulatory guidance issued by the FAA
15 Office of Aviation Safety regarding compliance with 1 or
16 more aviation safety-related provisions of the Code of Fed-
17 eral Regulations.

18 (b) REQUIREMENTS.—The database under subsection

19 (a) shall—

20 (1) for each guidance, include a link to the spe-
21 cific provision of the Code of Federal Regulations;

22 (2) subject to paragraph (3), be accessible to
23 the public; and

24 (3) be provided in a manner that—

1 (A) protects from disclosure identifying in-
2 formation regarding an individual or entity; and

3 (B) protects from inappropriate disclosure
4 proprietary information.

5 (c) DATA ENTRY TIMING.—

6 (1) EXISTING DOCUMENTS.—Not later than 14
7 months after the date the database is established,
8 the Administrator shall have completed entering into
9 the database any applicable regulatory guidance that
10 are in effect and were issued before that date.

11 (2) NEW REGULATORY GUIDANCE AND UP-
12 DATES.—Beginning on the date the database is es-
13 tablished, the Administrator shall ensure that any
14 applicable regulatory guidance that are issued on or
15 after that date are entered into the database as they
16 are issued.

17 (d) CONSULTATION REQUIREMENT.—In establishing
18 the database under subsection (a), the Administrator shall
19 consult and collaborate with appropriate stakeholders, in-
20 cluding labor organizations (including those representing
21 aviation workers, FAA aviation safety engineers, and FAA
22 aviation safety inspectors) and aviation industry stake-
23 holders.

24 (e) DEFINITION OF REGULATORY GUIDANCE.—In
25 this section, the term “regulatory guidance” means all

1 forms of written information issued by the FAA that an
2 individual or entity may use to interpret or apply FAA
3 regulations and requirements, including information an in-
4 dividual or entity may use to determine acceptable means
5 of compliance with such regulations and requirements,
6 such as an order, manual, circular, policy statement, legal
7 interpretation memorandum, and rulemaking documents.

8 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**
9 **BOARD.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of enactment of this Act, the Administrator of
12 the FAA shall establish a Regulatory Consistency Commu-
13 nications Board (referred to in this section as the
14 “Board”).

15 (b) CONSULTATION REQUIREMENT.—In establishing
16 the Board, the Administrator shall consult and collaborate
17 with appropriate stakeholders, including FAA labor orga-
18 nizations (including labor organizations representing FAA
19 aviation safety inspectors and labor organizations rep-
20 resenting FAA aviation safety engineers) and aviation in-
21 dustry stakeholders.

22 (c) MEMBERSHIP.—The Board shall be composed of
23 FAA representatives, appointed by the Administrator,
24 from—

25 (1) the Flight Standards Service;

1 (2) the Aircraft Certification Service; and

2 (3) the Office of the Chief Counsel.

3 (d) FUNCTIONS.—The Board shall carry out the fol-
4 lowing functions:

5 (1) Recommend, at a minimum, processes by
6 which—

7 (A) FAA personnel and persons regulated
8 by the FAA may submit regulatory interpreta-
9 tion questions without fear of retaliation;

10 (B) FAA personnel may submit written
11 questions as to whether a previous approval or
12 regulatory interpretation issued by FAA per-
13 sonnel in another office or region is correct or
14 incorrect; and

15 (C) any other person may submit anony-
16 mous regulatory interpretation questions.

17 (2) Meet on a regular basis to discuss and re-
18 solve questions submitted under paragraph (1) and
19 the appropriate application of regulations and policy
20 with respect to each question.

21 (3) Provide to a person that submitted a ques-
22 tion under subparagraph (A) or subparagraph (B) of
23 paragraph (1) an expeditious written response to the
24 question.

1 (4) Recommend a process to make the resolu-
2 tion of common regulatory interpretation questions
3 publicly available to FAA personnel and the public
4 in a manner that—

5 (A) does not reveal any identifying data of
6 the person that submitted a question; and

7 (B) protects any proprietary information.

8 (5) Ensure that responses to questions under
9 this subsection are incorporated into regulatory
10 guidance (as defined in section 2233(e)).

11 (e) PERFORMANCE METRICS, TIMELINES, AND
12 GOALS.—Not later than 180 days after the date that the
13 Advisory Committee recommends performance objectives
14 and performance metrics for the FAA and the aviation
15 industry under paragraphs (8) and (9) of section 2212(e),
16 the Administrator, in collaboration with the Advisory
17 Committee, shall—

18 (1) establish performance metrics, timelines,
19 and goals to measure the progress of the Board in
20 resolving regulatory interpretation questions sub-
21 mitted under subsection (d)(1); and

22 (2) implement a process for tracking the
23 progress of the Board in meeting the performance
24 metrics, timelines, and goals under paragraph (1).

1 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**
2 **FEASIBILITY REPORT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator, in con-
5 sultation with relevant industry stakeholders, shall—

6 (1) determine the feasibility of realigning flight
7 standards service regional field offices to specialized
8 areas of aviation safety oversight and technical ex-
9 pertise; and

10 (2) submit to the appropriate committees of
11 Congress a report on the findings under paragraph
12 (1).

13 (b) CONSIDERATIONS.—In making a determination
14 under subsection (a), the Administrator shall consider a
15 flight standards service regional field office providing sup-
16 port in the area of its technical expertise to flight stand-
17 ards district offices and certificate management offices.

18 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, and subject to the requirements of subsection
21 (b), the Administrator may enter into a reimbursable
22 agreement with an applicant or certificate holder for the
23 reasonable travel and per diem expenses of the FAA asso-
24 ciated with official travel to expedite the acceptance or val-
25 idation by a foreign authority of an FAA certificate or
26 design approval.

1 (b) CONDITIONS.—The Administrator may enter into
2 an agreement under subsection (a) only if—

3 (1) the travel covered under the agreement is
4 determined to be necessary, by both the Adminis-
5 trator and the applicant or certificate holder, to ex-
6 pedite the acceptance or validation of the relevant
7 certificate or approval;

8 (2) the travel is conducted at the request of the
9 applicant or certificate holder;

10 (3) the travel plans and expenses are approved
11 by the applicant or certificate holder prior to travel;
12 and

13 (4) the agreement requires payment in advance
14 of FAA services and is consistent with the processes
15 under section 106(l)(6) of title 49, United States
16 Code.

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

20 (1) the number of occasions on which the Ad-
21 ministrator entered into reimbursable agreements
22 under this section;

23 (2) the number of occasions on which the Ad-
24 ministrator declined a request by an applicant or

1 certificate holder to enter into a reimbursable agree-
2 ment under this section;

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

5 (4) the extent to which reimbursable agree-
6 ments under this section assisted in reducing the
7 amount of time necessary for foreign authorities'
8 validations of FAA certificates and design approvals.

9 (d) DEFINITIONS.—In this section:

10 (1) APPLICANT.—The term “applicant” means
11 a person that has applied to a foreign authority for
12 the acceptance or validation of an FAA certificate or
13 design approval.

14 (2) CERTIFICATE HOLDER.—The term “certifi-
15 cate holder” means a person that holds a certificate
16 issued by the Administrator under part 21 of title
17 14, Code of Federal Regulations.

18 **PART IV—SAFETY WORKFORCE**

19 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

20 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
21 Not later than 60 days after the date of enactment of this
22 Act, the Administrator of the FAA shall review and revise
23 its safety workforce training strategy to ensure that it—

24 (1) aligns with an effective risk-based approach
25 to safety oversight;

1 (2) best utilizes available resources;

2 (3) allows FAA employees participating in orga-
3 nization management teams or conducting ODA pro-
4 gram audits to complete, expeditiously, appropriate
5 training, including recurrent training, in auditing
6 and a systems safety approach to oversight;

7 (4) seeks knowledge-sharing opportunities be-
8 tween the FAA and the aviation industry in new
9 technologies, best practices, and other areas of inter-
10 est related to safety oversight;

11 (5) fosters an inspector and engineer workforce
12 that has the skills and training necessary to improve
13 risk-based approaches that focus on requirements
14 management and auditing skills; and

15 (6) includes, as appropriate, milestones and
16 metrics for meeting the requirements of paragraphs
17 (1) through (5).

18 (b) REPORT.—Not later than 270 days after the date
19 the strategy is established under subsection (a), the Ad-
20 ministrator shall submit to the appropriate committees of
21 Congress a report on the implementation of the strategy
22 and progress in meeting any milestones or metrics in-
23 cluded in the strategy.

24 (c) DEFINITIONS.—In this section:

1 (1) ODA HOLDER.—The term “ODA holder”
2 has the meaning given the term in section 44736 of
3 title 49, United States Code.

4 (2) ODA PROGRAM.—The term “ODA pro-
5 gram” has the meaning given the term in section
6 44736(c)(3) of title 49, United States Code, as
7 added by this Act.

8 (3) ORGANIZATION MANAGEMENT TEAM.—The
9 term “organization management team” means a
10 group of FAA employees consisting of FAA aviation
11 safety engineers, flight test pilots, and aviation safe-
12 ty inspectors overseeing an ODA holder and its spec-
13 ified function delegated under section 44702 of title
14 49, United States Code.

15 **SEC. 2242. WORKFORCE STUDY.**

16 (a) WORKFORCE STUDY.—Not later than 90 days
17 after the date of enactment of this Act, the Comptroller
18 General of the United States shall conduct a study to as-
19 sess the workforce and training needs of the Office of
20 Aviation Safety of the Federal Aviation Administration
21 and take into consideration how those needs could be met.

22 (b) CONTENTS.—The study under subsection (a)
23 shall include—

24 (1) a review of the current staffing levels and
25 requirements for hiring and training, including re-

1 current training, of aviation safety inspectors and
2 aviation safety engineers;

3 (2) an analysis of the skills and qualifications
4 required of aviation safety inspectors and aviation
5 safety engineers for successful performance in the
6 current and future projected aviation safety regu-
7 latory environment, including an analysis of the need
8 for a systems engineering discipline within the Fed-
9 eral Aviation Administration to guide the engineer-
10 ing of complex systems, with an emphasis on audit-
11 ing an ODA holder (as defined in section 44736(c)
12 of title 49, United States Code);

13 (3) a review of current performance incentive
14 policies of the Federal Aviation Administration, as
15 applied to the Office of Aviation Safety, including
16 awards for performance;

17 (4) an analysis of ways the Federal Aviation
18 Administration can work with the aviation industry
19 and FAA labor force to establish knowledge-sharing
20 opportunities between the Federal Aviation Adminis-
21 tration and the aviation industry in new tech-
22 nologies, best practices, and other areas that could
23 improve the aviation safety regulatory system; and

24 (5) recommendations on the best and most cost-
25 effective approaches to address the needs of the cur-

1 rent and future projected aviation safety regulatory
2 system, including qualifications, training programs,
3 and performance incentives for relevant agency per-
4 sonnel.

5 (c) REPORT.—Not later than 270 days after the date
6 of enactment of this Act, the Comptroller General shall
7 submit to the appropriate committees of Congress a report
8 on the results of the study required under subsection (a).

9 **PART V—INTERNATIONAL AVIATION**

10 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**
11 **STANDARDS, PRODUCTS, AND SERVICES**
12 **ABROAD.**

13 Section 40104 is amended by adding at the end the
14 following:

15 “(d) PROMOTION OF UNITED STATES AEROSPACE
16 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
17 Secretary shall take appropriate actions—

18 “(1) to promote United States aerospace-re-
19 lated safety standards abroad;

20 “(2) to facilitate and vigorously defend approv-
21 als of United States aerospace products and services
22 abroad;

23 “(3) with respect to bilateral partners, to use
24 bilateral safety agreements and other mechanisms to
25 improve validation of United States type certificated

1 aeronautical products and services and enhance mu-
2 tual acceptance in order to eliminate redundancies
3 and unnecessary costs; and

4 “(4) with respect to the aeronautical safety au-
5 thorities of a foreign country, to streamline that
6 country’s validation of United States aerospace
7 standards, products, and services.”.

8 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
9 **RESPONSIBILITIES.**

10 Section 44701(e) is amended by adding at the end
11 the following:

12 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

13 “(A) ACCEPTANCE.—The Administrator
14 shall accept an airworthiness directive (as de-
15 fined in section 39.3 of title 14, Code of Fed-
16 eral Regulations) issued by an aeronautical
17 safety authority of a foreign country, and lever-
18 age that aeronautical safety authority’s regu-
19 latory process, if—

20 “(i) the country is the state of design
21 for the product that is the subject of the
22 airworthiness directive;

23 “(ii) the United States has a bilateral
24 safety agreement relating to aircraft cer-
25 tification with the country;

1 “(iii) as part of the bilateral safety
2 agreement with the country, the Adminis-
3 trator has determined that the aero-
4 nautical safety authority has an aircraft
5 certification system relating to safety that
6 produces a level of safety equivalent to the
7 level produced by the system of the Fed-
8 eral Aviation Administration; and

9 “(iv) the aeronautical safety authority
10 utilizes an open and transparent public no-
11 tice and comment process in the issuance
12 of airworthiness directives.

13 “(B) ALTERNATIVE APPROVAL PROCESS.—
14 Notwithstanding subparagraph (A), the Admin-
15 istrator may issue a Federal Aviation Adminis-
16 tration airworthiness directive instead of accept-
17 ing the airworthiness directive issued by the
18 aeronautical safety authority of a foreign coun-
19 try if the Administrator determines that such
20 issuance is necessary for safety or operational
21 reasons due to the complexity or unique fea-
22 tures of the Federal Aviation Administration
23 airworthiness directive or the United States
24 aviation system.

1 “(C) ALTERNATIVE MEANS OF COMPLI-
2 ANCE.—The Administrator may—

3 “(i) accept an alternative means of
4 compliance, with respect to an airworthi-
5 ness directive under subparagraph (A),
6 that was approved by the aeronautical
7 safety authority of the foreign country that
8 issued the airworthiness directive; or

9 “(ii) notwithstanding subparagraph
10 (A), and at the request of any person af-
11 fected by an airworthiness directive under
12 that subparagraph, the Administrator may
13 approve an alternative means of compli-
14 ance with respect to the airworthiness di-
15 rective.”.

16 **SEC. 2253. FAA LEADERSHIP ABROAD.**

17 (a) IN GENERAL.—To promote United States aero-
18 space safety standards, reduce redundant regulatory activ-
19 ity, and facilitate acceptance of FAA design and produc-
20 tion approvals abroad, the Administrator shall—

21 (1) attain greater expertise in issues related to
22 dispute resolution, intellectual property, and export
23 control laws to better support FAA certification and
24 other aerospace regulatory activities abroad;

1 (2) work with United States companies to more
2 accurately track the amount of time it takes foreign
3 authorities, including bilateral partners, to validate
4 United States type certificated aeronautical prod-
5 ucts;

6 (3) provide assistance to United States compa-
7 nies who have experienced significantly long foreign
8 validation wait times;

9 (4) work with foreign authorities, including bi-
10 lateral partners, to collect and analyze data to deter-
11 mine the timeliness of the acceptance and validation
12 of FAA design and production approvals by foreign
13 authorities and the acceptance and validation of for-
14 eign-certified products by the FAA;

15 (5) establish appropriate benchmarks and
16 metrics to measure the success of bilateral aviation
17 safety agreements and to reduce the validation time
18 for United States type certificated aeronautical
19 products abroad; and

20 (6) work with foreign authorities, including bi-
21 lateral partners, to improve the timeliness of the ac-
22 ceptance and validation of FAA design and produc-
23 tion approvals by foreign authorities and the accept-
24 ance and validation of foreign-certified products by
25 the FAA.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Administrator shall submit
3 to the appropriate committees of Congress a report that—

4 (1) describes the Administrator’s strategic plan
5 for international engagement;

6 (2) describes the structure and responsibilities
7 of all FAA offices that have international respon-
8 sibilities, including the Aircraft Certification Office,
9 and all the activities conducted by those offices re-
10 lated to certification and production;

11 (3) describes current and forecasted staffing
12 and travel needs for the FAA’s international engage-
13 ment activities, including the needs of the Aircraft
14 Certification Office in the current and forecasted
15 budgetary environment;

16 (4) provides recommendations, if appropriate,
17 to improve the existing structure and personnel and
18 travel policies supporting the FAA’s international
19 engagement activities, including the activities of the
20 Aviation Certification Office, to better support the
21 growth of United States aerospace exports; and

22 (5) identifies policy initiatives, regulatory initia-
23 tives, or cost-effective legislative initiatives needed to
24 improve and enhance the timely acceptance of
25 United States aerospace products abroad.

1 (c) INTERNATIONAL TRAVEL.—The Administrator of
2 the FAA, or the Administrator’s designee, may authorize
3 international travel for any FAA employee, without the
4 approval of any other person or entity, if the Adminis-
5 trator determines that the travel is necessary—

6 (1) to promote United States aerospace safety
7 standards; or

8 (2) to support expedited acceptance of FAA de-
9 sign and production approvals.

10 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
11 **FEES.**

12 Section 45305 is amended—

13 (1) in subsection (a) by striking “Subject to
14 subsection (b)” and inserting “Subject to subsection
15 (c)”;

16 (2) by redesignating subsections (b) and (c) as
17 subsections (c) and (d), respectively; and

18 (3) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) CERTIFICATION SERVICES.—Subject to sub-
21 section (c), and notwithstanding section 45301(a), the Ad-
22 ministrator may establish and collect a fee from a foreign
23 government or entity for services related to certification,
24 regardless of where the services are provided, if the fee—

1 “(1) is established and collected in a manner
2 consistent with aviation safety agreements; and

3 “(2) does not exceed the estimated costs of the
4 services.”.

5 **Subtitle C—Airline Passenger**
6 **Safety and Protections**

7 **SEC. 2301. PILOT RECORDS DATABASE DEADLINE.**

8 Section 44703(i)(2) is amended by striking “The Ad-
9 ministrator shall establish” and inserting “Not later than
10 April 30, 2017, the Administrator shall establish and
11 make available for use”.

12 **SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.**

13 The Administrator of the Federal Aviation Adminis-
14 tration shall collaborate with other aviation authorities to
15 advance a global standard for access to air carrier flight
16 decks and redundancy requirements consistent with the
17 flight deck access and redundancy requirements in the
18 United States.

19 **SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Administrator of the
22 Federal Aviation Administration shall assess current per-
23 formance standards, and as appropriate, conduct a rule-
24 making to revise the standards to improve near-term and
25 long-term aircraft tracking and flight data recovery, in-

1 cluding retrieval, access, and protection of such data after
2 an incident or accident.

3 (b) CONSIDERATIONS.—In revising the performance
4 standards under subsection (a), the Administrator may
5 consider—

6 (1) various methods for improving detection
7 and retrieval of flight data, including—

8 (A) low frequency underwater locating de-
9 vices; and

10 (B) extended battery life for underwater
11 locating devices;

12 (2) automatic deployable flight recorders;

13 (3) triggered transmission of flight data, and
14 other satellite-based solutions;

15 (4) distress-mode tracking; and

16 (5) protections against disabling flight recorder
17 systems.

18 (c) COORDINATION.—If the performance standards
19 under subsection (a) are revised, the Administrator shall
20 coordinate with international regulatory authorities and
21 the International Civil Aviation Organization to ensure
22 that any new international standard for aircraft tracking
23 and flight data recovery is consistent with a performance-
24 based approach and is implemented in a globally har-
25 monized manner.

1 **SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.**

2 (a) MODERNIZATION OF TRAINING.—Not later than
3 October 1, 2017, the Administrator of the Federal Avia-
4 tion Administration shall review, and update as necessary,
5 recent guidance regarding pilot flight deck monitoring
6 that an air carrier can use to train and evaluate its pilots
7 to ensure that air carrier pilots are trained to use and
8 monitor automation systems while also maintaining pro-
9 ficiency in manual flight operations consistent with the
10 final rule entitled, “Qualification, Service, and Use of
11 Crewmembers and Aircraft Dispatchers”, published on
12 November 12, 2013 (78 Fed. Reg. 67799).

13 (b) CONSIDERATIONS.—In reviewing and updating
14 the guidance, the Administrator shall—

15 (1) consider casualty driven scenarios during
16 initial and recurrent simulator instruction that focus
17 on automation complacency during system failure,
18 including flight segments when automation is typi-
19 cally engaged and should result in hand flying the
20 aircraft into a safe position while employing crew re-
21 source management principles;

22 (2) consider the development of metrics or
23 measurable tasks an air carrier may use to evaluate
24 the ability of pilots to appropriately monitor flight
25 deck systems;

1 (3) consider the development of metrics an air
2 carrier may use to evaluate manual flying skills and
3 improve related training;

4 (4) convene an expert panel, including members
5 with expertise in human factors, training, and flight
6 operations—

7 (A) to evaluate and develop methods for
8 training flight crews to understand the
9 functionality of automated systems for flight
10 path management;

11 (B) to identify and recommend to the Ad-
12 ministrator the most effective training methods
13 that ensure that pilots can apply manual flying
14 skills in the event of flight deck automation fail-
15 ure or an unexpected event; and

16 (C) to identify and recommend to the Ad-
17 ministrator revision in the training guidance for
18 flight crews to address the needs identified in
19 subparagraphs (A) and (B); and

20 (5) develop any additional standards to be used
21 for guidance the Administrator considers necessary
22 to determine whether air carrier pilots receive suffi-
23 cient training opportunities to develop, maintain,
24 and demonstrate manual flying skills.

1 (c) DOT IG REVIEW.—Not later than 2 years after
2 the date the Administrator reviews the guidance under
3 subsection (a), the Inspector General of the Department
4 of Transportation shall review the air carriers implemen-
5 tation of the guidance and the ongoing work of the expert
6 panel.

7 **SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR**
8 **PILOTS.**

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

19 **SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
20 **AND REST REQUIREMENTS.**

21 (a) MODIFICATION OF FINAL RULE.—Not later than
22 1 year after the date of enactment of this Act, the Admin-
23 istrator of the Federal Aviation Administration shall re-
24 vise the flight attendant duty period limitations and rest

1 requirements under section 121.467 of title 14, Code of
2 Federal Regulations.

3 (b) CONTENTS.—Except as provided in subsection
4 (c), in revising the rule under subsection (a), the Adminis-
5 trator shall ensure that a flight attendant scheduled to
6 a duty period of 14 hours or less is given a scheduled rest
7 period of at least 10 consecutive hours.

8 (c) EXCEPTION.—The rest period required under
9 subsection (b) may be scheduled or reduced to 9 consecu-
10 tive hours if the flight attendant is provided a subsequent
11 rest period of at least 11 consecutive hours.

12 (d) FATIGUE RISK MANAGEMENT PLAN.—

13 (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-
14 RIERS.—Not later than 90 days after the date of en-
15 actment of this Act, each air carrier operating under
16 part 121 of title 13, Code of Federal Regulations
17 (referred to in this subsection as a “part 121 air
18 carrier”), shall submit a fatigue risk management
19 plan for the carrier’s flight attendants to the Admin-
20 istrator for review and acceptance.

21 (2) CONTENTS OF PLAN.—Each fatigue risk
22 management plan submitted under paragraph (1)
23 shall include—

24 (A) current flight time and duty period
25 limitations;

1 (B) a rest scheme that is consistent with
2 such limitations and enables the management of
3 flight attendant fatigue, including annual train-
4 ing to increase awareness of—

5 (i) fatigue;

6 (ii) the effects of fatigue on flight at-
7 tendants; and

8 (iii) fatigue countermeasures; and

9 (C) the development and use of method-
10 ology that continually assesses the effectiveness
11 of implementation of the plan, including the
12 ability of the plan—

13 (i) to improve alertness; and

14 (ii) to mitigate performance errors.

15 (3) REVIEW.—Not later than 1 year after the
16 date of enactment of this Act, the Administrator
17 shall—

18 (A) review each fatigue risk management
19 plan submitted under this subsection; and

20 (B)(i) accept the plan; or

21 (ii) reject the plan and provide the part
22 121 air carrier with suggested modifications to
23 be included when the plan is resubmitted.

24 (4) PLAN UPDATES.—

1 (A) IN GENERAL.—Not less frequently
2 than once every 2 years, each part 121 air car-
3 rier shall—

4 (i) update the fatigue risk manage-
5 ment plan submitted under paragraph (1);
6 and

7 (ii) submit the updated plan to the
8 Administrator for review and acceptance.

9 (B) REVIEW.—Not later than 1 year after
10 the date on which an updated plan is submitted
11 under subparagraph (A)(ii), the Administrator
12 shall—

13 (i) review the updated plan; and

14 (ii)(I) accept the updated plan; or

15 (II) reject the updated plan and pro-
16 vide the part 121 air carrier with sug-
17 gested modifications to be included when
18 the updated plan is resubmitted.

19 (5) COMPLIANCE.—Each part 121 air carrier
20 shall comply with its fatigue risk management plan
21 after the plan is accepted by the Administrator
22 under this subsection.

23 (6) CIVIL PENALTIES.—A violation of this sub-
24 section by a part 121 air carrier shall be treated as
25 a violation of chapter 447 of title 49, United States

1 Code, for the purpose of applying civil penalties
2 under chapter 463 of such title.

3 **SEC. 2307. TRAINING TO COMBAT HUMAN TRAFFICKING**
4 **FOR CERTAIN AIR CARRIER EMPLOYEES.**

5 (a) IN GENERAL.—Subchapter I of chapter 417 is
6 amended by adding at the end the following:

7 **“§ 41725. Training to combat human trafficking**

8 “(a) IN GENERAL.—Each air carrier providing pas-
9 senger air transportation shall provide flight attendants
10 who are employees or contractors of the air carrier with
11 training to combat human trafficking in the course of car-
12 rying out their duties as employees or contractors of the
13 air carrier.

14 “(b) ELEMENTS OF TRAINING.—The training an air
15 carrier is required to provide under subsection (a) to flight
16 attendants shall include training with respect to—

17 “(1) common indicators of human trafficking;
18 and

19 “(2) best practices for reporting suspected
20 human trafficking to law enforcement officers.

21 “(c) MATERIALS.—An air carrier may provide the
22 training required by subsection (a) using modules and ma-
23 terials developed by the Department of Transportation
24 and the Department of Homeland Security, including the
25 training module and associated materials of the Blue

1 Lightning Initiative and modules and materials subse-
2 quently developed and recommended by such Departments
3 with respect to combating human trafficking.

4 “(d) INTERAGENCY COORDINATION.—The Adminis-
5 trator of the Federal Aviation Administration shall coordi-
6 nate with the Secretary of Homeland Security to ensure
7 that appropriate training modules and materials are avail-
8 able for air carriers to conduct the training required by
9 subsection (a).

10 “(e) HUMAN TRAFFICKING DEFINED.—In this sec-
11 tion, the term ‘human trafficking’ means 1 or more severe
12 forms of trafficking in persons (as defined in section 103
13 of the Trafficking Victims Protection Act of 2000 (22
14 U.S.C. 7102)).”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents for chapter 417 is amended by inserting after the
17 item relating to section 41724 the following:

“41725. Training to combat human trafficking.”.

18 (c) REPORT REQUIRED.—Not later than 1 year after
19 the date of enactment of this Act, the Administrator of
20 the Federal Aviation Administration shall submit to the
21 appropriate committees of Congress a report that in-
22 cludes—

23 (1) an assessment of the status of compliance
24 of air carriers with section 41725 of title 49, United
25 States Code, as added by subsection (a); and

1 (2) in collaboration with the Attorney General
2 and the Secretary of Homeland Security, rec-
3 ommendations for improving the identification and
4 reporting of human trafficking by air carrier per-
5 sonnel while protecting the civil liberties of pas-
6 sengers.

7 (d) IMMUNITY FOR REPORTING HUMAN TRAF-
8 FICKING.—Section 44941(a) is amended by striking “or
9 terrorism, as defined by section 3077 of title 18, United
10 States Code,” and inserting “human trafficking (as de-
11 fined by section 41725), or terrorism (as defined by sec-
12 tion 3077 of title 18)”.

13 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

14 (a) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, the Administrator of the Federal
16 Aviation Administration shall submit to the appropriate
17 committees of Congress a report on the National Test
18 Equipment Program (referred to in this section as the
19 “Program”).

20 (b) CONTENTS.—The report shall include—

21 (1) a list of all known outstanding requests for
22 test equipment, cataloged by type and location,
23 under the Program;

1 (2) a description of the current method under
2 the Program of ensuring calibrated equipment is in
3 place for utilization;

4 (3) a plan by the Administrator for appropriate
5 inventory of such equipment; and

6 (4) the Administrator's recommendations for
7 increasing multifunctionality in future test equip-
8 ment to be developed and all known and foreseeable
9 manufacturer technological advances.

10 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
11 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

12 (a) IN GENERAL.—Not later than June 30, 2016, the
13 Administrator of the Federal Aviation Administration
14 shall—

15 (1) assess available technologies to determine
16 whether it is feasible, cost-effective, and appropriate
17 to install and deploy, at any airport, systems to pro-
18 vide a direct warning capability to flight crews and
19 air traffic controllers of potential runway incursions;
20 and

21 (2) submit to the appropriate committees of
22 Congress a report on the assessment under para-
23 graph (1), including any recommendations.

24 (b) CONSIDERATIONS.—In conducting the assess-
25 ment under subsection (a), the Administration shall con-

1 sider National Transportation Safety Board findings and
2 relevant aviation stakeholder views relating to runway in-
3 cursions.

4 **SEC. 2310. LASER POINTER INCIDENTS.**

5 (a) IN GENERAL.—Beginning 90 days after the date
6 of enactment of this Act, the Administrator of the Federal
7 Aviation Administration, in coordination with the Director
8 of the Federal Bureau of Investigation, shall provide quar-
9 terly updates to the appropriate committees of Congress
10 regarding—

11 (1) the number of incidents involving the beam
12 from a laser pointer (as defined in section 39A of
13 title 18, United States Code) being aimed at, or in
14 the flight path of, an aircraft in the airspace juris-
15 diction of the United States;

16 (2) the number of civil or criminal enforcement
17 actions taken by the Federal Aviation Administra-
18 tion, Department of Transportation, or Department
19 of Justice with regard to the incidents described in
20 paragraph (1), including the amount of the civil or
21 criminal penalties imposed on violators;

22 (3) the resolution of any incidents that did not
23 result in a civil or criminal enforcement action; and

24 (4) any actions the Department of Transpor-
25 tation or Department of Justice has taken on its

1 own, or in conjunction with other Federal agencies
2 or local law enforcement agencies, to deter the type
3 of activity described in paragraph (1).

4 (b) CIVIL PENALTIES.—The Administrator shall re-
5 vise the maximum civil penalty that may be imposed on
6 an individual who aims the beam of a laser pointer at an
7 aircraft in the airspace jurisdiction of the United States,
8 or at the flight path of such an aircraft, to be \$25,000.

9 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**

10 **DATA AND REPORTS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Administrator of the
13 Federal Aviation Administration, in collaboration with heli-
14 copter air ambulance industry stakeholders, shall assess
15 the availability of information to the general public related
16 to the location of heliports and helipads used by heli-
17 copters providing air ambulance services, including
18 helipads and helipads outside of those listed as part of
19 any existing databases of Airport Master Record (5010)
20 forms.

21 (b) REQUIREMENTS.—Based on the assessment
22 under subsection (a), the Administrator shall—

23 (1) update, as necessary, any existing guidance
24 on what information is included in the current data-
25 bases of Airport Master Record (5010) forms to in-

1 clude information related to heliports and helipads
2 used by helicopters providing air ambulance services;
3 or

4 (2) develop, as appropriate and in collaboration
5 with helicopter air ambulance industry stakeholders,
6 a new database of heliports and helipads used by
7 helicopters providing air ambulance services.

8 (c) REPORTS.—

9 (1) ASSESSMENT.—Not later than 30 days
10 after the date the assessment under subsection (a)
11 is complete, the Administrator shall submit to the
12 appropriate committees of Congress a report on the
13 assessment, including any recommendations on how
14 to make information related to the location of heli-
15 ports and helipads used by helicopters providing air
16 ambulance services available to the general public.

17 (2) IMPLEMENTATION.—Not later than 30 days
18 after completing action under paragraph (1) or
19 paragraph (2) of subsection (b), the Administrator
20 shall submit to the appropriate committees of Con-
21 gress a report on the implementation of that action.

22 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
23 is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “not later than 1 year after the date
3 of enactment of this section, and annually
4 thereafter” and inserting “annually”;

5 (B) in paragraph (2), by striking “flights
6 and hours flown, by registration number, dur-
7 ing which helicopters operated by the certificate
8 holder were providing helicopter air ambulance
9 services” and inserting “hours flown by the hel-
10 icopters operated by the certificate holder”;

11 (C) in paragraph (3)—

12 (i) by striking “of flight” and insert-
13 ing “of patients transported and the num-
14 ber of patient transport”;

15 (ii) by inserting “or” after “inter-
16 facility transport,”; and

17 (iii) by striking “, or ferry or repo-
18 sitioning flight”;

19 (D) in paragraph (5)—

20 (i) by striking “flights and”; and

21 (ii) by striking “while providing air
22 ambulance services”; and

23 (E) by amending paragraph (6) to read as
24 follows:

1 “(6) The number of hours flown at night by
2 helicopters operated by the certificate holder.”;

3 (2) in subsection (d)—

4 (A) by striking “Not later than 2 years
5 after the date of enactment of this section, and
6 annually thereafter, the Administrator shall
7 submit” and inserting “The Administrator shall
8 submit annually”; and

9 (B) by adding at the end the following:

10 “The report shall include the number of acci-
11 dents experienced by helicopter air ambulance
12 operations, the number of fatal accidents expe-
13 rienced by helicopter air ambulance operations,
14 and the rate, per 100,000 flight hours, of acci-
15 dents and fatal accidents experienced by opera-
16 tors providing helicopter air ambulance serv-
17 ices.”;

18 (3) by redesignating subsection (e) as sub-
19 section (f); and

20 (4) by inserting after subsection (d) the fol-
21 lowing:

22 “(e) IMPLEMENTATION.—In carrying out this sec-
23 tion, the Administrator, in collaboration with part 135 cer-
24 tificate holders providing helicopter air ambulance serv-
25 ices, shall—

1 “(1) propose and develop a method to collect
2 and store the data submitted under subsection (a),
3 including a method to protect the confidentiality of
4 any trade secret or proprietary information sub-
5 mitted; and

6 “(2) ensure that the database under subsection
7 (c) and the report under subsection (d) include data
8 and analysis that will best inform efforts to improve
9 the safety of helicopter air ambulance operations.”.

10 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall—

14 (1) determine, in collaboration with the Na-
15 tional Transportation Safety Board and Part 135
16 industry stakeholders, what, if any, additional data
17 should be reported as part of an accident or incident
18 notice to more accurately measure the safety of on-
19 demand Part 135 aircraft activity, to pinpoint safety
20 problems, and to form the basis for critical research
21 and analysis of general aviation issues; and

22 (2) submit to the appropriate committees of
23 Congress a report on the findings under paragraph
24 (1), including a description of the additional data to
25 be collected, a timeframe for implementing the addi-

1 tional data collection, and any potential obstacles to
2 implementation.

3 **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

4 Section 40102(a), as amended by section 2140 of this
5 Act, is further amended—

6 (1) by redesignating paragraphs (24) through
7 (47) as paragraphs (25) through (48), respectively;
8 and

9 (2) by inserting after paragraph (23) the fol-
10 lowing:

11 “(24) ‘human factors’ means a multidisciplinary
12 field that generates and compiles information about
13 human capabilities and limitations and applies it to
14 design, development, and evaluation of equipment,
15 systems, facilities, procedures, jobs, environments,
16 staffing, organizations, and personnel management
17 for safe, efficient, and effective human performance,
18 including people’s use of technology.”.

19 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
20 **THORITY.**

21 It is the sense of Congress that the pilot in command
22 of an aircraft is directly responsible for, and is the final
23 authority as to, the operation of that aircraft, as set forth
24 in section 91.3(a) of title 14, Code of Federal Regulations
25 (or any successor regulation thereto).

1 **SEC. 2315. ENHANCING ASIAS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator of the
4 Federal Aviation Administration, in consultation with rel-
5 evant aviation industry stakeholders, shall assess what, if
6 any, improvements are needed to develop the predictive
7 capability of the Aviation Safety Information Analysis and
8 Sharing program (referred to in this section as “ASIAS”)
9 with regard to identifying precursors to accidents.

10 (b) CONTENTS.—In conducting the assessment under
11 subsection (a), the Administrator shall—

12 (1) determine what actions are necessary—

13 (A) to improve data quality and standard-
14 ization; and

15 (B) to increase the data received from ad-
16 ditional segments of the aviation industry, such
17 as small airplane, helicopter, and business jet
18 operations;

19 (2) consider how to prioritize the actions de-
20 scribed in paragraph (1); and

21 (3) review available methods for disseminating
22 safety trend data from ASIAS to the aviation safety
23 community, including the inspector workforce, to in-
24 form in their risk-based decision making efforts.

25 (c) REPORT.—Not later than 60 days after the date
26 the assessment under subsection (a) is complete, the Ad-

1 administrator shall submit to the appropriate committees of
2 Congress a report on the assessment, including rec-
3 ommendations regarding paragraphs (1) through (3) of
4 subsection (b).

5 **SEC. 2316. IMPROVING RUNWAY SAFETY.**

6 (a) IN GENERAL.—The Administrator of the Federal
7 Aviation Administration shall expedite the development of
8 metrics—

9 (1) to allow the Federal Aviation Administra-
10 tion to determine whether runway incursions are in-
11 creasing; and

12 (2) to assess the effectiveness of implemented
13 runway safety initiatives.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator shall submit
16 to the appropriate committees of Congress a report on the
17 progress in developing the metrics described in subsection
18 (a).

19 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS
20 AND BATTERIES.**

21 (a) RESTRICTIONS ON TRANSPORTATION OF LITH-
22 IUM BATTERIES ON PASSENGER AIRCRAFT.—

23 (1) IN GENERAL.—Pursuant to section 828 of
24 the FAA Modernization and Reform Act of 2012
25 (49 U.S.C. 44701 note)—

1 (A) not later than 90 days after the date
2 of enactment of this Act, the Administrator of
3 the Federal Aviation Administration shall up-
4 date applicable regulations to implement the re-
5 vised standards adopted by the International
6 Civil Aviation Organization (ICAO) on Feb-
7 ruary 22, 2016, regarding—

8 (i) prohibiting the bulk air transpor-
9 tation of lithium ion batteries on passenger
10 aircraft; and

11 (ii) prohibiting bulk air transport
12 cargo shipment of lithium batteries with an
13 internal charge above 30 percent; and

14 (B) the Secretary of Transportation may
15 initiate a review of existing regulations under
16 parts 171–181 of title 49, Code of Federal Reg-
17 ulations, and any applicable regulations under
18 title 14, Code of Federal Regulations, regarding
19 the air transportation, including passenger-car-
20 rying and cargo aircraft, of lithium batteries
21 and cells.

22 (2) MEDICAL DEVICE BATTERIES.—The Sec-
23 retary of Transportation is encouraged to work with
24 ICAO, pilots, and industry stakeholders to facilitate

1 continued shipment of medical device batteries con-
2 sistent with high standards of safety.

3 (3) SAVINGS CLAUSE.—Nothing in this section
4 shall be construed as expanding or constricting any
5 other authority the Secretary of Transportation has
6 under section 828 of the FAA Modernization and
7 Reform Act of 2012 (49 U.S.C. 44701 note) to pro-
8 mulgate additional emergency or permanent regula-
9 tions as permitted by subsection (b) of that section.

10 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
11 Not later than 90 days after the date of enactment of this
12 Act, the President shall establish a lithium battery safety
13 working group to promote and coordinate efforts related
14 to the promotion of the safe manufacture, use, and trans-
15 portation of lithium batteries and cells.

16 (1) COMPOSITION.—

17 (A) IN GENERAL.—The working group
18 shall be composed of at least 1 representative
19 from each of the following:

20 (i) Consumer Product Safety Commis-
21 sion.

22 (ii) Department of Transportation.

23 (iii) National Institute on Standards
24 and Technology.

25 (iv) Food and Drug Administration.

1 (B) ADDITIONAL MEMBERS.—The working
2 group may include not more than 4 additional
3 members with expertise in the safe manufac-
4 ture, use, or transportation of lithium batteries
5 and cells.

6 (C) SUBCOMMITTEES.—The President, or
7 members of the working group, may—

8 (i) establish working group sub-
9 committees to focus on specific issues re-
10 lated to the safe manufacture, use, or
11 transportation of lithium batteries and
12 cells; and

13 (ii) include in a subcommittee the par-
14 ticipation of nonmember stakeholders with
15 expertise in areas that the President or
16 members consider necessary.

17 (2) REPORT.—Not later than 1 year after the
18 date it is established under subsection (b), the work-
19 ing group shall—

20 (A) research—

21 (i) additional ways to decrease the
22 risk of fires and explosions from lithium
23 batteries and cells;

1 (ii) additional ways to ensure uniform
2 transportation requirements for both bulk
3 and individual batteries; and

4 (iii) new or existing technologies that
5 could reduce the fire and explosion risk of
6 lithium batteries and cells; and

7 (B) transmit to the appropriate commit-
8 tees of Congress a report on the research under
9 subparagraph (A), including any legislative rec-
10 ommendations to effectuate the safety improve-
11 ments described in clauses (i) through (iii) of
12 that subparagraph.

13 (3) EXEMPTION FROM FACa.—The Federal Ad-
14 visory Committee Act (5 U.S.C. App.) shall not
15 apply to the working group.

16 (4) TERMINATION.—The working group, and
17 any working group subcommittees, shall terminate
18 90 days after the date the report is transmitted
19 under paragraph (2).

20 **SEC. 2318. PROHIBITION ON IMPLEMENTATION OF POLICY**
21 **CHANGE TO PERMIT SMALL, NON-LOCKING**
22 **KNIVES ON AIRCRAFT.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, on and after the date of enactment of this
25 Act, the Secretary of Homeland Security may not imple-

1 ment any change to the prohibited items list of the Trans-
2 portation Security Administration that would permit pas-
3 sengers to carry small, non-locking knives through pas-
4 senger screening checkpoints at airports, into sterile areas
5 at airports, or on board passenger aircraft.

6 (b) PROHIBITED ITEMS LIST DEFINED.—In this sec-
7 tion, the term “prohibited items list” means the list of
8 items passengers are prohibited from carrying as acces-
9 sible property or on their persons through passenger
10 screening checkpoints at airports, into sterile areas at air-
11 ports, and on board passenger aircraft pursuant to section
12 1540.111 of title 49, Code of Federal Regulations.

13 **SEC. 2319. AIRCRAFT CABIN EVACUATION PROCEDURES.**

14 (a) REVIEW.—The Administrator of the Federal
15 Aviation Administration shall review—

16 (1) evacuation certification of transport-cat-
17 egory aircraft used in air transportation, with regard
18 to—

19 (A) emergency conditions, including im-
20 pacts into water;

21 (B) crew procedures used for evacuations
22 under actual emergency conditions;

23 (C) any relevant changes to passenger de-
24 mographics and legal requirements, including
25 the Americans with Disabilities Act of 1990 (42

1 U.S.C. 12101 et seq.), that affect emergency
2 evacuations; and

3 (D) any relevant changes to passenger
4 seating configurations, including changes to
5 seat width, padding, reclining, size, pitch, leg
6 room, and aisle width; and

7 (2) recent accidents and incidents in which pas-
8 sengers evacuated such aircraft.

9 (b) CONSULTATION; REVIEW OF DATA.—In con-
10 ducting the review under subsection (a), the Administrator
11 shall—

12 (1) consult with the National Transportation
13 Safety Board, transport-category aircraft manufac-
14 turers, air carriers, and other relevant experts and
15 Federal agencies, including groups representing pas-
16 sengers, airline crew members, maintenance employ-
17 ees, and emergency responders; and

18 (2) review relevant data with respect to evacu-
19 ation certification of transport-category aircraft.

20 (c) REPORT TO CONGRESS.—Not later than 1 year
21 after the date of enactment of this Act, the Administrator
22 shall submit to the appropriate committees of Congress
23 a report on the results of the review under subsection (a)
24 and related recommendations, if any, including rec-
25 ommendations for revisions to the assumptions and meth-

1 ods used for assessing evacuation certification of trans-
2 port-category aircraft.

3 **Subtitle D—General Aviation**
4 **Safety**

5 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
6 **POLICY.**

7 (a) IN GENERAL.—Not later than 2 years after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall—

10 (1) update automated weather observing sys-
11 tems standards to maximize the use of new tech-
12 nologies that promote the reduction of equipment or
13 maintenance cost for non-Federal automated weath-
14 er observing systems, including the use of remote
15 monitoring and maintenance, unless demonstrated to
16 be ineffective;

17 (2) review, and if necessary update, existing
18 policies in accordance with the standards developed
19 under paragraph (1); and

20 (3) establish a process under which appropriate
21 on site airport personnel or an aviation official may,
22 with appropriate manufacturer training or alter-
23 native training as determined by the Administrator,
24 be permitted to conduct the minimum tri-annual
25 preventative maintenance checks under the advisory

1 circular for non-Federal automated weather observ-
2 ing systems (AC 150/5220-16D).

3 (b) PERMISSION.—Permission to conduct the min-
4 imum tri-annual preventative maintenance checks de-
5 scribed under subsection (a)(3) shall not be withheld but
6 for specific cause.

7 (c) STANDARDS.—In updating the standards under
8 subsection (a)(1), the Administrator shall—

9 (1) ensure the standards are performance-
10 based;

11 (2) use risk analysis to determine the accuracy
12 of the automated weather observing systems outputs
13 required for pilots to perform safe aircraft oper-
14 ations; and

15 (3) provide a cost benefit analysis to determine
16 whether the benefits outweigh the cost for any re-
17 quirement not directly related to safety.

18 (d) REPORT.—Not later than September 30, 2017,
19 the Administrator shall provide a report to the appropriate
20 committees of Congress on the implementation of require-
21 ments under this section.

22 **SEC. 2402. TOWER MARKING.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the

1 Federal Aviation Administration shall issue regulations to
2 require the marking of covered towers.

3 (b) MARKING REQUIRED.—The regulations under
4 subsection (a) shall require that a covered tower be clearly
5 marked in a manner that is consistent with applicable
6 guidance under the Federal Aviation Administration Advi-
7 sory Circular issued December 4, 2015 (AC 70/7460–1L)
8 or other relevant safety guidance, as determined by the
9 Administrator.

10 (c) APPLICATION.—The regulations issued under
11 subsection (a) shall ensure that—

12 (1) all covered towers constructed on or after
13 the date on which such regulations take effect are
14 marked in accordance with subsection (b); and

15 (2) a covered tower constructed before the date
16 on which such regulations take effect is marked in
17 accordance with subsection (b) not later than 1 year
18 after such effective date.

19 (d) DEFINITION OF COVERED TOWER.—

20 (1) IN GENERAL.—In this section, the term
21 “covered tower” means a structure that—

22 (A) is self-standing or supported by guy
23 wires and ground anchors;

24 (B) is 10 feet or less in diameter at the
25 above-ground base, excluding concrete footing;

1 (C) at the highest point of the structure is
2 at least 50 feet above ground level;

3 (D) at the highest point of the structure is
4 not more than 200 feet above ground level;

5 (E) has accessory facilities on which an an-
6 tenna, sensor, camera, meteorological instru-
7 ment, or other equipment is mounted; and

8 (F) is located—

9 (i) outside the boundaries of an incor-
10 porated city or town; or

11 (ii) on land that is—

12 (I) undeveloped; or

13 (II) used for agricultural pur-
14 poses.

15 (2) EXCLUSIONS.—The term “covered tower”
16 does not include any structure that—

17 (A) is adjacent to a house, barn, electric
18 utility station, or other building;

19 (B) is within the curtilage of a farmstead;

20 (C) supports electric utility transmission or
21 distribution lines;

22 (D) is a wind powered electrical generator
23 with a rotor blade radius that exceeds 6 feet; or

24 (E) is a street light erected or maintained
25 by a Federal, State, local, or tribal entity.

1 (e) DATABASE.—The Administrator shall—

2 (1) develop a database that contains the loca-
3 tion and height of each covered tower;

4 (2) keep the database current to the extent
5 practicable;

6 (3) ensure that any proprietary information in
7 the database is protected from disclosure in accord-
8 ance with law; and

9 (4) ensure access to the database is limited to
10 individuals, such as airmen, who require the infor-
11 mation for aviation safety purposes only.

12 **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Administrator of the Federal Aviation Ad-
15 ministration shall evaluate and update, as necessary,
16 standards for crash-resistant fuel systems for civilian
17 rotorcraft.

18 **SEC. 2404. REQUIREMENT TO CONSULT WITH STAKE-**
19 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
20 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
21 **GRAM.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Administrator of the Federal Aviation Ad-
24 ministration shall consult with general aviation stake-
25 holders in defining the scope and requirements for any

1 new Future Flight Service Program of the Administration
2 to be used in a competitive source selection for the next
3 flight service contract with the Administration.

4 **Subtitle E—General Provisions**

5 **SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-** 6 **FICER.**

7 (a) IN GENERAL.—Section 106 is amended by adding
8 at the end the following:

9 “(u) DESIGNATED AGENCY SAFETY AND HEALTH
10 OFFICER.—

11 “(1) APPOINTMENT.—There shall be a Des-
12 ignated Agency Safety and Health Officer appointed
13 by the Administrator who shall exclusively fulfill the
14 duties prescribed in this subsection.

15 “(2) RESPONSIBILITIES.—The Designated
16 Agency Safety and Health Officer shall have respon-
17 sibility and accountability for—

18 “(A) auditing occupational safety and
19 health issues across the Administration;

20 “(B) overseeing Administration-wide com-
21 pliance with relevant Federal occupational safe-
22 ty and health statutes and regulations, national
23 industry and consensus standards, and Admin-
24 istration policies; and

1 “(C) encouraging a culture of occupational
2 safety and health to complement the Adminis-
3 tration’s existing safety culture.

4 “(3) REPORTING STRUCTURE.—The Designated
5 Agency Safety and Health Officer shall occupy a
6 full-time, senior executive position and shall report
7 directly to the Assistant Administrator for Human
8 Resource Management.

9 “(4) QUALIFICATIONS AND REMOVAL.—

10 “(A) QUALIFICATIONS.—The Designated
11 Agency Safety and Health Officer shall have
12 demonstrated ability and experience in the es-
13 tablishment and administration of comprehen-
14 sive occupational safety and health programs
15 and knowledge of relevant Federal occupational
16 safety and health statutes and regulations, na-
17 tional industry and consensus standards, and
18 Administration policies.

19 “(B) REMOVAL.—The Designated Agency
20 Safety and Health Officer shall serve at the
21 pleasure of the Administrator.”.

22 (b) DEADLINE FOR APPOINTMENT.—Not later than
23 180 days after the date of enactment of this Act, the Ad-
24 ministrators of the Federal Aviation Administration shall
25 appoint an individual to serve as the Designated Agency

1 Safety and Health Officer under section 106(u) of title
2 49, United States Code.

3 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**
4 **STATES.**

5 (a) RISK-BASED OVERSIGHT.—Section 44733 is
6 amended—

7 (1) by redesignating subsection (f) as sub-
8 section (g);

9 (2) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) RISK-BASED OVERSIGHT.—

12 “(1) IN GENERAL.—Not later than 90 days
13 after the date of enactment of the Federal Aviation
14 Administration Reauthorization Act of 2016, the
15 Administrator shall take measures to ensure that the
16 safety assessment system established under sub-
17 section (a)—

18 “(A) places particular consideration on in-
19 spections of part 145 repair stations located
20 outside the United States that conduct sched-
21 uled heavy maintenance work on part 121 air
22 carrier aircraft; and

23 “(B) accounts for the frequency and seri-
24 ousness of any corrective actions that part 121

1 air carriers must implement to aircraft fol-
2 lowing such work at such repair stations.

3 “(2) INTERNATIONAL AGREEMENTS.—The Ad-
4 ministrator shall take the measures required under
5 paragraph (1)—

6 “(A) in accordance with the United States
7 obligations under applicable international agree-
8 ments; and

9 “(B) in a manner consistent with the ap-
10 plicable laws of the country in which a repair
11 station is located.

12 “(3) ACCESS TO DATA.—The Administrator
13 may access and review such information or data in
14 the possession of a part 121 air carrier as the Ad-
15 ministrator may require in carrying out paragraph
16 (1)(B).”; and

17 (3) in subsection (g), as redesignated—

18 (A) by redesignating paragraphs (1) and
19 (2) as paragraphs (2) and (3), respectively; and

20 (B) by inserting before paragraph (2), as
21 redesignated, the following:

22 “(1) HEAVY MAINTENANCE WORK.—The term
23 ‘heavy maintenance work’ means a C-check, a D-
24 check, or equivalent maintenance operation with re-

1 spect to the airframe of a transport-category air-
2 craft.”.

3 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
4 ING.—The Administrator of the Federal Aviation Admin-
5 istration shall ensure that—

6 (1) not later than 90 days after the date of en-
7 actment of this Act, a notice of proposed rulemaking
8 required pursuant to section 44733(d)(2) of title 49,
9 United States Code, is published in the Federal Reg-
10 ister; and

11 (2) not later than 1 year after the date on
12 which the notice of proposed rulemaking is published
13 in the Federal Register, the rulemaking is finalized.

14 (c) BACKGROUND INVESTIGATIONS.—Not later than
15 180 days after the date of enactment of this Act, the Ad-
16 ministrator of the Federal Aviation Administration shall
17 ensure that each employee of a repair station certificated
18 under part 145 of title 14, Code of Federal Regulations,
19 who performs a safety-sensitive function on an air carrier
20 aircraft has undergone a preemployment background in-
21 vestigation sufficient to determine whether the individual
22 presents a threat to aviation safety, in a manner that is—

23 (1) determined acceptable by the Administrator;

24 (2) consistent with the applicable laws of the
25 country in which the repair station is located; and

1 (3) consistent with the United States obliga-
2 tions under international agreements.

3 **SEC. 2503. FAA TECHNICAL TRAINING.**

4 (a) **E-LEARNING TRAINING PILOT PROGRAM.**—Not
5 later than 90 days after the date of enactment of this Act,
6 the Administrator of the Federal Aviation Administration,
7 in collaboration with the exclusive bargaining representa-
8 tives of covered FAA personnel, shall establish an e-learn-
9 ing training pilot program in accordance with the require-
10 ments of this section.

11 (b) **CURRICULUM.**—The pilot program shall—

12 (1) include a recurrent training curriculum for
13 covered FAA personnel to ensure that the covered
14 FAA personnel receive instruction on the latest avia-
15 tion technologies, processes, and procedures;

16 (2) focus on providing specialized technical
17 training for covered FAA personnel, as determined
18 necessary by the Administrator;

19 (3) include training courses on applicable regu-
20 lations of the Federal Aviation Administration; and

21 (4) consider the efficacy of instructor-led online
22 training.

23 (c) **PILOT PROGRAM TERMINATION.**—The pilot pro-
24 gram shall terminate 1 year after the date of establish-
25 ment of the pilot program.

1 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
2 nation of the pilot program, the Administrator shall assess
3 and establish or update an e-learning training program
4 that incorporates lessons learned for covered FAA per-
5 sonnel as a result of the pilot program.

6 (e) DEFINITIONS.—In this section:

7 (1) COVERED FAA PERSONNEL.—The term
8 “covered FAA personnel” means airway transpor-
9 tation systems specialists and aviation safety inspec-
10 tors of the Federal Aviation Administration.

11 (2) E-LEARNING TRAINING.—The term “e-
12 learning training” means learning utilizing electronic
13 technologies to access educational curriculum outside
14 of a traditional classroom.

15 **SEC. 2504. SAFETY CRITICAL STAFFING.**

16 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
17 later than 1 year after the date of enactment of this Act,
18 the Inspector General of the Department of Transpor-
19 tation shall conduct and complete an audit of the staffing
20 model used by the Federal Aviation Administration to de-
21 termine the number of aviation safety inspectors that are
22 needed to fulfill the mission of the Federal Aviation Ad-
23 ministration and adequately ensure aviation safety.

24 (b) CONTENTS.—The audit shall include, at a min-
25 imum—

1 radar approach and departure control (Type 4
2 tower); and

3 (2) develop an implementation plan, including
4 budgetary considerations, to provide the facilities
5 identified under paragraph (1) with approach control
6 radar.

7 **Subtitle F—Third Class Medical**
8 **Reform and General Aviation**
9 **Pilot Protections**

10 **SEC. 2601. SHORT TITLE.**

11 This subtitle may be cited as the “Pilot’s Bill of
12 Rights 2”.

13 **SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL**
14 **AIRCRAFT PILOTS.**

15 (a) **IN GENERAL.**—Not later than 180 days after the
16 date of enactment of this Act, the Administrator of the
17 Federal Aviation Administration shall issue or revise regu-
18 lations to ensure that an individual may operate as pilot
19 in command of a covered aircraft if—

20 (1) the individual possesses a valid driver’s li-
21 cense issued by a State, territory, or possession of
22 the United States and complies with all medical re-
23 quirements or restrictions associated with that li-
24 cense;

1 (2) the individual holds a medical certificate
2 issued by the Federal Aviation Administration on
3 the date of enactment of this Act, held such a cer-
4 tificate at any point during the 10-year period pre-
5 ceding such date of enactment, or obtains such a
6 certificate after such date of enactment;

7 (3) the most recent medical certificate issued by
8 the Federal Aviation Administration to the indi-
9 vidual—

10 (A) indicates whether the certificate is
11 first, second, or third class;

12 (B) may include authorization for special
13 issuance;

14 (C) may be expired;

15 (D) cannot have been revoked or sus-
16 pended; and

17 (E) cannot have been withdrawn;

18 (4) the most recent application for airman med-
19 ical certification submitted to the Federal Aviation
20 Administration by the individual cannot have been
21 completed and denied;

22 (5) the individual has completed a medical edu-
23 cation course described in subsection (c) during the
24 24 calendar months before acting as pilot in com-

1 mand of a covered aircraft and demonstrates proof
2 of completion of the course;

3 (6) the individual, when serving as a pilot in
4 command, is under the care and treatment of a phy-
5 sician if the individual has been diagnosed with any
6 medical condition that may impact the ability of the
7 individual to fly;

8 (7) the individual has received a comprehensive
9 medical examination from a State-licensed physician
10 during the previous 48 months and—

11 (A) prior to the examination, the indi-
12 vidual—

13 (i) completed the individual's section
14 of the checklist described in subsection (b);
15 and

16 (ii) provided the completed checklist
17 to the physician performing the examina-
18 tion; and

19 (B) the physician conducted the com-
20 prehensive medical examination in accordance
21 with the checklist described in subsection (b),
22 checking each item specified during the exam-
23 ination and addressing, as medically appro-
24 priate, every medical condition listed, and any
25 medications the individual is taking; and

1 (8) the individual is operating in accordance
2 with the following conditions:

3 (A) The covered aircraft is carrying not
4 more than 5 passengers.

5 (B) The individual is operating the covered
6 aircraft under visual flight rules or instrument
7 flight rules.

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

10 (i) for compensation or hire, including
11 that no passenger or property on the flight
12 is being carried for compensation or hire;

13 (ii) at an altitude that is more than
14 18,000 feet above mean sea level;

15 (iii) outside the United States, unless
16 authorized by the country in which the
17 flight is conducted; or

18 (iv) at an indicated air speed exceed-
19 ing 250 knots.

20 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator shall develop a checklist for an individual to
24 complete and provide to the physician performing

1 the comprehensive medical examination required in
2 subsection (a)(7).

3 (2) REQUIREMENTS.—The checklist shall con-
4 tain—

5 (A) a section, for the individual to com-
6 plete that contains—

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

10 (ii) a signature line for the individual
11 to affirm that—

12 (I) the answers provided by the
13 individual on that checklist, including
14 the individual’s answers regarding
15 medical history, are true and com-
16 plete;

17 (II) the individual understands
18 that he or she is prohibited under
19 Federal Aviation Administration regu-
20 lations from acting as pilot in com-
21 mand, or any other capacity as a re-
22 quired flight crew member, if he or
23 she knows or has reason to know of
24 any medical deficiency or medically
25 disqualifying condition that would

1 make the individual unable to operate
2 the aircraft in a safe manner; and

3 (III) the individual is aware of
4 the regulations pertaining to the pro-
5 hibition on operations during medical
6 deficiency and has no medically dis-
7 qualifying conditions in accordance
8 with applicable law;

9 (B) a section with instructions for the indi-
10 vidual to provide the completed checklist to the
11 physician performing the comprehensive medical
12 examination required in subsection (a)(7); and

13 (C) a section, for the physician to com-
14 plete, that instructs the physician—

15 (i) to perform a clinical examination
16 of—

17 (I) head, face, neck, and scalp;

18 (II) nose, sinuses, mouth, and
19 throat;

20 (III) ears, general (internal and
21 external canals), and eardrums (per-
22 foration);

23 (IV) eyes (general),
24 ophthalmoscopic, pupils (equality and

1 reaction), and ocular motility (associ-
2 ated parallel movement, nystagmus);
3 (V) lungs and chest (not includ-
4 ing breast examination);
5 (VI) heart (precordial activity,
6 rhythm, sounds, and murmurs);
7 (VII) vascular system (pulse, am-
8 plitude, and character, and arms, legs,
9 and others);
10 (VIII) abdomen and viscera (in-
11 cluding hernia);
12 (IX) anus (not including digital
13 examination);
14 (X) skin;
15 (XI) G–U system (not including
16 pelvic examination);
17 (XII) upper and lower extrem-
18 ities (strength and range of motion);
19 (XIII) spine and other musculo-
20 skeletal;
21 (XIV) identifying body marks,
22 scars, and tattoos (size and location);
23 (XV) lymphatics;

1 (XVI) neurologic (tendon re-
2 flexes, equilibrium, senses, cranial
3 nerves, and coordination, etc.);

4 (XVII) psychiatric (appearance,
5 behavior, mood, communication, and
6 memory);

7 (XVIII) general systemic;

8 (XIX) hearing;

9 (XX) vision (distant, near, and
10 intermediate vision, field of vision,
11 color vision, and ocular alignment);

12 (XXI) blood pressure and pulse;
13 and

14 (XXII) anything else the physi-
15 cian, in his or her medical judgment,
16 considers necessary;

17 (ii) to exercise medical discretion to
18 address, as medically appropriate, any
19 medical conditions identified, and to exer-
20 cise medical discretion in determining
21 whether any medical tests are warranted
22 as part of the comprehensive medical ex-
23 amination;

24 (iii) to discuss all drugs the individual
25 reports taking (prescription and non-

1 prescription) and their potential to inter-
2 fere with the safe operation of an aircraft
3 or motor vehicle;

4 (iv) to sign the checklist, stating: “I
5 certify that I discussed all items on this
6 checklist with the individual during my ex-
7 amination, discussed any medications the
8 individual is taking that could interfere
9 with their ability to safely operate an air-
10 craft or motor vehicle, and performed an
11 examination that included all of the items
12 on this checklist. I certify that I am not
13 aware of any medical condition that, as
14 presently treated, could interfere with the
15 individual’s ability to safely operate an air-
16 craft.”; and

17 (v) to provide the date the comprehen-
18 sive medical examination was completed,
19 and the physician’s full name, address,
20 telephone number, and State medical li-
21 cense number.

22 (3) LOGBOOK.—The completed checklist shall
23 be retained in the individual’s logbook and made
24 available on request.

1 (c) MEDICAL EDUCATION COURSE REQUIRE-
2 MENTS.—The medical education course described in this
3 subsection shall—

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

5 (2) be developed and periodically updated in co-
6 ordination with representatives of relevant nonprofit
7 and not-for-profit general aviation stakeholder
8 groups;

9 (3) educate pilots on conducting medical self-as-
10 sements;

11 (4) advise pilots on identifying warning signs of
12 potential serious medical conditions;

13 (5) identify risk mitigation strategies for med-
14 ical conditions;

15 (6) increase awareness of the impacts of poten-
16 tially impairing over-the-counter and prescription
17 drug medications;

18 (7) encourage regular medical examinations and
19 consultations with primary care physicians;

20 (8) inform pilots of the regulations pertaining
21 to the prohibition on operations during medical defi-
22 ciency and medically disqualifying conditions;

23 (9) provide the checklist developed by the Fed-
24 eral Aviation Administration in accordance with sub-
25 section (b); and

1 (10) upon successful completion of the course,
2 electronically provide to the individual and transmit
3 to the Federal Aviation Administration—

4 (A) a certification of completion of the
5 medical education course, which shall be printed
6 and retained in the individual's logbook and
7 made available upon request, and shall contain
8 the individual's name, address, and airman cer-
9 tificate number;

10 (B) subject to subsection (d), a release au-
11 thorizing the National Driver Register through
12 a designated State Department of Motor Vehi-
13 cles to furnish to the Federal Aviation Adminis-
14 tration information pertaining to the individ-
15 ual's driving record;

16 (C) a certification by the individual that
17 the individual is under the care and treatment
18 of a physician if the individual has been diag-
19 nosed with any medical condition that may im-
20 pact the ability of the individual to fly, as re-
21 quired under (a)(6);

22 (D) a form that includes—

23 (i) the name, address, telephone num-
24 ber, and airman certificate number of the
25 individual;

1 (ii) the name, address, telephone num-
2 ber, and State medical license number of
3 the physician performing the comprehen-
4 sive medical examination required in sub-
5 section (a)(7);

6 (iii) the date of the comprehensive
7 medical examination required in subsection
8 (a)(7); and

9 (iv) a certification by the individual
10 that the checklist described in subsection
11 (b) was followed and signed by the physi-
12 cian in the comprehensive medical exam-
13 ination required in subsection (a)(7); and

14 (E) a statement, which shall be printed,
15 and signed by the individual certifying that the
16 individual understands the existing prohibition
17 on operations during medical deficiency by stat-
18 ing: “I understand that I cannot act as pilot in
19 command, or any other capacity as a required
20 flight crew member, if I know or have reason to
21 know of any medical condition that would make
22 me unable to operate the aircraft in a safe
23 manner.”.

24 (d) NATIONAL DRIVER REGISTER.—The authoriza-
25 tion under subsection (c)(10)(B) shall be an authorization

1 for a single access to the information contained in the Na-
2 tional Driver Register.

3 (e) SPECIAL ISSUANCE PROCESS.—

4 (1) IN GENERAL.—An individual who has quali-
5 fied for the third-class medical certificate exemption
6 under subsection (a) and is seeking to serve as a
7 pilot in command of a covered aircraft shall be re-
8 quired to have completed the process for obtaining
9 an Authorization for Special Issuance of a Medical
10 Certificate for each of the following:

11 (A) A mental health disorder, limited to an
12 established medical history or clinical diagnosis
13 of—

14 (i) personality disorder that is severe
15 enough to have repeatedly manifested itself
16 by overt acts;

17 (ii) psychosis, defined as a case in
18 which an individual—

19 (I) has manifested delusions, hal-
20 lucinations, grossly bizarre or disorga-
21 nized behavior, or other commonly ac-
22 cepted symptoms of psychosis; or

23 (II) may reasonably be expected
24 to manifest delusions, hallucinations,
25 grossly bizarre or disorganized behav-

1 ior, or other commonly accepted
2 symptoms of psychosis;
3 (iii) bipolar disorder; or
4 (iv) substance dependence within the
5 previous 2 years, as defined in section
6 67.307(a)(4) of title 14, Code of Federal
7 Regulations.

8 (B) A neurological disorder, limited to an
9 established medical history or clinical diagnosis
10 of any of the following:

- 11 (i) Epilepsy.
12 (ii) Disturbance of consciousness with-
13 out satisfactory medical explanation of the
14 cause.
15 (iii) A transient loss of control of
16 nervous system functions without satisfac-
17 tory medical explanation of the cause.

18 (C) A cardiovascular condition, limited to a
19 one-time special issuance for each diagnosis of
20 the following:

- 21 (i) Myocardial infraction.
22 (ii) Coronary heart disease that has
23 required treatment.
24 (iii) Cardiac valve replacement.
25 (iv) Heart replacement.

1 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
2 DITIONS.—In the case of an individual with a car-
3 diovascular condition, the process for obtaining an
4 Authorization for Special Issuance of a Medical Cer-
5 tificate shall be satisfied with the successful comple-
6 tion of an appropriate clinical evaluation without a
7 mandatory wait period.

8 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
9 DITIONS.—

10 (A) In the case of an individual with a
11 clinically diagnosed mental health condition, the
12 third-class medical certificate exemption under
13 subsection (a) shall not apply if—

14 (i) in the judgment of the individual's
15 State-licensed medical specialist, the condi-
16 tion—

17 (I) renders the individual unable
18 to safely perform the duties or exer-
19 cise the airman privileges described in
20 subsection (a)(8); or

21 (II) may reasonably be expected
22 to make the individual unable to per-
23 form the duties or exercise the privi-
24 leges described in subsection (a)(8); or

1 (ii) the individual's driver's license is
2 revoked by the issuing agency as a result
3 of a clinically diagnosed mental health con-
4 dition.

5 (B) Subject to subparagraph (A), an indi-
6 vidual clinically diagnosed with a mental health
7 condition shall certify every 2 years, in conjunc-
8 tion with the certification under subsection
9 (c)(10)(C), that the individual is under the care
10 of a State-licensed medical specialist for that
11 mental health condition.

12 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
13 TIONS.—

14 (A) In the case of an individual with a
15 clinically diagnosed neurological condition, the
16 third-class medical certificate exemption under
17 subsection (a) shall not apply if—

18 (i) in the judgment of the individual's
19 State-licensed medical specialist, the condi-
20 tion—

21 (I) renders the individual unable
22 to safely perform the duties or exer-
23 cise the airman privileges described in
24 subsection (a)(8); or

1 (II) may reasonably be expected
2 to make the individual unable to per-
3 form the duties or exercise the privi-
4 leges described in subsection (a)(8); or
5 (ii) the individual's driver's license is
6 revoked by the issuing agency as a result
7 of a clinically diagnosed neurological condi-
8 tion.

9 (B) Subject to subparagraph (A), an indi-
10 vidual clinically diagnosed with a neurological
11 condition shall certify every 2 years, in conjunc-
12 tion with the certification under subsection
13 (c)(10)(C), that the individual is under the care
14 of a State-licensed medical specialist for that
15 neurological condition.

16 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
17 DITIONS FOR THE CACI PROGRAM.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Adminis-
20 trator shall review and identify additional medical
21 conditions that could be added to the program
22 known as the Conditions AMEs Can Issue (CACI)
23 program.

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 180
5 days after the date of enactment of this Act, the Ad-
6 ministrator shall submit to the Committee on Com-
7 merce, Science, and Transportation of the Senate
8 and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report
10 listing the medical conditions that have been added
11 to the CACI program under paragraph (1).

12 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
13 ISSUANCE OF A MEDICAL CERTIFICATE.—

14 (1) IN GENERAL.—The Administrator shall im-
15 plement procedures to expedite the process for ob-
16 taining an Authorization for Special Issuance of a
17 Medical Certificate under section 67.401 of title 14,
18 Code of Federal Regulations.

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

22 (3) REPORT REQUIRED.—Not later than 1 year
23 after the date of enactment of this Act, the Adminis-
24 trator shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives a report describing
3 how the procedures implemented under paragraph
4 (1) will streamline the process for obtaining an Au-
5 thorization for Special Issuance of a Medical Certifi-
6 cate and reduce the amount of time needed to review
7 and decide special issuance cases.

8 (h) REPORT REQUIRED.—Not later than 5 years
9 after the date of enactment of this Act, the Administrator,
10 in coordination with the National Transportation Safety
11 Board, shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives a report that describes the effect of the
15 regulations issued or revised under subsection (a) and in-
16 cludes statistics with respect to changes in small aircraft
17 activity and safety incidents.

18 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
19 ginning on the date that is 1 year after the date of enact-
20 ment of this Act, the Administrator may not take an en-
21 forcement action for not holding a valid third-class med-
22 ical certificate against a pilot of a covered aircraft for a
23 flight, through a good faith effort, if the pilot and the
24 flight meet the applicable requirements under subsection
25 (a), except paragraph (5) of that subsection, unless the

1 Administrator has published final regulations in the Fed-
2 eral Register under that subsection.

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

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

7 (2) has a maximum certificated takeoff weight
8 of not more than 6,000 pounds.

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

14 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
15 TION.—

16 (1) IN GENERAL.—If the Administrator receives
17 credible or urgent information, including from the
18 National Driver Register or the Administrator’s
19 Safety Hotline, that reflects on an individual’s abil-
20 ity to safely operate a covered aircraft under the
21 third-class medical certificate exemption in sub-
22 section (a), the Administrator may require the indi-
23 vidual to provide additional information or history so
24 that the Administrator may determine whether the

1 individual is safe to continue operating a covered
2 aircraft.

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

8 **SEC. 2603. EXPANSION OF PILOT'S BILL OF RIGHTS.**

9 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
10 CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of
11 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
12 44703 note) is amended by striking “or imposing a puni-
13 tive civil action or an emergency order of revocation under
14 subsections (d) and (e) of section 44709 of such title” and
15 inserting “suspending or revoking an airman certificate
16 under section 44709(d) of such title, or imposing an emer-
17 gency order of revocation under subsections (d) and (e)
18 of section 44709 of such title”.

19 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
20 OF PROOF.—Section 2(e) of the Pilot's Bill of Rights
21 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
22 note) is amended—

23 (1) by amending paragraph (1) to read as fol-
24 lows:

1 “(1) IN GENERAL.—In an appeal filed under
2 subsection (d) in a United States district court with
3 respect to a denial, suspension, or revocation of an
4 airman certificate by the Administrator—

5 “(A) the district court shall review the de-
6 nial, suspension, or revocation de novo, includ-
7 ing by—

8 “(i) conducting a full independent re-
9 view of the complete administrative record
10 of the denial, suspension, or revocation;

11 “(ii) permitting additional discovery
12 and the taking of additional evidence; and

13 “(iii) making the findings of fact and
14 conclusions of law required by Rule 52 of
15 the Federal Rules of Civil Procedure with-
16 out being bound to any findings of fact of
17 the Administrator or the National Trans-
18 portation Safety Board.”;

19 (2) by redesignating paragraph (2) as para-
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) BURDEN OF PROOF.—In an appeal filed
24 under subsection (d) in a United States district

1 court after an exhaustion of administrative remedies,
2 the burden of proof shall be as follows:

3 “(A) In an appeal of the denial of an ap-
4 plication for the issuance or renewal of an air-
5 man certificate under section 44703 of title 49,
6 United States Code, the burden of proof shall
7 be upon the applicant denied an airman certifi-
8 cate by the Administrator.

9 “(B) In an appeal of an order issued by
10 the Administrator under section 44709 of title
11 49, United States Code, the burden of proof
12 shall be upon the Administrator.”; and

13 (4) by adding at the end the following:

14 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
15 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
16 this subsection or subsection (a)(1) of section 554 of
17 title 5, United States Code, section 554 of such title
18 shall apply to adjudications of the Administrator
19 and the National Transportation Safety Board to
20 the same extent as that section applied to such adju-
21 dications before the date of enactment of the Pilot’s
22 Bill of Rights 2.”.

23 (c) NOTIFICATION OF INVESTIGATION.—Subsection
24 (b) of section 2 of the Pilot’s Bill of Rights (Public Law

1 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
2 amended—

3 (1) in paragraph (2)(A), by inserting “and the
4 specific activity on which the investigation is based”
5 after “nature of the investigation”;

6 (2) in paragraph (3), by striking “timely”; and

7 (3) in paragraph (5), by striking “section
8 44709(e)(2)” and inserting “section 44709(e)(2)”.

9 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
10 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
11 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
12 inserting after subsection (e) the following:

13 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

14 “(1) IN GENERAL.—

15 “(A) EMERGENCY ORDERS.—In any pro-
16 ceeding conducted under part 821 of title 49,
17 Code of Federal Regulations, relating to the
18 amendment, modification, suspension, or rev-
19 ocaion of an airman certificate, in which the
20 Administrator issues an emergency order under
21 subsections (d) and (e) of section 44709, sec-
22 tion 44710, or section 46105(c) of title 49,
23 United States Code, or another order that takes
24 effect immediately, the Administrator shall pro-
25 vide to the individual holding the airman certifi-

1 cate the releasable portion of the investigative
2 report at the time the Administrator issues the
3 order. If the complete Report of Investigation is
4 not available at the time the Emergency Order
5 is issued, the Administrator shall issue all por-
6 tions of the report that are available at the time
7 and shall provide the full report within 5 days
8 of its completion.

9 “(B) OTHER ORDERS.—In any non-emer-
10 gency proceeding conducted under part 821 of
11 title 49, Code of Federal Regulations, relating
12 to the amendment, modification, suspension, or
13 revocation of an airman certificate, in which the
14 Administrator notifies the certificate holder of a
15 proposed certificate action under subsections
16 (b) and (c) of section 44709 or section 44710
17 of title 49, United States Code, the Adminis-
18 trator shall, upon the written request of the
19 covered certificate holder and at any time after
20 that notification, provide to the covered certifi-
21 cate holder the releasable portion of the inves-
22 tigative report.

23 “(2) MOTION FOR DISMISSAL.—If the Adminis-
24 trator does not provide the releasable portions of the
25 investigative report to the individual holding the air-

1 man certificate subject to the proceeding referred to
2 in paragraph (1) by the time required by that para-
3 graph, the individual may move to dismiss the com-
4 plaint of the Administrator or for other relief and,
5 unless the Administrator establishes good cause for
6 the failure to provide the investigative report or for
7 a lack of timeliness, the administrative law judge
8 shall order such relief as the judge considers appro-
9 priate.

10 “(3) RELEASABLE PORTION OF INVESTIGATIVE
11 REPORT.—For purposes of paragraph (1), the re-
12 leasable portion of an investigative report is all in-
13 formation in the report, except for the following:

14 “(A) Information that is privileged.

15 “(B) Information that constitutes work
16 product or reflects internal deliberative process.

17 “(C) Information that would disclose the
18 identity of a confidential source.

19 “(D) Information the disclosure of which is
20 prohibited by any other provision of law.

21 “(E) Information that is not relevant to
22 the subject matter of the proceeding.

23 “(F) Information the Administrator can
24 demonstrate is withheld for good cause.

1 “(G) Sensitive security information, as de-
2 fined in section 15.5 of title 49, Code of Fed-
3 eral Regulations (or any corresponding similar
4 ruling or regulation).

5 “(4) RULE OF CONSTRUCTION.—Nothing in
6 this subsection shall be construed to prevent the Ad-
7 ministrator from releasing to an individual subject
8 to an investigation described in subsection (b)(1)—

9 “(A) information in addition to the infor-
10 mation included in the releasable portion of the
11 investigative report; or

12 “(B) a copy of the investigative report be-
13 fore the Administrator issues a complaint.”.

14 **SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
15 **CATE HOLDERS.**

16 (a) IN GENERAL.—Section 44709(a) is amended—

17 (1) by striking “The Administrator” and insert-
18 ing the following:

19 “(1) IN GENERAL.—The Administrator”;

20 (2) by striking “reexamine” and inserting “, ex-
21 cept as provided in paragraph (2), reexamine”; and

22 (3) by adding at the end the following:

23 “(2) LIMITATION ON THE REEXAMINATION OF
24 AIRMAN CERTIFICATES.—

1 “(A) IN GENERAL.—The Administrator
2 may not reexamine an airman holding a stu-
3 dent, sport, recreational, or private pilot certifi-
4 cate issued under section 44703 of this title if
5 the reexamination is ordered as a result of an
6 event involving the fault of the Federal Aviation
7 Administration or its designee, unless the Ad-
8 ministrator has reasonable grounds—

9 “(i) to establish that the airman may
10 not be qualified to exercise the privileges of
11 a particular certificate or rating, based
12 upon an act or omission committed by the
13 airman while exercising those privileges,
14 after the certificate or rating was issued by
15 the Federal Aviation Administration or its
16 designee; or

17 “(ii) to demonstrate that the airman
18 obtained the certificate or the rating
19 through fraudulent means or through an
20 examination that was substantially and de-
21 monstrably inadequate to establish the air-
22 man’s qualifications.

23 “(B) NOTIFICATION REQUIREMENTS.—Be-
24 fore taking any action to reexamine an airman

1 under subparagraph (A), the Administrator
2 shall provide to the airman—

3 “(i) a reasonable basis, described in
4 detail, for requesting the reexamination;
5 and

6 “(ii) any information gathered by the
7 Federal Aviation Administration, that the
8 Administrator determines is appropriate to
9 provide, such as the scope and nature of
10 the requested reexamination, that formed
11 the basis for that justification.”.

12 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
13 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
14 INATION.—Section 44709(b) is amended—

15 (1) in paragraph (1), by redesignating subpara-
16 graphs (A) and (B) as clauses (i) and (ii), respec-
17 tively, and indenting appropriately;

18 (2) by redesignating paragraphs (1) and (2) as
19 subparagraphs (A) and (B), respectively, and indent-
20 ing appropriately;

21 (3) in the matter preceding subparagraph (A),
22 as redesignated, by striking “The Administrator”
23 and inserting the following:

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), the Administrator”; and

1 (4) by adding at the end the following:

2 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
3 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
4 AFTER REEXAMINATION.—

5 “(A) IN GENERAL.—The Administrator
6 may not issue an order to amend, modify, sus-
7 pend, or revoke an airman certificate held by a
8 student, sport, recreational, or private pilot and
9 issued under section 44703 of this title after a
10 reexamination of the airman holding the certifi-
11 cate unless the Administrator determines that
12 the airman—

13 “(i) lacks the technical skills and com-
14 petency, or care, judgment, and responsi-
15 bility, necessary to hold and safely exercise
16 the privileges of the certificate; or

17 “(ii) materially contributed to the
18 issuance of the certificate by fraudulent
19 means.

20 “(B) STANDARD OF REVIEW.—Any order
21 of the Administrator under this paragraph shall
22 be subject to the standard of review provided
23 for under section 2 of the Pilot’s Bill of Rights
24 (49 U.S.C. 44703 note).”.

1 (c) CONFORMING AMENDMENTS.—Section
2 44709(d)(1) is amended—

3 (1) in subparagraph (A), by striking “sub-
4 section (b)(1)(A)” and inserting “subsection
5 (b)(1)(A)(i)”; and

6 (2) in subparagraph (B), by striking “sub-
7 section (b)(1)(B)” and inserting “subsection
8 (b)(1)(A)(ii)”.

9 **SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.**

10 (a) IN GENERAL.—

11 (1) Beginning on the date that is 180 days
12 after the date of enactment of this Act, the Adminis-
13 trator of the Federal Aviation Administration may
14 not take any enforcement action against any indi-
15 vidual for a violation of a NOTAM (as defined in
16 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
17 44701 note)) until the Administrator certifies to the
18 appropriate congressional committees that the Ad-
19 ministrator has complied with the requirements of
20 section 3 of the Pilot’s Bill of Rights, as amended
21 by this section.

22 (2) In this subsection, the term “appropriate
23 congressional committees” means—

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

1 (B) the Committee on Transportation and
2 Infrastructure of the House of Representatives.

3 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
4 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
5 44701 note) is amended—

6 (1) in subsection (a)(2)—

7 (A) in the matter preceding subparagraph

8 (A)—

9 (i) by striking “this Act” and insert-
10 ing “the Pilot’s Bill of Rights 2”; and

11 (ii) by striking “begin” and inserting
12 “complete the implementation of”;

13 (B) by amending subparagraph (B) to read
14 as follows:

15 “(B) to continue developing and modern-
16 izing the NOTAM repository, in a public cen-
17 tral location, to maintain and archive all
18 NOTAMs, including the original content and
19 form of the notices, the original date of publica-
20 tion, and any amendments to such notices with
21 the date of each amendment, in a manner that
22 is Internet-accessible, machine-readable, and
23 searchable;”;

24 (C) in subparagraph (C), by striking the
25 period at the end and inserting “; and”; and

1 (D) by adding at the end the following:

2 “(D) to specify the times during which
3 temporary flight restrictions are in effect and
4 the duration of a designation of special use air-
5 space in a specific area.”; and

6 (2) by amending subsection (d) to read as fol-
7 lows:

8 “(d) DESIGNATION OF REPOSITORY AS SOLE
9 SOURCE FOR NOTAMS.—

10 “(1) IN GENERAL.—The Administrator—

11 “(A) shall consider the repository for
12 NOTAMs under subsection (a)(2)(B) to be the
13 sole location for airmen to check for NOTAMs;
14 and

15 “(B) may not consider a NOTAM to be
16 announced or published until the NOTAM is in-
17 cluded in the repository for NOTAMs under
18 subsection (a)(2)(B).

19 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
20 LATIONS OF NOTAMS NOT IN REPOSITORY.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), beginning on the date that
23 the repository under subsection (a)(2)(B) is
24 final and published, the Administrator may not

1 take any enforcement action against an airman
2 for a violation of a NOTAM during a flight if—

3 “(i) that NOTAM is not available
4 through the repository before the com-
5 mencement of the flight; and

6 “(ii) that NOTAM is not reasonably
7 accessible and identifiable to the airman.

8 “(B) EXCEPTION FOR NATIONAL SECUR-
9 RITY.—Subparagraph (A) shall not apply in the
10 case of an enforcement action for a violation of
11 a NOTAM that directly relates to national se-
12 curity.”.

13 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

14 (a) IN GENERAL.—Subchapter I of chapter 471 is
15 amended by inserting after section 47124 the following:

16 **“§ 47124a. Accessibility of certain flight data**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ADMINISTRATION.—The term ‘Administra-
19 tion’ means the Federal Aviation Administration.

20 “(2) ADMINISTRATOR.—The term ‘Adminis-
21 trator’ means the Administrator of the Federal Avia-
22 tion Administration.

23 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
24 plicable individual’ means an individual who is the

1 subject of an investigation initiated by the Adminis-
2 trator related to a covered flight record.

3 “(4) CONTRACT TOWER.—The term ‘contract
4 tower’ means an air traffic control tower providing
5 air traffic control services pursuant to a contract
6 with the Administration under the contract air traf-
7 fic control tower program under section
8 47124(b)(3).

9 “(5) COVERED FLIGHT RECORD.—The term
10 ‘covered flight record’ means any air traffic data (as
11 defined in section 2(b)(4)(B) of the Pilot’s Bill of
12 Rights (49 U.S.C. 44703 note)), created, main-
13 tained, or controlled by any program of the Adminis-
14 tration, including any program of the Administration
15 carried out by employees or contractors of the Ad-
16 ministration, such as contract towers, flight service
17 stations, and controller training programs.

18 “(b) PROVISION OF COVERED FLIGHT RECORD TO
19 ADMINISTRATION.—

20 “(1) REQUESTS.—Whenever the Administration
21 receives a written request for a covered flight record
22 from an applicable individual and the covered flight
23 record is not in the possession of the Administration,
24 the Administrator shall request the covered flight
25 record from the contract tower or other contractor

1 of the Administration in possession of the covered
2 flight record.

3 “(2) PROVISION OF RECORDS.—Any covered
4 flight record created, maintained, or controlled by a
5 contract tower or another contractor of the Adminis-
6 tration that maintains covered flight records shall be
7 provided to the Administration if the Administration
8 requests the record pursuant to paragraph (1).

9 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
10 TION.—If the Administrator has issued, or subse-
11 quently issues, a Notice of Proposed Certificate Ac-
12 tion relying on evidence contained in the covered
13 flight record and the individual who is the subject of
14 an investigation has requested the record, the Ad-
15 ministrator shall promptly produce the record and
16 extend the time the individual has to respond to the
17 Notice of Proposed Certificate Action until the cov-
18 ered flight record is provided.

19 “(c) IMPLEMENTATION.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of the Pilot’s Bill of
22 Rights 2, the Administrator shall promulgate regula-
23 tions or guidance to ensure compliance with this sec-
24 tion.

25 “(2) COMPLIANCE BY CONTRACTORS.—

1 tions covered by that section with a warning notice, letter
2 of correction, or other administrative action.

3 **TITLE III—AIR SERVICE** 4 **IMPROVEMENTS**

5 **SEC. 3001. DEFINITIONS.**

6 In this title:

7 (1) COVERED AIR CARRIER.—The term “cov-
8 ered air carrier” means an air carrier or a foreign
9 air carrier as those terms are defined in section
10 40102 of title 49, United States Code.

11 (2) ONLINE SERVICE.—The term “online serv-
12 ice” means any service available over the Internet,
13 or that connects to the Internet or a wide-area net-
14 work.

15 (3) TICKET AGENT.—The term “ticket agent”
16 has the meaning given the term in section 40102 of
17 title 49, United States Code.

18 **Subtitle A—Passenger Air Service** 19 **Improvements**

20 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-** 21 **TIONS.**

22 (a) REVIEW.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary of
25 Transportation shall review the categorization of

1 delays and cancellations with respect to air carriers
2 that are required to report such data.

3 (2) CONSIDERATIONS.—In conducting the re-
4 view under paragraph (1), the Secretary shall con-
5 sider, at a minimum—

6 (A) whether delays and cancellations at-
7 tributed by an air carrier to weather were un-
8 avoidable due to an operational or air traffic
9 control issue, or due to the air carrier's pref-
10 erence in determining which flights to delay or
11 cancel during a weather event;

12 (B) whether and to what extent delays and
13 cancellations attributed by an air carrier to
14 weather disproportionately impact service to
15 smaller airports and communities; and

16 (C) whether it is an unfair or deceptive
17 practice in violation of section 41712 of title
18 49, United States Code, for an air carrier to in-
19 form a passenger that a flight is delayed or
20 cancelled due to weather, without any other
21 context or explanation for the delay or cancella-
22 tion, when the air carrier has discretion as to
23 which flights to delay or cancel.

24 (3) ADVISORY COMMITTEE FOR AVIATION CON-
25 SUMER PROTECTION.—The Secretary may use the

1 Advisory Committee for Aviation Consumer Protec-
2 tion, established under section 411 of the FAA Mod-
3 ernization and Reform Act of 2012 (49 U.S.C.
4 42301 prec. note), to assist in conducting the review
5 and providing recommendations.

6 (b) REPORT.—Not later than 90 days after the date
7 the review under subsection (a) is complete, the Secretary
8 shall submit to the appropriate committees of Congress
9 a report on the review under subsection (a), including any
10 recommendations.

11 (c) SAVINGS PROVISION.—Nothing in this section
12 shall be construed as affecting the decision of an air car-
13 rier to maximize its system capacity during weather-re-
14 lated events to accommodate the greatest number of pas-
15 sengers.

16 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

17 (a) REVIEW.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary of
20 Transportation shall review whether it is an unfair
21 or deceptive practice in violation of section 41712 of
22 title 49, United States Code, for an air carrier to
23 change the itinerary of a passenger, more than 24
24 hours before departure, if the new itinerary involves
25 additional stops or departs 3 hours earlier or later

1 and compensation or other more suitable air trans-
2 portation is not offered.

3 (2) **ADVISORY COMMITTEE FOR AVIATION CON-**
4 **SUMER PROTECTION.**—The Secretary may use the
5 Advisory Committee for Aviation Consumer Protec-
6 tion, established under section 411 of the FAA Mod-
7 ernization and Reform Act of 2012 (49 U.S.C.
8 42301 prec. note), to assist in conducting the review
9 and providing recommendations.

10 (b) **REPORT.**—Not later than 90 days after the date
11 the review under subsection (a) is complete, the Secretary
12 shall submit to appropriate committees of Congress a re-
13 port on the review under subsection (a), including any rec-
14 ommendations.

15 **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

16 Not later than 180 days after the date that the re-
17 views under sections 3101 and 3102 of this Act are com-
18 plete, the Secretary of Transportation shall issue a supple-
19 mental notice of proposed rulemaking to its notice of pro-
20 posed rulemaking published in the Federal Register on
21 May 23, 2014 (DOT–OST–2014–0056) (relating to the
22 transparency of airline ancillary fees and other consumer
23 protection issues) to consider the following:

24 (1) Requiring an air carrier to provide notifica-
25 tion and refunds or other consideration to a con-

1 sumer who is impacted by delays or cancellations
2 when an air carrier has a choice as to which flights
3 to cancel or delay during a weather-related event.

4 (2) Requiring an air carrier to provide notifica-
5 tion and refunds or other consideration to a con-
6 sumer who is impacted by involuntary changes to
7 the consumer’s itinerary.

8 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
9 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
10 **DENTS.**

11 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
12 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
13 amended—

14 (1) in subsection (a), by striking “a major” and
15 inserting “any”;

16 (2) in subsection (b)—

17 (A) in paragraph (9), by striking “(and
18 any other victim of the accident)” and inserting
19 “(and any other victim of the accident, includ-
20 ing any victim on the ground)”;

21 (B) in paragraph (16), by striking “major”
22 and inserting “any”; and

23 (C) in paragraph (17)(A), by striking “sig-
24 nificant” and inserting “any”; and

1 (3) by amending subsection (e) to read as fol-
2 lows:

3 “(e) DEFINITIONS.—In this section:

4 “(1) ‘Aircraft accident’ means any aviation dis-
5 aster, regardless of its cause or suspected cause, for
6 which the National Transportation Safety Board is
7 the lead investigative agency.

8 “(2) ‘Passenger’ has the meaning given the
9 term in section 1136.”.

10 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
11 AIR TRANSPORTATION.—Section 41313 is amended—

12 (1) in subsection (b), by striking “a major” and
13 inserting “any”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking “a sig-
16 nificant” and inserting “any”;

17 (B) in paragraph (2), by striking “a sig-
18 nificant” and inserting “any”;

19 (C) in paragraph (16), by striking “major”
20 and inserting “any”; and

21 (D) in paragraph (17)(A), by striking “sig-
22 nificant” and inserting “any”.

23 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—
24 Section 1136(a) is amended by striking “aircraft accident
25 within the United States involving an air carrier or foreign

1 air carrier and resulting in a major loss of life” and insert-
2 ing “aircraft accident involving an air carrier or foreign
3 air carrier, resulting in any loss of life, and for which the
4 National Transportation Safety Board will serve as the
5 lead investigative agency”.

6 **SEC. 3105. EMERGENCY MEDICAL KITS.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall evaluate and revise,
10 as appropriate, the regulations under part 121 of title 14,
11 Code of Federal Regulations, regarding the emergency
12 medical equipment requirements, including the contents of
13 the first-aid kit, applicable to all certificate holders oper-
14 ating passenger-carrying airplanes under that part.

15 (b) CONSIDERATIONS.—In carrying out subsection
16 (a), the Administrator shall consider whether the min-
17 imum contents of approved emergency medical kits, in-
18 cluding approved first-aid kits, include appropriate medi-
19 cations and equipment to meet the emergency medical
20 needs of children, including consideration of an epineph-
21 rine auto-injector, as appropriate.

22 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Comptroller General
25 of the United States shall—

1 (1) conduct a study of airport accessibility best
2 practices for individuals with disabilities; and

3 (2) submit to the appropriate committees of
4 Congress a report on the study, including the Comp-
5 troller General’s findings, conclusions, and rec-
6 ommendations.

7 (b) CONTENTS.—The study under subsection (a)
8 shall include accessibility best practices beyond those rec-
9 ommended under the Architectural Barriers Act of 1968
10 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
11 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
12 Stat. 1080; Public Law 99–435), or Americans with Dis-
13 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
14 prove infrastructure and communications, such as with re-
15 gard to wayfinding, amenities, and passenger care.

16 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR**
17 **AVIATION CONSUMER PROTECTION.**

18 (a) TERMINATION.—Section 411(h) of the FAA Mod-
19 ernization and Reform Act of 2012 (Public Law 112–95;
20 49 U.S.C. 42301 prec. note) is amended by striking “July
21 15, 2016” and inserting “September 30, 2017”.

22 (b) FINANCIAL DISCLOSURE.—Section 411 of the
23 FAA Modernization and Reform Act of 2012 (Public Law
24 112–95; 49 U.S.C. 42301 prec. note) is further amend-
25 ed—

1 (1) by redesignating subsection (h) as sub-
2 section (i); and

3 (2) by inserting before subsection (i), the fol-
4 lowing:

5 “(h) CONFLICT OF INTEREST DISCLOSURE.—Begin-
6 ning on the date of enactment of the Federal Aviation Ad-
7 ministration Reauthorization Act of 2016, each member
8 of the advisory committee who is not a government em-
9 ployee shall disclose, on an annual basis, any potential
10 conflicts of interest, including financial conflicts of inter-
11 est, to the Secretary in such form and manner as pre-
12 scribed by the Secretary.”.

13 (c) RECOMMENDATIONS.—Section 411(g) of the FAA
14 Modernization and Reform Act of 2012 (Public Law 112–
15 95; 49 U.S.C. 42301 prec. note) is amended—

16 (1) by striking “of the first 2 calendar years be-
17 ginning after the date of enactment of this Act” and
18 inserting “calendar year”; and

19 (2) by inserting “and post on the Department
20 of Transportation Web site” after “Congress”.

21 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

22 Section 47107(r)(3) is amended by striking “July 16,
23 2016” and inserting “October 1, 2017”.

1 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall issue final regulations to require a covered air
5 carrier to promptly provide an automatic refund to a pas-
6 senger in the amount of any applicable ancillary fees paid
7 if the covered air carrier has charged the passenger an
8 ancillary fee for checked baggage but the covered air car-
9 rier fails to deliver the checked baggage to the passenger
10 not later than 6 hours after the arrival of a domestic flight
11 or 12 hours after the arrival of an international flight.

12 (b) EXCEPTION.—If as part of the rulemaking the
13 Secretary makes a determination on the record that a re-
14 quirement under subsection (a) is unfeasible and will neg-
15 atively affect consumers in certain cases, the Secretary
16 may modify 1 or both of the deadlines in that subsection
17 for such cases, except that—

18 (1) the deadline relating to a domestic flight
19 may not exceed 12 hours after the arrival of the do-
20 mestic flight; and

21 (2) the deadline relating to an international
22 flight may not exceed 24 hours after the arrival of
23 the international flight.

1 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
2 **ORED BY A COVERED AIR CARRIER.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Secretary of Transportation shall promul-
5 gate regulations that require each covered air carrier to
6 promptly provide an automatic refund to a passenger of
7 any ancillary fees paid for services that the passenger does
8 not receive, including on the passenger's scheduled flight,
9 on a subsequent replacement itinerary if there has been
10 a rescheduling, or for a flight not taken by the passenger.

11 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall issue final regulations requiring—

15 (1) each covered air carrier to disclose to a con-
16 sumer the baggage fee, cancellation fee, change fee,
17 ticketing fee, and seat selection fee of that covered
18 air carrier in a standardized format; and

19 (2) notwithstanding the manner in which infor-
20 mation regarding the fees described in paragraph
21 (1) is collected, each ticket agent to disclose to a
22 consumer such fees of a covered air carrier in the
23 standardized format described in paragraph (1).

24 (b) REQUIREMENTS.—The regulations under sub-
25 section (a) shall require that each disclosure—

1 (1) if ticketing is done on an Internet Web site
2 or other online service—

3 (A) be prominently displayed to the con-
4 sumer prior to the point of purchase; and

5 (B) set forth the fees described in sub-
6 section (a)(1) in clear and plain language and
7 a font of easily readable size; and

8 (2) if ticketing is done on the telephone, be ex-
9 pressly stated to the consumer during the telephone
10 call and prior to the point of purchase.

11 **SEC. 3112. SEAT ASSIGNMENTS.**

12 (a) **IN GENERAL.**—Not later than 15 months after
13 the date of enactment of this Act, the Secretary of Trans-
14 portation shall complete such actions as may be necessary
15 to require each covered air carrier and ticket agent to dis-
16 close to a consumer that seat selection for which a fee
17 is charged is an optional service, and that if a consumer
18 does not pay for a seat assignment, a seat will be assigned
19 to the consumer from available inventory at the time the
20 consumer checks in for the flight or prior to departure.

21 (b) **REQUIREMENTS.**—The disclosure under sub-
22 section (a) shall—

23 (1) if ticketing is done on an Internet Web site
24 or other online service, be prominently displayed to
25 the consumer on that Internet Web site or online

1 service during the selection of seating or prior to the
2 point of purchase; and

3 (2) if ticketing is done on the telephone, be ex-
4 pressly stated to the consumer during the telephone
5 call and prior to the point of purchase.

6 **SEC. 3113. CHILD SEATING.**

7 (a) IN GENERAL.—Not later than 15 months after
8 the date of enactment of this Act, the Secretary of Trans-
9 portation shall complete such actions as may be necessary
10 to require each covered air carrier and ticket agent to dis-
11 close to a consumer that if a reservation includes a child
12 under the age of 13 traveling with an accompanying pas-
13 senger who is age 13 or older—

14 (1) whether adjoining seats are available at no
15 additional cost at the time of purchase; and

16 (2) if not, what the covered air carrier's policy
17 is for accommodating adjoining seat requests at the
18 time the consumer checks in for the flight or prior
19 to departure.

20 (b) REQUIREMENTS.—The disclosure under sub-
21 section (a) shall—

22 (1) if ticketing is done on an Internet Web site
23 or other online service, be prominently displayed to
24 the consumer on that Internet Web site or online

1 service during the selection of seating or prior to the
2 point of purchase; and

3 (2) if ticketing is done on the telephone, be ex-
4 pressly stated to the consumer during the telephone
5 call and prior to the point of purchase.

6 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**
7 **MENT.**

8 (a) IN GENERAL.—Section 42302 is amended—

9 (1) by redesignating subsections (b) and (c) as
10 subsections (c) and (d), respectively;

11 (2) by inserting after subsection (a), the fol-
12 lowing:

13 “(b) POINT OF SALE.—Each air carrier, foreign air
14 carrier, and ticket agent shall inform each consumer of
15 a carrier service, at the point of sale, that the consumer
16 can file a complaint about that service with the carrier
17 and with the Aviation Consumer Protection Division of the
18 Department of Transportation.”;

19 (3) by amending subsection (c), as redesignig-
20 nated, to read as follows:

21 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
22 ICE NOTICE.—Each air carrier and foreign air carrier
23 shall include on its Internet Web site, any related mobile
24 device application, and online service—

1 “(1) the hotline telephone number established
2 under subsection (a) or for the Aviation Consumer
3 Protection Division of the Department of Transpor-
4 tation;

5 “(2) an active link and the email address, tele-
6 phone number, and mailing address of the air car-
7 rier or foreign air carrier, as applicable, for a con-
8 sumer to submit a complaint to the carrier about the
9 quality of service;

10 “(3) notice that the consumer can file a com-
11 plaint with the Aviation Consumer Protection Divi-
12 sion of the Department of Transportation;

13 “(4) an active link to the Internet Web site of
14 the Aviation Consumer Protection Division of the
15 Department of Transportation for a consumer to file
16 a complaint; and

17 “(5) the active link described in paragraph (2)
18 on the same Internet Web site page as the active
19 link described in paragraph (4).”; and

20 (4) in subsection (d), as redesignated—

21 (A) in the matter preceding paragraph (1),
22 by striking “An air carrier or foreign air carrier
23 providing scheduled air transportation using
24 any aircraft that as originally designed has a
25 passenger capacity of 30 or more passenger

1 seats” and inserting “Each air carrier and for-
2 eign air carrier”;

3 (B) in paragraph (1), by striking “air car-
4 rier” and inserting “carrier”; and

5 (C) in paragraph (2), by striking “air car-
6 rier” and inserting “carrier”.

7 (b) RULEMAKING.—Not later than 1 year after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation shall promulgate regulations to implement the re-
10 quirements of section 42302 of title 49, United States
11 Code, as amended.

12 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
13 **TECTION INFORMATION.**

14 (a) INTERNET WEB SITE.—Not later than 180 days
15 after the date of enactment of this Act, the Secretary of
16 Transportation shall—

17 (1) complete an evaluation of the aviation con-
18 sumer protection portion of the Department of
19 Transportation’s public Internet Web site to identify
20 any changes to the user interface that will improve
21 usability, accessibility, consumer satisfaction, and
22 Web site performance;

23 (2) in completing the evaluation under para-
24 graph (1)—

1 (A) consider the best practices of other
2 Federal agencies with effective Web sites; and

3 (B) consult with the Federal Web Man-
4 agers Council;

5 (3) develop a plan, including an implementation
6 timeline, for—

7 (A) making the changes identified under
8 paragraph (1); and

9 (B) making any necessary changes to that
10 portion of the Web site that will enable a con-
11 sumer—

12 (i) to access information regarding
13 each complaint filed with the Aviation Con-
14 sumer Protection Division of the Depart-
15 ment of Transportation;

16 (ii) to search the complaints described
17 in clause (i) by the name of the air carrier,
18 the dates of departure and arrival, the air-
19 ports of origin and departure, and the type
20 of complaint; and

21 (iii) to determine the date a complaint
22 was filed and the date a complaint was re-
23 solved; and

24 (4) submit the evaluation and plan to appro-
25 priate committees of Congress.

1 (b) MOBILE APPLICATION SOFTWARE.—Not later
2 than 1 year after the date of enactment of this Act, the
3 Secretary of Transportation shall—

4 (1) implement a program to develop application
5 software for wireless devices that will enable a user
6 to access information and perform activities related
7 to aviation consumer protection, such as—

8 (A) information regarding airline pas-
9 senger protections, including protections related
10 to lost baggage and baggage fees, disclosure of
11 additional fees, bumping, cancelled or delayed
12 flights, damaged or lost baggage, and tarmac
13 delays; and

14 (B) file an aviation consumer complaint,
15 including a safety and security, airline service,
16 disability and discrimination, or privacy com-
17 plaint, with the Aviation Consumer Protection
18 Division of the Department of Transportation;
19 and

20 (2) make the application software available to
21 the public at no cost.

22 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
23 **SYSTEMS.**

24 Not later than 2 years after the date of enactment
25 of this Act, the Architectural and Transportation Barriers

1 Compliance Board, in consultation with the Secretary of
2 Transportation, shall conduct a study to determine the
3 ways in which particular individuals with significant dis-
4 abilities who use wheelchairs, including power wheelchairs,
5 can be accommodated through in cabin wheelchair re-
6 straint systems.

7 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**
8 **FOR PERSONS WITH DISABILITIES.**

9 (a) IN GENERAL.—Not later than 270 days after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall submit to Congress a report
12 describing—

13 (1) each air carrier’s training policy for its per-
14 sonnel and contractors regarding assistance for per-
15 sons with disabilities, as required by Department of
16 Transportation regulations;

17 (2) any variations among the air carriers in the
18 policies described in paragraph (1);

19 (3) how the training policies are implemented to
20 meet the Department of Transportation regulations;

21 (4) how frequently an air carrier must train
22 new employees and contractors due to turnover in
23 positions that require such training;

24 (5) how frequently, in the prior 10 years, the
25 Department of Transportation has requested, after

1 reviewing a training policy, that an air carrier take
2 corrective action; and

3 (6) the action taken by an air carrier under
4 paragraph (5).

5 (b) BEST PRACTICES.—After the date the report is
6 submitted under subsection (a), the Secretary of Trans-
7 portation, based on the findings of the report, shall de-
8 velop and disseminate to air carriers such best practices
9 as the Secretary considers necessary to improve the train-
10 ing policies.

11 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**
12 **NEEDS OF PASSENGERS WITH DISABILITIES.**

13 (a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation shall establish an advisory committee for the air
15 travel needs of passengers with disabilities (referred to in
16 this section as the “Advisory Committee”).

17 (b) DUTIES.—The Advisory Committee shall advise
18 the Secretary with regard to the implementation of the
19 Air Carrier Access Act of 1986 (Public Law 99–435; 100
20 Stat. 1080), including—

21 (1) assessing the disability-related access bar-
22 riers encountered by passengers with disabilities;

23 (2) determining the extent to which the pro-
24 grams and activities of the Department of Transpor-

1 tation are addressing the barriers described in para-
2 graph (1);

3 (3) recommending improvements to the air
4 travel experience of passengers with disabilities; and

5 (4) such activities as the Secretary considers
6 necessary to carry out this section.

7 (c) MEMBERSHIP.—

8 (1) IN GENERAL.—The Advisory Committee
9 shall be comprised of at least 1 representative of
10 each of the following groups:

11 (A) Passengers with disabilities.

12 (B) National disability organizations.

13 (C) Air carriers.

14 (D) Airport operators.

15 (E) Contractor service providers.

16 (2) APPOINTMENT.—The Secretary of Trans-
17 portation shall appoint each member of the Advisory
18 Committee.

19 (3) VACANCIES.—A vacancy in the Advisory
20 Committee shall be filled in the manner in which the
21 original appointment was made.

22 (d) CHAIRPERSON.—The Secretary of Transportation
23 shall designate, from among the members appointed under
24 subsection (c), an individual to serve as chairperson of the
25 Advisory Committee.

1 (e) TRAVEL EXPENSES.—Members of the advisory
2 committee shall serve without pay, but shall receive travel
3 expenses, including per diem in lieu of subsistence, in ac-
4 cordance with subchapter I of chapter 57 of title 5, United
5 States Code.

6 (f) REPORTS.—

7 (1) IN GENERAL.—Not later than February 1
8 of each year, the Advisory Committee shall submit
9 to the Secretary of Transportation a report on the
10 needs of passengers with disabilities in air travel, in-
11 cluding—

12 (A) an assessment of disability-related ac-
13 cess barriers, both those that were evident in
14 the preceding year and those that will likely be
15 an issue in the next 5 years;

16 (B) an evaluation of the extent to which
17 the Department of Transportation’s programs
18 and activities are eliminating disability-related
19 access barriers;

20 (C) a description of the Advisory Commit-
21 tee’s actions during the prior calendar year;

22 (D) a description of activities that the Ad-
23 visory Committee proposed to undertake in the
24 succeeding calendar year; and

1 (E) any recommendations for legislation,
2 administrative action, or other action that the
3 Advisory Committee considers appropriate.

4 (2) REPORT TO CONGRESS.—Not later than 60
5 days after the date the Secretary receives the report
6 under subparagraph (A), the Secretary shall submit
7 to Congress a copy of the report, including any addi-
8 tional findings or recommendations that the Sec-
9 retary considers appropriate.

10 (g) TERMINATION.—The Advisory Committee shall
11 terminate 2 years after the date of enactment of this Act.

12 **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE,**
13 **CANCELLATION, AND BAGGAGE FEES.**

14 (a) IN GENERAL.—The Comptroller General of the
15 United States shall conduct a study of existing airline in-
16 dustry change, cancellation, and bag fees and the current
17 industry practice for handling changes to or cancellation
18 of ticketed travel on covered air carriers.

19 (b) CONSIDERATIONS.—In conducting the study, the
20 Comptroller General shall consider, at a minimum—

21 (1) whether and how each covered air carrier
22 calculates its change fees, cancellation fees, and bag
23 fees; and

1 (2) the relationship between the cost of the
2 ticket and the date of change or cancellation as com-
3 pared to the date of travel.

4 (c) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Comptroller General shall
6 submit to the appropriate committees of Congress a report
7 on the study, including the Comptroller General’s findings,
8 conclusions, and recommendations.

9 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
10 **TECTION RULES.**

11 (a) IN GENERAL.—The Comptroller General of the
12 United States shall conduct a study to consider and evalu-
13 ate Department of Transportation enforcement of aviation
14 consumer protection rules.

15 (b) CONTENTS.—The study under subsection (a)
16 shall include an evaluation of—

17 (1) available enforcement mechanisms;

18 (2) any obstacles to enforcement; and

19 (3) trends in Department of Transportation en-
20 forcement actions.

21 (c) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General shall
23 submit to the appropriate committees of Congress a report
24 on the study, including the Comptroller General’s findings,
25 conclusions, and recommendations.

1 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation shall initiate a proceeding to study the minimum
5 seat pitch for passenger seats on aircraft operated by air
6 carriers (as defined in section 40102 of title 49, United
7 States Code).

8 (b) CONSIDERATIONS.—In reviewing any minimum
9 seat pitch under subsection (a), the Secretary shall con-
10 sider the safety of passengers, including passengers with
11 disabilities.

12 **SEC. 3122. CELL PHONE VOICE COMMUNICATIONS.**

13 (a) IN GENERAL.—Subchapter I of chapter 417, as
14 amended by section 2307 of this Act, is further amended
15 by adding at the end the following:

16 **“§ 41726. Cell phone voice communications**

17 “(a) PROHIBITION AUTHORITY.—The Secretary of
18 Transportation may issue regulations—

19 “(1) to prohibit an individual on an aircraft
20 from engaging in voice communications using a mo-
21 bile communications device during a flight of that
22 aircraft in scheduled passenger interstate or intra-
23 state air transportation; and

24 “(2) that exempt from the prohibition described
25 in paragraph (1)—

1 “(A) any member of the flight crew on
2 duty on an aircraft;

3 “(B) any flight attendant on duty on an
4 aircraft; and

5 “(C) any Federal law enforcement officer
6 acting in an official capacity.

7 “(b) DEFINITIONS.—In this section:

8 “(1) FLIGHT.—The term ‘flight’ means, with
9 respect to an aircraft, the period beginning when the
10 aircraft takes off and ending when the aircraft
11 lands.

12 “(2) MOBILE COMMUNICATIONS DEVICE.—

13 “(A) IN GENERAL.—The term ‘mobile
14 communications device’ means any portable
15 wireless telecommunications equipment utilized
16 for the transmission or reception of voice data.

17 “(B) LIMITATION.—The term ‘mobile com-
18 munications device’ does not include a phone in-
19 stalled on an aircraft.”.

20 (b) TABLE OF CONTENTS.—The table of contents at
21 the beginning of chapter 417, as amended by section 2307
22 of this Act, is further amended by inserting after the item
23 relating to section 41725 the following:

 “41726. Cell phone voice communications.”.

1 **SEC. 3123. AVAILABILITY OF SLOTS FOR NEW ENTRANT AIR**
2 **CARRIERS AT NEWARK LIBERTY INTER-**
3 **NATIONAL AIRPORT.**

4 (a) DEFINITIONS.—The terms “new entrant air car-
5 rier” and “slot” have the meanings given those terms in
6 section 41714(h) of title 49, United States Code.

7 (b) SLOTS FOR NEW ENTRANT AIR CARRIERS.—The
8 Secretary shall, annually, by granting exemptions from the
9 requirements under part 93 of title 14, Code of Federal
10 Regulations, or by other means, make not less than 8 slots
11 at Newark Liberty International Airport available to en-
12 able new entrant air carriers to provide air transportation.

13 (c) APPLICABILITY.—Subsection (a) shall not apply
14 in any year—

15 (1) new entrant air carriers operate 5 percent
16 or more of the total number of slots at Newark Lib-
17 erty International Airport; or

18 (2) the Secretary makes a determination that
19 making slots available to enable new entrant air car-
20 riers to provide air transportation at that airport is
21 not in the public interest and doing so would signifi-
22 cantly increase operational delays.

23 (d) REPORT TO CONGRESS.—The Secretary shall no-
24 tify the Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Transportation
26 and Infrastructure of the House of Representatives not

1 later than 14 calendar days after the date a determination
2 is made under subsection (c)(2), including the reasons for
3 that determination.

4 **Subtitle B—Essential Air Service**

5 **SEC. 3201. ESSENTIAL AIR SERVICE.**

6 (a) AUTHORIZATION EXTENSION.—Section 41742(a)
7 is amended—

8 (1) in paragraph (2), by striking
9 “\$150,000,000” and all that follows though “July
10 15, 2016” and inserting “\$155,000,000 for each of
11 fiscal years 2016 through 2017”; and

12 (2) by striking paragraph (3).

13 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
14 amended by striking clause (ii) and inserting the following:

15 “(ii) was determined, on or after Oc-
16 tober 1, 1988, and before December 1,
17 2012, under this subchapter by the Sec-
18 retary of Transportation to be eligible to
19 receive subsidized small community air
20 service under section 41736(a);”.

21 (c) SEASONAL SERVICE.—The Secretary of Trans-
22 portation may consider the flexibility of current oper-
23 ational dates and airport accessibility to meet local com-
24 munity needs when issuing requests for proposal of essen-
25 tial air service at seasonal airports.

1 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
2 **MENT PROGRAM.**

3 (a) **EXTENSION OF AUTHORIZATION.**—Section
4 41743(e)(2) is amended to read as follows:

5 “(2) **AUTHORIZATION OF APPROPRIATIONS.**—

6 There is authorized to be appropriated to the Sec-
7 retary \$10,000,000 for each of fiscal years 2016
8 through 2017 to carry out this section. Such sums
9 shall remain available until expended.”.

10 (b) **ELIGIBILITY.**—Section 41743(c)(1) is amended
11 to read as follows:

12 “(1) **SIZE.**—On the date of the most recent no-
13 tice of order soliciting community proposals issued
14 by the Secretary under this section, the airport serv-
15 ing the community or consortium—

16 “(A) was not larger than a small hub air-
17 port, as determined using the Department of
18 Transportation’s most recent published classi-
19 fication; and

20 “(B)(i) had insufficient air carrier service;
21 or

22 “(ii) had unreasonably high air fares.”.

23 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

24 (a) **IN GENERAL.**—Section 41743(c)(4) is amend-
25 ed—

1 (1) by inserting “(B) SAME PROJECTS.—” be-
2 fore the second sentence and indenting appro-
3 priately;

4 (2) by inserting “(A) IN GENERAL.—” before
5 the first sentence and indenting appropriately;

6 (3) in subparagraph (B), as designated by this
7 subsection, by striking “No community” and insert-
8 ing “Except as provided in subparagraph (C)”; and

9 (4) by adding at the end the following:

10 “(C) EXCEPTION.—The Secretary may
11 waive the limitation under subparagraph (B)
12 related to projects that are the same if the Sec-
13 retary determines that the community or con-
14 sortium spent little or no money on its previous
15 project or encountered industry or environ-
16 mental challenges, due to circumstances that
17 were reasonably beyond the control of the com-
18 munity or consortium.”.

19 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
20 41743(e)(1) is amended by adding at the end the fol-
21 lowing: “The Secretary may amend the scope of a grant
22 agreement at the request of the community or consortium
23 and any participating air carrier, and may limit the scope
24 of a grant agreement to only the elements using grant as-
25 sistance or to only the elements achieved, if the Secretary

1 determines that the amendment is reasonably consistent
2 with the original purpose of the project.”.

3 **SEC. 3204. WAIVERS.**

4 Section 41732 is amended by adding at the end the
5 following:

6 “(c) **WAIVERS.**—Notwithstanding section 41733(e),
7 upon request by an eligible place, the Secretary may waive,
8 in whole or in part, subsections (a) and (b) of this section
9 or subsections (a) through (c) of section 41734. A waiver
10 issued under this subsection shall remain in effect for a
11 limited period of time, as determined by the Secretary.”.

12 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**
13 **TO SMALL COMMUNITIES.**

14 (a) **IN GENERAL.**—Not later than 120 days after the
15 date of enactment of this Act, the Secretary of Transpor-
16 tation and the Administrator of the Federal Aviation Ad-
17 ministration shall establish a working group—

18 (1) to identify obstacles to attracting and main-
19 taining air transportation service to and from small
20 communities; and

21 (2) to develop recommendations for maintaining
22 and improving air transportation service to and from
23 small communities.

1 (b) OUTREACH.—In carrying out the requirements
2 under paragraphs (1) and (2) of subsection (a), the work-
3 ing group shall consult with—

4 (1) interested Governors;

5 (2) representatives of State and local agencies,
6 and other officials and groups, representing rural
7 States and other rural areas;

8 (3) other representatives of relevant State and
9 local agencies; and

10 (4) members of the public with experience in
11 aviation safety, pilot training, economic development,
12 and related issues.

13 (c) CONSIDERATIONS.—In carrying out the require-
14 ments under paragraphs (1) and (2) of subsection (a), the
15 working group shall—

16 (1) consider whether funding for, and terms of,
17 current or potential new programs is sufficient to
18 help ensure continuation of or improvement to air
19 transportation service to small communities, includ-
20 ing the Essential Air Service Program and the Small
21 Community Air Service Development Program;

22 (2) identify initiatives to help support pilot
23 training to provide air transportation service to
24 small communities;

1 (3) consider whether Federal funding for air-
2 ports serving small communities, including airports
3 that have lost air transportation services or had de-
4 creased enplanements in recent years, is adequate to
5 ensure that small communities have access to qual-
6 ity, affordable air transportation service;

7 (4) consider potential improvements in pilot
8 training and any constraints affecting pilot career
9 pathways that, if addressed, would increase both
10 aviation safety and pilot supply;

11 (5) identify innovative State or local efforts that
12 have established public-private partnerships that are
13 successful in attracting and retaining air transpor-
14 tation service in small communities; and

15 (6) consider such other issues as the Secretary
16 and Administrator consider appropriate.

17 (d) COMPOSITION.—

18 (1) IN GENERAL.—The working group shall be
19 facilitated through the Administrator or the Admin-
20 istrator's designee.

21 (2) MEMBERSHIP.—Members of the working
22 group shall be appointed by the Administrator and
23 shall include representatives of—

24 (A) State and local government, including
25 State and local aviation officials;

- 1 (B) State Governors;
- 2 (C) aviation safety experts;
- 3 (D) economic development officials; and
- 4 (E) the traveling public from small com-
5 munities.

6 (e) REPORT AND RECOMMENDATIONS.—Not later
7 than 1 year after the date of enactment of this Act, the
8 Secretary and the Administrator shall submit to the ap-
9 propriate committees of Congress a report, including—

10 (1) a summary of the views expressed by the
11 participants in the outreach under subsection (b);

12 (2) a description of the working group’s find-
13 ings, including the identification of any areas of gen-
14 eral consensus among the non-Federal participants
15 in the outreach under subsection (b); and

16 (3) any recommendations for legislative or regu-
17 latory action that would assist in maintaining and
18 improving air transportation service to and from
19 small communities.

20 **TITLE IV—NEXTGEN AND FAA** 21 **ORGANIZATION**

22 **SEC. 4001. DEFINITIONS.**

23 In this title:

24 (1) ADMINISTRATION.—The term “Administra-
25 tion” means the Federal Aviation Administration.

1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (3) ADS-B.—The term “ADS-B” means auto-
5 matic dependent surveillance-broadcast.

6 (4) ADS-B OUT.—The term “ADS-B Out”
7 means automatic dependent surveillance-broadcast
8 with the ability to transmit information from the
9 aircraft to ground stations and to other equipped
10 aircraft.

11 (5) NEXTGEN.—The term “NextGen” means
12 the Next Generation Air Transportation System.

13 **Subtitle A—Next Generation Air**
14 **Transportation System**

15 **SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Administrator shall sub-
18 mit to the appropriate committees of Congress a report
19 on the Administrator’s assessment of each NextGen pro-
20 gram.

21 (b) CONTENTS.—The report under subsection (a)
22 shall include—

23 (1) an estimate of the date that each NextGen
24 program will have a positive return on investment;

1 (2) an assessment of the impacts of each such
2 program for—

3 (A) the Federal Government; and

4 (B) the users of the national airspace sys-
5 tem;

6 (3) a description of how each such program di-
7 rectly contributes to a more safe and efficient air
8 traffic control system; and

9 (4) the status of NextGen programs and of the
10 projected return on investment for each such pro-
11 gram.

12 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
13 ment under subsection (a) the Administrator shall—

14 (1) develop, in coordination with the NextGen
15 Advisory Committee and considering the need for a
16 balance between long-term and near-term user bene-
17 fits, a prioritization of each NextGen program;

18 (2) include the priority list in the report under
19 subsection (b); and

20 (3) prepare budget submissions to reflect the
21 current status of NextGen programs and projected
22 returns on investment for each program.

23 (d) DEFINITIONS.—In this section:

1 the date that the Administrator certifies that the Adminis-
2 tration has the capability to receive space-based ADS-B
3 data, the Administrator shall submit to the appropriate
4 committees of Congress a report that—

5 (1) details the actions the Administrator has
6 taken to ensure 2018 readiness and usage;

7 (2) details the actions that remain to be taken
8 to implement such capability;

9 (3) includes a schedule for expected completion
10 of each outstanding action described in paragraph
11 (2); and

12 (4) includes a detailed description of the invest-
13 ment decisions and requests for funding made by the
14 Administrator that are consistent with the terrestrial
15 ADS-B implementation to ensure a sustained pro-
16 gram beyond 2018.

17 **SEC. 4103. NEXTGEN ANNUAL PERFORMANCE GOALS.**

18 (a) ANNUAL PERFORMANCE GOALS.—Section 214 of
19 the FAA Modernization and Reform Act of 2012 (Public
20 Law 112–95; 49 U.S.C. 40101 note) is amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (e) the fol-
24 lowing:

1 “(d) ANNUAL PERFORMANCE GOALS.—The Adminis-
2 trator shall establish annual NextGen performance goals
3 for each of the performance metrics set forth in subsection
4 (a) to meet the performance metric baselines identified
5 under subsection (b). Such goals shall be consistent with
6 the annual performance objectives established by the sen-
7 ior policy committee (commonly known as the ‘NextGen
8 Advisory Committee’) established under section 710 of the
9 Vision 100—Century of Aviation Reauthorization Act
10 (Public Law 108–176; 49 U.S.C. 40101 note).”.

11 (b) NEXTGEN METRICS REPORT.—Section 710(e)(2)
12 of the Vision 100—Century of Aviation Reauthorization
13 Act (Public Law 108–176; 49 U.S.C. 40101 note) is
14 amended—

15 (1) in subparagraph (D), by striking “; and”
16 and inserting a semicolon;

17 (2) in subparagraph (E), by striking the period
18 at the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(F) a description of the progress made in
21 meeting the annual NextGen performance goals
22 relative to the performance metrics established
23 under section 214 of the FAA Modernization
24 and Reform Act of 2012 (Public Law 112–95;
25 49 U.S.C. 40101 note).”.

1 (c) CHIEF NEXTGEN OFFICER.—Section 106(s)(3) is
2 amended—

3 (1) in paragraph (2)(B), by adding at the end
4 the following: “In evaluating the performance of the
5 Chief NextGen Officer for the purpose of awarding
6 a bonus under this subparagraph, the Administrator
7 shall consider the progress toward meeting the
8 NextGen performance goals established pursuant to
9 section 214(d) of the FAA Modernization and Re-
10 form Act of 2012 (Public Law 112–95; 49 U.S.C.
11 40101 note).”; and

12 (2) in paragraph (3), by adding at the end the
13 following: “The annual performance goals set forth
14 in the agreement shall include quantifiable NextGen
15 airspace performance objectives regarding efficiency,
16 productivity, capacity, and safety, which shall be es-
17 tablished by the senior policy committee (commonly
18 known as the ‘NextGen Advisory Committee’) estab-
19 lished under section 710 of the Vision 100—Century
20 of Aviation Reauthorization Act (Public Law 108–
21 176; 49 U.S.C. 40101 note).”.

22 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) On September 26, 2014, an Administration
2 contract employee deliberately started a fire that de-
3 stroyed critical equipment at the Administration’s
4 Chicago Air Route Traffic Control Center (referred
5 to in this section as the “Chicago Center”) in Au-
6 rora, Illinois.

7 (2) As a result of the damage, Chicago Center
8 was unable to control air traffic for more than 2
9 weeks, thousands of flights were delayed or cancelled
10 into and out of O’Hare International Airport and
11 Midway Airport in Chicago, and aviation stake-
12 holders and airlines reportedly lost over
13 \$350,000,000.

14 (3) According to the Office of the Inspector
15 General of the Department of Transportation, the
16 fire at Chicago Center demonstrated that the Ad-
17 ministration’s contingency plans for the Chicago
18 Center and the airspace it controls do not ensure re-
19 dundancy and resiliency for sustained operations.

20 (4) Further, the Inspector General found that
21 Chicago Center incident highlighted the limited flexi-
22 bility and lack of resiliency in critical elements of the
23 Administration’s current air traffic control infra-
24 structure, including limited communication capacity

1 and the inability to easily transfer control of air-
2 space and flight plans.

3 (b) **COMPREHENSIVE CONTINGENCY PLAN.**—Not
4 later than 180 days after the date of enactment of this
5 Act, the Administrator shall update the Administration’s
6 comprehensive contingency plan to address potential air
7 traffic facility outages that could have a major impact on
8 operation of the national airspace system.

9 (c) **REPORT.**—Not later than 60 days after the date
10 the plan is updated under subsection (b), the Adminis-
11 trator shall submit to the appropriate committees of Con-
12 gress a report on the update, including any recommenda-
13 tions for ensuring air traffic facility outages do not have
14 a major impact on operation of the national airspace sys-
15 tem.

16 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

17 (a) **FINDINGS.**—Congress makes the following find-
18 ings:

19 (1) The Administration’s ADS-B program is
20 expected to be the centerpiece of the NextGen effort
21 at the Administration, but the satellite-based system
22 faces uncertainty and controversy.

23 (2) In May 2010, the Administration published
24 a final rule that mandated airspace users be

1 equipped with ADS-B Out avionics by January 1,
2 2020.

3 (3) Subsequently, in April 2015, the Adminis-
4 tration announced completion of the ADS-B
5 ground-based radio infrastructure. However, the
6 ADS-B program faces considerable uncertainty and
7 unanswered questions about whether or not the
8 2020 mandate is still meaningful.

9 (4) In 2014, the Office of the Inspector General
10 found that while ADS-B is providing benefits where
11 radar is limited or nonexistent in places such as the
12 Gulf of Mexico, the system is providing only limited
13 initial services to pilots and air traffic controllers in
14 domestic airspace.

15 (5) The Office of the Inspector General also
16 found, in 2014, that all elements of the system, such
17 as avionics, the ground infrastructure, and controller
18 automation systems, had not yet been tested in com-
19 bination to determine if the overall system can be
20 used in congested airspace and perform as well as
21 existing radar, much less allow aircraft to fly closer
22 together. This is referred to as “end-to-end testing.”

23 (6) When this report was issued, commercial
24 and general aviation stakeholders voiced serious con-
25 cerns that equipping with new avionics for the 2020

1 mandate will be difficult due to the cost and limited
2 availability of avionics, and capacity of certified re-
3 pair stations to install avionics.

4 (b) ASSESSMENT.—Not later than 1 year after the
5 date of enactment of this Act, the Inspector General of
6 the Department of Transportation shall assess—

7 (1) Administration and industry readiness to
8 meet the ADS–B mandate by 2020;

9 (2) changes to ADS–B program since May
10 2010; and

11 (3) additional options to comply with the man-
12 date and consequences, both for individual system
13 users and for the overall safety and efficiency of the
14 national airspace system, for noncompliance.

15 (c) REPORT.—Not later than 60 days after the date
16 the assessment under subsection (b) is complete, the In-
17 specter General of the Department of Transportation shall
18 submit to the appropriate committees of Congress a report
19 on the progress made toward meeting the ADS–B man-
20 date by 2020, including any recommendations of the In-
21 specter General to carry out such mandate.

22 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

23 (a) IN GENERAL.—To implement a more effective
24 international strategy for achieving NextGen interoper-

1 ability with foreign countries, the Administrator shall take
2 the following actions:

3 (1) Conduct a gap analysis to identify potential
4 risks to NextGen interoperability with other Air
5 Navigation Service Providers and establish a sched-
6 ule for periodically reevaluating such risks.

7 (2) Develop a plan that identifies and docu-
8 ments actions the Administrator will undertake to
9 mitigate such risks, using information from the gap
10 analysis as a basis for making management deci-
11 sions about how to allocate resources for such ac-
12 tions.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Administrator shall submit
15 to the appropriate committees of Congress a report on the
16 analysis conducted under paragraph (1) of subsection (a)
17 and on the actions the Administrator has taken under
18 paragraph (2) of such subsection.

19 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

20 (a) IN GENERAL.—The Administrator shall—

21 (1) identify and analyze technical and oper-
22 ational maturity gaps in NextGen transition and im-
23 plementation plans; and

24 (2) develop a plan to mitigate the gaps identi-
25 fied in paragraph (1).

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Administrator shall submit
3 to the appropriate committees of Congress a report on the
4 actions taken to carry out the plan required by subsection
5 (a)(2).

6 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
7 **IMPROVEMENTS.**

8 (a) IN GENERAL.—To help ensure that NextGen
9 operational improvements are fully implemented in the
10 midterm, the Administrator shall—

11 (1) work with airlines and other users of the
12 national airspace system (referred to in this section
13 as “NAS”) to develop and implement a system to
14 systematically track the use of existing performance
15 based navigation (referred to in this section as
16 “PBN”) procedures;

17 (2) require consideration of other key oper-
18 ational improvements in planning for NextGen im-
19 provements, including identifying additional
20 metroplexes for PBN projects, non-metroplex PBN
21 procedures, as well as the identification of unused
22 flight routes for decommissioning;

23 (3) develop and implement guidelines for ensur-
24 ing timely inclusion of appropriate stakeholders, in-
25 cluding airport representatives, in the planning and

1 implementation of NextGen improvement efforts;
2 and

3 (4) assure that NextGen planning documents
4 provide stakeholders information on how and when
5 operational improvements are expected to achieve
6 NextGen goals and targets.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Administrator shall submit
9 to the appropriate committees of Congress a report on the
10 progress made toward implementing the requirements of
11 subsection (a), and on the schedule and process that will
12 be used to implement PBN at additional airports, includ-
13 ing information on how the Administration will partner
14 and coordinate with private industry to ensure expeditious
15 implementation of performance based navigation.

16 **SEC. 4109. CYBERSECURITY.**

17 (a) IN GENERAL.—The Administrator shall—

18 (1) identify and implement ways to better incor-
19 porate cybersecurity measures as a systems char-
20 acteristic at all levels and phases of the architecture
21 and design of air traffic control programs, including
22 NextGen programs;

23 (2) develop a threat model that will identify
24 vulnerabilities to better focus resources to mitigate
25 cybersecurity risks;

1 (3) develop an appropriate plan to mitigate
2 cybersecurity risk, to respond to an attack, intru-
3 sion, or otherwise unauthorized access and to adapt
4 to evolving cybersecurity threats; and

5 (4) foster a cybersecurity culture throughout
6 the Administration, including air traffic control pro-
7 grams and relevant contractors.

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Administrator shall submit
10 to the appropriate committees of Congress a report on the
11 progress made toward implementing the requirements
12 under subsection (a).

13 **SEC. 4110. DEFINING NEXTGEN.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Comptroller General of the United States
16 shall—

17 (1) assess how the line items included in the
18 Administration’s NextGen budget request relate to
19 the goals and expected outcomes of NextGen, includ-
20 ing how NextGen programs directly contribute to a
21 measurably safer and more efficient air traffic con-
22 trol system; and

23 (2) submit to the appropriate committees of
24 Congress a report on the results of the assessment
25 under paragraph (1), including any recommenda-

1 tions for the removal of line items that do not per-
2 tain to the overall vision for NextGen.

3 **SEC. 4111. HUMAN FACTORS.**

4 (a) IN GENERAL.—In order to avoid having to subse-
5 quently modify products and services developed as a part
6 of NextGen, the Administrator shall—

7 (1) recognize and incorporate, in early design
8 phases of all relevant NextGen programs, the human
9 factors and procedural and airspace implications of
10 stated goals and associated technical changes; and

11 (2) ensure that a human factors specialist, sep-
12 arate from the research and certification groups, is
13 directly involved with the NextGen approval process.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator shall submit
16 to the appropriate committees of Congress a report on the
17 progress made toward implementing the requirements
18 under subsection (a).

19 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

20 (a) IN GENERAL.—The Administrator shall evaluate
21 the current acquisition practices of the Administration to
22 ensure that such practices—

23 (1) identify the current estimated costs for each
24 acquisition system, including all segments;

1 (2) separately identify cumulative amounts for
2 acquisition costs, technical refresh, and other en-
3 hancements in order to identify the total baselined
4 and re-baselined costs for each system; and

5 (3) account for the way funds are being used
6 when reporting to managers, Congress, and other
7 stakeholders.

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Administrator shall submit
10 to the appropriate committees of Congress a report on the
11 progress made toward implementing the requirements
12 under subsection (a).

13 **SEC. 4113. EQUIPAGE MANDATES.**

14 (a) IN GENERAL.—Before NextGen-related equipage
15 mandates are imposed on users of the national airspace
16 system, the Administrator, in collaboration with all rel-
17 evant stakeholders, shall—

18 (1) provide a statement of estimated cost and
19 benefits that is based upon mature and stable tech-
20 nical specifications; and

21 (2) create a schedule for Administration
22 deliverables and investments by both users and the
23 Administration, including for procedure and airspace
24 design, infrastructure deployment, and training.

1 **SEC. 4114. WORKFORCE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator shall—

4 (1) identify and assess barriers to attracting,
5 developing, training, and retaining a talented work-
6 force in the areas of systems engineering, architec-
7 ture, systems integration, digital communications,
8 and cybersecurity;

9 (2) develop a comprehensive plan to attract, de-
10 velop, train, and retain talented individuals; and

11 (3) identify the resources needed to attract, de-
12 velop, and retain this talent.

13 (b) REPORT.—The Administrator shall submit to the
14 appropriate committees of Congress a report on the
15 progress made toward implementing the requirements
16 under subsection (a).

17 **SEC. 4115. ARCHITECTURAL LEADERSHIP.**

18 (a) IN GENERAL.—In order to provide an adequate
19 technical foundation for steering NextGen’s technical gov-
20 ernance and managing inevitable changes in technology
21 and operations, the Administrator shall—

22 (1) develop a plan that—

23 (A) uses an architecture leadership com-
24 munity and an effective governance approach to
25 assure a proper balance between documents and
26 artifacts and to provide high-level guidance;

1 (B) enables effective management and
2 communication of dependencies;

3 (C) provides flexibility and the ability to
4 evolve to ensure accommodation of future
5 needs; and

6 (D) communicates changing circumstances
7 in order to align agency and airspace user ex-
8 pectations;

9 (2) determine the feasibility of conducting a
10 small number of experiments among the Administra-
11 tion's system integration partners to prototype can-
12 didate solutions for establishing and managing a vi-
13 brant architectural community; and

14 (3) develop a method to initiate, grow, and en-
15 gage a capable architecture community, from both
16 within and outside of the Administration, who will
17 expand the breadth and depth of expertise that is
18 steering architectural changes.

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Administrator shall submit
21 to the appropriate committees of Congress a report on the
22 progress made toward implementing the requirements
23 under subsection (a).

1 **SEC. 4116. PROGRAMMATIC RISK MANAGEMENT.**

2 (a) IN GENERAL.—To better inform the Administra-
3 tion’s decisions regarding the prioritization of efforts and
4 allocation of resources for NextGen, the Administrator
5 shall—

6 (1) solicit input from specialists in probability
7 and statistics to identify and prioritize the pro-
8 grammatic and implementation risks to NextGen;
9 and

10 (2) develop a method to manage and mitigate
11 the risks identified in paragraph (1).

12 (b) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the appropriate committees of Congress a report on the
15 progress made toward implementing the requirements
16 under subsection (a).

17 **SEC. 4117. NEXTGEN PRIORITIZATION.**

18 The Administrator shall consider expediting NextGen
19 modernization implementation projects at public use air-
20 ports that share airspace with active military training
21 ranges and do not have radar coverage where such imple-
22 mentation would improve the safety of aviation operations.

1 **Subtitle B—Administration**
2 **Organization and Employees**

3 **SEC. 4201. COST-SAVING INITIATIVES.**

4 (a) IN GENERAL.—To ensure that Administration
5 initiatives are being implemented in a timely and fiscally
6 responsible manner, the Administrator shall—

7 (1) identify and implement agencywide cost-sav-
8 ing initiatives; and

9 (2) develop appropriate schedules and metrics
10 to measure whether the initiatives are successful in
11 reducing costs.

12 (b) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the appropriate committees of Congress a report on the
15 progress made toward implementing the requirements
16 under subsection (a).

17 **SEC. 4202. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
18 **FURLOUGHS.**

19 (a) DEFINITION OF ESSENTIAL EMPLOYEE.—In this
20 section, the term “essential employee” means an employee
21 of the Administration who performs work involving the
22 safety of human life or the protection of property, as de-
23 termined by the Administrator.

24 (b) IN GENERAL.—In implementing spending reduc-
25 tions under Federal law, the Administrator may furlough

1 1 or more employees of the Administration, except an es-
2 sential employee, if the Administrator determines the fur-
3 lough is necessary to achieve the required spending reduc-
4 tions.

5 (c) TRANSFER OF BUDGETARY RESOURCES.—The
6 Administrator may transfer budgetary resources within
7 the Administration to carry out subsection (b), except that
8 the transfer may only be made to maintain essential em-
9 ployees.

10 **SEC. 4203. CONTROLLER CANDIDATE INTERVIEWS.**

11 (a) IN GENERAL.—Not later than 60 days after the
12 date of enactment of this Act, the Administrator shall re-
13 quire that an in-person interview be conducted with each
14 individual applying for an air traffic control specialist po-
15 sition before that individual may be hired to fill that posi-
16 tion.

17 (b) GUIDANCE.—Not later than 30 days after the
18 date of enactment of this Act, the Administrator shall es-
19 tablish guidelines regarding the in-person interview proc-
20 ess described in subsection (a).

21 **SEC. 4204. HIRING OF AIR TRAFFIC CONTROLLERS.**

22 (a) IN GENERAL.—Section 44506 is amended by
23 adding at the end the following:

24 “(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL
25 SPECIALISTS.—

1 “(1) CONSIDERATION OF APPLICANTS.—

2 “(A) ENSURING SELECTION OF MOST
3 QUALIFIED APPLICANTS.—In appointing indi-
4 viduals to the position of air traffic controllers,
5 the Administrator shall give preferential consid-
6 eration to qualified individuals maintaining 52
7 consecutive weeks of air traffic control experi-
8 ence involving the full-time active separation of
9 air traffic after receipt of an air traffic certifi-
10 cation or air traffic control facility rating within
11 5 years of application while serving at—

12 “(i) a Federal Aviation Administra-
13 tion air traffic control facility;

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

17 “(iii) a tower operating under con-
18 tract with the Federal Aviation Adminis-
19 tration under section 47124 of this title.

20 “(B) CONSIDERATION OF ADDITIONAL AP-
21 PPLICANTS.—The Administrator shall consider
22 additional applicants for the position of air traf-
23 fic controller by referring an approximately
24 equal number of employees for appointment
25 among the 2 applicant pools. The number of

1 employees referred for consideration from each
2 group shall not differ by more than 10 percent.

3 “(i) POOL ONE.—Applicants who:

4 “(I) have successfully completed
5 air traffic controller training and
6 graduated from an institution partici-
7 pating in the Collegiate Training Ini-
8 tiative program maintained under
9 subsection (c)(1) who have received
10 from the institution—

11 “(aa) an appropriate rec-
12 ommendation; or

13 “(bb) an endorsement certi-
14 fying that the individual would
15 have met the requirements in ef-
16 fect as of December 31, 2013,
17 for an appropriate recommenda-
18 tion;

19 “(II) are eligible for a veterans
20 recruitment appointment pursuant to
21 section 4214 of title 38, United States
22 Code, and provide a Certificate of Re-
23 lease or Discharge from Active Duty
24 within 120 days of the announcement
25 closing;

1 “(III) are eligible veterans (as
2 defined in section 4211 of title 38,
3 United States Code) maintaining avia-
4 tion experience obtained in the course
5 of the individual’s military experience;
6 or

7 “(IV) are preference eligible vet-
8 erans (as defined in section 2108 of
9 title 5, United States Code).

10 “(ii) POOL TWO.—Applicants who
11 apply under a vacancy announcement re-
12 cruiting from all United States citizens.

13 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

14 “(A) BIOGRAPHICAL ASSESSMENTS.—The
15 Administration shall not use any biographical
16 assessment when hiring under subparagraph
17 (A) or subparagraph (B)(i) of paragraph (1).

18 “(B) RECONSIDERATION OF APPLICANTS
19 DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL
20 ASSESSMENTS.—

21 “(i) IN GENERAL.—If an individual
22 described in subparagraph (A) or subpara-
23 graph (B)(i) of paragraph (1) who applied
24 for the position of air traffic controller
25 with the Administration in response to Va-

1 cancy Announcement FAA-AMC-14-
2 ALLSRCE-33537 (issued on February 10,
3 2014) and was disqualified from the posi-
4 tion as the result of a biographical assess-
5 ment, the Administrator shall provide the
6 applicant an opportunity to reapply as
7 soon as practicable for the position under
8 the revised hiring practices.

9 “(ii) WAIVER OF AGE RESTRICTION.—
10 The Administrator shall waive any max-
11 imum age restriction for the position of air
12 traffic controller with the Administration
13 that would otherwise disqualify an indi-
14 vidual from the position if the individual—

15 “(I) is reapplying for the position
16 pursuant to clause (i) on or before
17 December 31, 2017; and

18 “(II) met the maximum age re-
19 quirement on the date of the individ-
20 ual’s previous application for the posi-
21 tion during the interim hiring process.

22 “(3) MAXIMUM ENTRY AGE FOR EXPERIENCED
23 CONTROLLERS.—Notwithstanding section 3307 of
24 title 5, United States Code, the maximum limit of
25 age for an original appointment to a position as an

1 air traffic controller shall be 35 years of age for
2 those maintaining 52 weeks of air traffic control ex-
3 perience involving the full-time active separation of
4 air traffic after receipt of an air traffic certification
5 or air traffic control facility rating in a civilian or
6 military air traffic control facility.”.

7 (b) NOTIFICATION OF VACANCIES.—The Adminis-
8 trator shall consider directly notifying secondary schools
9 and institutes of higher learning, including Historically
10 Black Colleges and Universities, Hispanic-serving institu-
11 tions, Minority Institutions, and Tribal Colleges and Uni-
12 versities, of the vacancy announcement under section
13 44506(f)(1)(B)(ii) of title 49, United States Code.

14 **SEC. 4205. COMPUTATION OF BASIC ANNUITY FOR CERTAIN**
15 **AIR TRAFFIC CONTROLLERS.**

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

18 “(f) The annuity of an air traffic controller or former
19 air traffic controller retiring under section 8412(a) is com-
20 puted under subsection (a), except that if the individual
21 has at least 5 years of service in any combination as:

22 “(1) an air traffic controller as defined by sec-
23 tion 2109(1)(A)(i);

24 “(2) a first level supervisor of an air traffic
25 controller as defined by section 2109(1)(A)(i); or

1 “(3) a second level supervisor of an air traffic
2 controller as defined by section 2109(1)(A)(i);
3 so much of the annuity as is computed with respect to
4 such type of service shall be computed by multiplying 1
5 7/10 percent of the individual’s average pay by the years
6 of such service.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall be deemed to be effective on December
9 12, 2003.

10 (c) PROCEDURES REQUIRED.—The Director of the
11 Office of Personnel Management shall establish such pro-
12 cedures as are necessary to provide for—

13 (1) notification to each annuitant affected by
14 the amendments made by this section;

15 (2) recalculation of the benefits of affected an-
16 nuitants;

17 (3) an adjustment to applicable monthly benefit
18 amounts pursuant to such recalculation, to begin as
19 soon as is practicable; and

20 (4) a lump sum payment to each affected annu-
21 itant equal to the additional total benefit amount
22 that such annuitant would have received had the
23 amendment made by subsection (a) been in effect on
24 December 12, 2003.

1 **SEC. 4206. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

2 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
3 LATED SUPPORT.—The Administrator of the Federal
4 Aviation Administration shall provide air traffic services
5 and aviation safety support for aviation events, including
6 airshows and fly-ins, without the imposition or collection
7 of any fee, tax, or other charge for that purpose. Amounts
8 for the provision of such services and support shall be de-
9 rived from amounts appropriated or otherwise available
10 for the Federal Aviation Administration.

11 (b) DETERMINATION OF SERVICES AND SUPPORT TO
12 BE PROVIDED.—In determining the services and support
13 to be provided for an aviation event for purposes of sub-
14 section (a), the Administrator shall take into account the
15 following:

16 (1) The services and support required to meet
17 levels of activity at prior events, if any, similar to
18 the event.

19 (2) The anticipated need for services and sup-
20 port at the event.

21 **SEC. 4207. FULL ANNUITY SUPPLEMENT FOR CERTAIN AIR**
22 **TRAFFIC CONTROLLERS.**

23 Section 8421a of title 5, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “The amount”
2 and inserting “Except as provided in subsection (c),
3 the amount”;

4 (2) by redesignating subsection (c) as sub-
5 section (d); and

6 (3) by inserting after subsection (b) the fol-
7 lowing:

8 “(c) This section shall not apply to an individual de-
9 scribed in section 8412(e) during any period in which the
10 individual, after separating from the service as described
11 in that section, is employed full-time as an air traffic con-
12 trol instructor under contract with the Federal Aviation
13 Administration, including an instructor working at an on-
14 site facility (such as an airport).”.

15 **SEC. 4208. INCLUSION OF DISABLED VETERAN LEAVE IN**
16 **FEDERAL AVIATION ADMINISTRATION PER-**
17 **SONNEL MANAGEMENT SYSTEM.**

18 (a) IN GENERAL.—Section 40122(g)(2) is amend-
19 ed—

20 (1) in subparagraph (H), by striking “; and”
21 and inserting a semicolon;

22 (2) in subparagraph (I)(iii), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(J) subject to paragraph (4), section
2 6329, relating to disabled veteran leave.”.

3 (b) CERTIFICATION OF LEAVE.—Section 40122(g) is
4 amended—

5 (1) by redesignating paragraph (4) as para-
6 graph (5); and

7 (2) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) CERTIFICATION OF DISABLED VETERAN
10 LEAVE.—In order to verify that leave credited to an
11 employee pursuant to paragraph (2)(J) is used for
12 treating a service-connected disability, that employee
13 shall, notwithstanding section 6329(c) of title 5,
14 submit to the Assistant Administrator for Human
15 Resource Management of the Federal Aviation Ad-
16 ministration certification, in such form and manner
17 as the Administrator of the Federal Aviation Admin-
18 istration may prescribe, that the employee used that
19 leave for purposes of being furnished treatment for
20 that disability by a health care provider.”.

21 (c) APPLICATION.—The amendments made by this
22 section shall apply with respect to any employee of the
23 Federal Aviation Administration hired on or after the date
24 that is 1 year after the date of enactment of this Act.

1 (d) POLICIES AND PROCEDURES.—Not later than
2 270 days after the date of enactment of this Act, the Ad-
3 ministrator of the Federal Aviation Administration shall
4 prescribe policies and procedures to carry out the amend-
5 ments made by this section that are comparable, to the
6 maximum extent practicable, to the regulations prescribed
7 by the Office of Personnel Management under section
8 6329 of title 5, United States Code.

9 (e) ANNUAL REPORT.—Not later than 1 year after
10 the date of enactment of this Act and not less frequently
11 than once each year thereafter until the date that is 5
12 years after the date of enactment of this Act, the Adminis-
13 trator shall publish on a publicly accessible Internet Web
14 site a report on—

15 (1) the effect carrying out this section and the
16 amendments made by this section has had on the
17 workforce; and

18 (2) the number of veterans benefitting from
19 carrying out this section and the amendments made
20 by this section.

21 **TITLE V—MISCELLANEOUS**

22 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-** 23 **VESTIGATIVE OFFICERS.**

24 Section 1113 is amended by striking subsection (h).

1 **SEC. 5002. PERFORMANCE-BASED NAVIGATION.**

2 Section 213(c) of the FAA Modernization and Re-
3 form Act of 2012 (Public Law 112–95; 49 U.S.C. 40101
4 note) is amended by adding at the end the following:

5 “(3) NOTIFICATIONS AND CONSULTATIONS.—

6 Not later than 90 days before applying a categorical
7 exclusion under this subsection to a new procedure
8 at an OEP airport, the Administrator shall—

9 “(A) notify and consult with the operator
10 of the airport at which the procedure would be
11 implemented; and

12 “(B) consider consultations or other en-
13 gagement with the community in the which the
14 airport is located to inform the public of the
15 procedure.

16 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
17 CLUSIONS.—

18 “(A) IN GENERAL.—The Administrator
19 shall review any decision of the Administrator
20 made on or after February 14, 2012, and be-
21 fore the date of enactment of this paragraph to
22 grant a categorical exclusion under this sub-
23 section with respect to a procedure to be imple-
24 mented at an OEP airport that was a material
25 change from procedures previously in effect at
26 the airport to determine if the implementation

1 of the procedure had a significant effect on the
2 human environment in the community in which
3 the airport is located if the operator of that air-
4 port—

5 “(i) requests such a review; and

6 “(ii) demonstrates that there is good
7 cause to believe that the implementation of
8 the procedure had such an effect.

9 “(B) CONTENT OF REVIEW.—If, in con-
10 ducting a review under subparagraph (A) with
11 respect to a procedure implemented at an OEP
12 airport, the Administrator, in consultation with
13 the operator of the airport, determines that im-
14 plementing the procedure had a significant ef-
15 fect on the human environment in the commu-
16 nity in which the airport is located, the Admin-
17 istrator shall—

18 “(i) consult with the operator of the
19 airport to identify measures to mitigate the
20 effect of the procedure on the human envi-
21 ronment; and

22 “(ii) in conducting such consultations,
23 consider the use of alternative flight paths
24 that do not substantially degrade the effi-

1 ciencies achieved by the implementation of
2 the procedure being reviewed.

3 “(C) HUMAN ENVIRONMENT DEFINED.—

4 In this paragraph, the term ‘human environ-
5 ment’ has the meaning given such term in sec-
6 tion 1508.14 of title 40, Code of Federal Regu-
7 lations (as in effect on the day before the date
8 of enactment of this paragraph).”.

9 **SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.**

10 Section 40128 is amended—

11 (1) in subsection (a)(3), by striking “the” be-
12 fore “title 14”; and

13 (2) by amending subsection (f) to read as fol-
14 lows:

15 “(f) TRANSPORTATION ROUTES.—

16 “(1) IN GENERAL.—This section shall not apply
17 to any air tour operator while flying over or near
18 any Federal land managed by the Director of the
19 National Park Service, including Lake Mead Na-
20 tional Recreation Area, solely as a transportation
21 route, to conduct an air tour over the Grand Canyon
22 National Park.

23 “(2) EN ROUTE.—For purposes of this sub-
24 section, an air tour operator flying over the Hoover
25 Dam in the Lake Mead National Recreation Area en

1 route to the Grand Canyon National Park shall be
2 deemed to be flying solely as a transportation
3 route.”.

4 **SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMER-**
5 **CIAL SPACE LAUNCH SITE RUNWAYS.**

6 (a) IN GENERAL.—Section 44718(b)(1) is amended—

7 (1) by striking “air navigation facilities and
8 equipment” and inserting “air or space navigation
9 facilities and equipment”;

10 (2) in subparagraph (D), by striking “; and”
11 and inserting a semicolon;

12 (3) in subparagraph (E), by striking the period
13 at the end and inserting “; and”; and

14 (4) by adding at the end the following:

15 “(F) the impact on launch and reentry for
16 launch and reentry vehicles arriving or depart-
17 ing from a launch site or reentry site licensed
18 by the Secretary.”.

19 (b) RULEMAKING.—Not later than 18 months after
20 the date of enactment of this Act, the Administrator of
21 the Federal Aviation Administration shall initiate a rule-
22 making to implement the amendments made by subsection
23 (a).

1 **SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOP-**
2 **MENT.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Comptroller General of the United States
5 shall submit to the appropriate committees of Congress
6 a report on the existing system of spaceports licensed by
7 the Federal Aviation Administration that includes rec-
8 ommendations regarding—

9 (1) the extent to which, and the manner in
10 which, the Federal Government could participate in
11 the construction, improvement, development, or
12 maintenance of such spaceports; and

13 (2) potential funding sources.

14 **SEC. 5006. AVIATION FUEL.**

15 (a) **USE OF UNLEADED AVIATION GASOLINE.**—The
16 Administrator of the Federal Aviation Administration
17 shall allow the use of an unleaded aviation gasoline in an
18 aircraft as a replacement for a leaded gasoline if the Ad-
19 ministrator—

20 (1) determines that the unleaded aviation gaso-
21 line qualifies as a replacement for an approved lead-
22 ed gasoline;

23 (2) identifies the aircraft and engines that are
24 eligible to use the qualified replacement unleaded
25 gasoline; and

1 (3) adopts a process (other than the traditional
2 means of certification) to allow eligible aircraft and
3 engines to operate using qualified replacement un-
4 leaded gasoline in a manner that ensures safety.

5 (b) **TIMING.**—The Administrator shall adopt the
6 process described in subsection (a)(3) not later than 180
7 days after the later of—

8 (1) the date on which the Administration com-
9 pletes the Piston Aviation Fuels Initiative; or

10 (2) the date on which the American Society for
11 Testing and Materials publishes a production speci-
12 fication for an unleaded aviation gasoline.

13 **SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS**
14 **PLAN.**

15 (a) **IN GENERAL.**—No later than 1 year after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation and the Secretary of Health and Human Services,
18 in coordination with the Secretary of Homeland Security,
19 the Secretary of Labor, the Secretary of State, the Sec-
20 retary of Defense, and representatives of other Federal de-
21 partments and agencies, as necessary, shall develop a com-
22 prehensive national aviation communicable disease pre-
23 paredness plan.

24 (b) **MINIMUM COMPONENTS.**—The plan developed
25 under subsection (a) shall—

1 (1) be developed in consultation with other rel-
2 evant stakeholders, including State, local, tribal, and
3 territorial governments, air carriers, first respond-
4 ers, and the general public;

5 (2) provide for the development of a commu-
6 nications system or protocols for providing com-
7 prehensive, appropriate, and up-to-date information
8 regarding communicable disease threats and pre-
9 paredness between all relevant stakeholders;

10 (3) document the roles and responsibilities of
11 relevant Federal department and agencies, including
12 coordination requirements;

13 (4) provide guidance to air carriers, airports,
14 and other appropriate aviation stakeholders on how
15 to develop comprehensive communicable disease pre-
16 paredness plans for their respective organizations, in
17 accordance with the plan to be developed under sub-
18 section (a);

19 (5) be scalable and adaptable so that the plan
20 can be used to address the full range of commu-
21 nicable disease threats and incidents;

22 (6) provide information on communicable
23 threats and response training resources for all rel-
24 evant stakeholders, including Federal, State, local,
25 tribal, and territorial government employees, airport

1 officials, aviation industry employees and contrac-
2 tors, first responders, and health officials;

3 (7) develop protocols for the dissemination of
4 comprehensive, up-to-date, and appropriate informa-
5 tion to the traveling public concerning communicable
6 disease threats and preparedness;

7 (8) be updated periodically to incorporate les-
8 sons learned with supplemental information; and

9 (9) be provided in writing, electronically, and
10 accessible via the Internet.

11 (c) INTERAGENCY FRAMEWORK.—The plan devel-
12 oped under subsection (a) shall—

13 (1) be conducted under the existing interagency
14 framework for national level all hazards emergency
15 preparedness planning or another appropriate frame-
16 work; and

17 (2) be consistent with the obligations of the
18 United States under international agreements.

19 **SEC. 5008. ADVANCED MATERIALS CENTER OF EXCEL-**
20 **LENCE.**

21 (a) IN GENERAL.—Chapter 445 is amended by add-
22 ing at the end the following:

23 **“§ 44518. Advanced Materials Center of Excellence**

24 “(a) IN GENERAL.—The Administrator of the Fed-
25 eral Aviation Administration shall continue operation of

1 the Advanced Materials Center of Excellence (referred to
2 in this section as the ‘Center’) under its structure as in
3 effect on March 1, 2016, which shall focus on applied re-
4 search and training on the durability and maintainability
5 of advanced materials in transport airframe structures.

6 “(b) RESPONSIBILITIES.—The Center shall—

7 “(1) promote and facilitate collaboration among
8 academia, the Transportation Division of the Fed-
9 eral Aviation Administration, and the commercial
10 aircraft industry, including manufacturers, commer-
11 cial air carriers, and suppliers; and

12 “(2) establish goals set to advance technology,
13 improve engineering practices, and facilitate con-
14 tinuing education in relevant areas of study.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to the Administrator
17 \$500,000 for each of the fiscal years 2016 and 2017 to
18 carry out this section.”.

19 (b) TABLE OF CONTENTS.—The table of contents for
20 chapter 445 is amended by adding at the end the fol-
21 lowing:

“44518. Advanced Materials Center of Excellence.”.

22 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Comptroller General
25 of the United States shall—

1 (1) complete a study of crimes of violence (as
2 defined in section 16 of title 18, United States
3 Code) committed against airline customer service
4 representatives while they are performing their du-
5 ties and on airport property; and

6 (2) submit the findings of the study, including
7 any recommendations, to Congress.

8 (b) **GAP ANALYSIS.**—The study shall include a gap
9 analysis to determine if State and local laws and resources
10 are adequate to deter or otherwise address the crimes of
11 violence described in subsection (a) and recommendations
12 on how to address any identified gaps.

13 **SEC. 5010. SECONDARY COCKPIT BARRIERS.**

14 (a) **THREAT ASSESSMENT.**—Not later than 90 days
15 after the date of enactment of this Act, the Administrator
16 of the Transportation Security Administration, in collabo-
17 ration with the Administrator of the Federal Aviation Ad-
18 ministration, shall complete a detailed risk assessment of
19 the need for physical secondary barriers on aircraft flown
20 by air carriers operating under part 121 of title 14, Code
21 of Federal Regulations, for passenger operations.

22 (b) **DETERMINATION AND RULEMAKING.**—If the Ad-
23 ministrator of the Transportation Security Administration
24 determines that there is a threat based on the threat as-
25 sessment under subsection (a), then not later than 18

1 months after the date of that determination, the Adminis-
2 trator of the Federal Aviation Administration may pro-
3 mulgate regulations for the risk-based equipage of air car-
4 riers operating under part 121 of title 14, Code of Federal
5 Regulations, for passenger operations, as appropriate.

6 **SEC. 5011. GAO EVALUATION AND AUDIT.**

7 Section 15(a)(1) of the Railway Labor Act (45
8 U.S.C. 165(a)(1)) is amended by striking “2 years” and
9 inserting “4 years”.

10 **SEC. 5012. FEDERAL AVIATION ADMINISTRATION PER-**
11 **FORMANCE MEASURES AND TARGETS.**

12 (a) PERFORMANCE MEASURES.—Not later than 180
13 days after the date of enactment of this Act, the Secretary
14 of Transportation shall establish performance measures
15 relating to the administration of the Federal Aviation Ad-
16 ministration, which shall, at a minimum, include measures
17 to assess—

18 (1) the reduction of delays in the completion of
19 projects; and

20 (2) the effectiveness of the Administration in
21 achieving the goals described in section 47171 of
22 title 49, United States Code.

23 (b) PERFORMANCE TARGETS.—Not later than 180
24 days after the date on which the Secretary establishes per-
25 formance measures in accordance with subsection (a), the

1 Secretary shall establish performance targets relating to
2 each of the measures described in that subsection.

3 (c) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Inspector General of the De-
5 partment of Transportation shall submit to Congress a re-
6 port describing the progress of the Secretary in meeting
7 the performance targets established under subsection (b).

8 **SEC. 5013. STAFFING OF CERTAIN AIR TRAFFIC CONTROL**
9 **TOWERS.**

10 (a) IN GENERAL.—The Administrator of the Federal
11 Aviation Administration shall ensure appropriate staffing
12 at the Core 30 air traffic control towers and associated
13 terminal radar approach control facilities and air route
14 traffic control centers and ensure, as appropriate, staffing
15 levels at those control towers, facilities, and centers are
16 not below the average number of air traffic controllers be-
17 tween the “high” and “low” staffing ranges, as specified
18 in the document of the Federal Aviation Administration
19 entitled, “A Plan for the Future: 10-Year Strategy for Air
20 Traffic Control Workforce 2015–2024”.

21 (b) RETENTION.—The Administrator shall review
22 strategies to improve retention of experienced certified
23 professional controllers at the control towers, facilities,
24 and centers described in subsection (a)(1).

1 **SEC. 5014. CRITICAL AIRFIELD MARKINGS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration shall issue a request for proposal for a study
5 that includes—

6 (1) an independent, third-party study to assess
7 the durability of Type III and Type I glass beads
8 applied to critical markings over a 12-month period
9 at no fewer than 2 primary airports in varying
10 weather conditions to measure the retroreflectivity lev-
11 els of such markings on a quarterly basis; and

12 (2) a study at 2 other airports carried out by
13 applying Type III beads on one half of the centerline
14 and Type I beads to the other half and providing for
15 assessments from pilots through surveys adminis-
16 tered by a third party as to the visibility and per-
17 formance of the Type III glass beads as compared
18 to the Type I glass beads over a 6-month period.

19 **SEC. 5015. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
20 **FIELD PAVEMENT TECHNOLOGIES.**

21 Using amounts made available under section
22 48102(a) of title 49, United States Code, the Adminis-
23 trator of the Federal Aviation Administration shall carry
24 out a program for the research and deployment of aircraft
25 pavement technologies under which the Administrator
26 makes grants to, and enters into cooperative agreements

1 with, institutions of higher education and nonprofit orga-
2 nizations that—

3 (1) research concrete and asphalt airfield pave-
4 ment technologies that extend the life of airfield
5 pavements;

6 (2) develop and conduct training;

7 (3) provide for demonstration projects; and

8 (4) promote the latest airfield pavement tech-
9 nologies to aid in the development of safer, more
10 cost effective, and more durable airfield pavements.

11 **SEC. 5016. REPORT ON GENERAL AVIATION FLIGHT SHAR-**
12 **ING.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator of the Federal Aviation Ad-
15 ministration shall submit to the appropriate committees
16 of Congress a report assessing the feasibility of flight
17 sharing for general aviation. The report shall include an
18 assessment of any regulations that may need to be up-
19 dated to allow for safe and efficient flight sharing, includ-
20 ing regulations imposing limitations on the forms of com-
21 munication persons who hold private pilot certificates may
22 use.

1 **SEC. 5017. INCREASE IN DURATION OF GENERAL AVIATION**
2 **AIRCRAFT REGISTRATION.**

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 initiate a rulemaking to increase the du-
6 ration of aircraft registrations for noncommercial general
7 aviation aircraft to 5 years.

8 **SEC. 5018. MODIFICATION OF LIMITATION OF LIABILITY**
9 **RELATING TO AIRCRAFT.**

10 Section 44112(b) is amended—

- 11 (1) by striking “on land or water”; and
12 (2) by inserting “operational” before “control”.

13 **SEC. 5019. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
14 **OF ILLEGAL DRUGS SEIZED AT INTER-**
15 **NATIONAL AIRPORTS IN THE UNITED STATES.**

16 (a) **IN GENERAL.**—The Comptroller General of the
17 United States shall conduct a study of illegal drugs, in-
18 cluding heroin, fentanyl, and cocaine, seized by Federal
19 authorities at international airports in the United States.

20 (b) **ELEMENTS.**—In conducting the study required by
21 subsection (a), the Comptroller General shall address, at
22 a minimum—

- 23 (1) the types and quantities of drugs seized;
24 (2) the origin of the drugs seized;
25 (3) the airport at which the drugs were seized;

1 (4) the manner in which the drugs were seized;

2 and

3 (5) the manner in which the drugs were trans-

4 ported.

5 (c) USE OF DATA; RECOMMENDATIONS FOR ADDI-
6 TIONAL DATA COLLECTION.—In conducting the study re-
7 quired by subsection (a), the Comptroller General shall
8 use all available data. If the Comptroller General deter-
9 mines that additional data is needed to fully understand
10 the extent to which illegal drugs enter the United States
11 through international airports in the United States, the
12 Comptroller General shall develop recommendations for
13 the collection of that data.

14 (d) SUBMISSION TO CONGRESS.—Not later than 180
15 days after the date of enactment of this Act, the Comp-
16 troller General shall submit to Congress a report on the
17 study conducted under subsection (a) that includes any
18 recommendations developed under subsection (c).

19 **SEC. 5020. SENSE OF CONGRESS ON PREVENTING THE**
20 **TRANSPORTATION OF DISEASE-CARRYING**
21 **MOSQUITOES AND OTHER INSECTS ON COM-**
22 **MERCIAL AIRCRAFT.**

23 It is the sense of Congress that the Secretary of
24 Transportation and the Secretary of Agriculture should,
25 in coordination and consultation with the World Health

1 Organization, develop a framework and guidance for the
2 use of safe, effective, and nontoxic means of preventing
3 the transportation of disease-carrying mosquitoes and
4 other insects on commercial aircraft.

5 **SEC. 5021. WORK PLAN FOR THE NEW YORK/NEW JERSEY/
6 PHILADELPHIA METROPLEX PROGRAM.**

7 Not later than 90 days after the date of enactment
8 of this Act, the Administrator of the Federal Aviation Ad-
9 ministration shall develop and publish in the Federal Reg-
10 ister a work plan for the New York/New Jersey/Philadel-
11 phia metroplex program.

12 **SEC. 5022. REPORT ON PLANS FOR AIR TRAFFIC CONTROL
13 FACILITIES IN THE NEW YORK CITY AND
14 NEWARK REGION.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Administrator of the Federal Aviation Ad-
17 ministration shall submit to the appropriate committees
18 of Congress a report on the Federal Aviation Administra-
19 tion's staffing and scheduling plans for air traffic control
20 facilities in the New York City and Newark region for the
21 1-year period beginning on such date of enactment.

22 **SEC. 5023. GAO STUDY OF INTERNATIONAL AIRLINE ALLI-
23 ANCES.**

24 (a) IN GENERAL.—The Comptroller General of the
25 United States shall conduct a study of certain cooperative

1 agreements between United States air carriers and non-
2 United States air carriers (referred to in this section as
3 “alliances”), which—

4 (1) have been created pursuant to section
5 41309 of title 49, United States Code; and

6 (2) have been exempted from antitrust laws (as
7 defined in the first section of the Clayton Act (15
8 U.S.C. 12)) pursuant to section 41308 of title 49,
9 United States Code.

10 (b) SCOPE.—The study conducted under subsection
11 (a) shall assess—

12 (1) the consequences of alliances, including re-
13 duced competition, stifling new entrants into mar-
14 kets, increasing prices in markets, and other adverse
15 consequences;

16 (2) the representations made by air carriers to
17 the Secretary of Transportation for the necessity of
18 an antitrust exemption;

19 (3) the Department of Transportation’s expec-
20 tations of public benefits resulting from alliances, in-
21 cluding whether such expected benefits were actually
22 achieved;

23 (4) the adequacy of the Department of Trans-
24 portation’s efforts in the approval and monitoring of
25 alliances, including possessing relevant experience

1 and expertise in the fields of antitrust and consumer
2 protection;

3 (5) whether there has been sufficient trans-
4 parency in the approval of alliances, including oppor-
5 tunities for public review and feedback;

6 (6) the role of the Department of Justice in the
7 oversight of alliances;

8 (7) whether there are alternatives to antitrust
9 immunity that could be conferred that would also
10 produce public benefits;

11 (8) whether alliances should be required to ex-
12 pire;

13 (9) the level of competition between air carriers
14 who are members of the same alliance;

15 (10) the level of competition between alliances;

16 (11) whether the Department of Transportation
17 should amend, modify, or revoke any exemption from
18 the antitrust laws granted by the Secretary of
19 Transportation in connection with an alliance; and

20 (12) the effect of alliances on the number and
21 quality of jobs for United States air carrier flight
22 crew employees, including the share of alliance flying
23 done by such employees.

24 (c) RECOMMENDATIONS.—Not later than 180 days
25 after the date of enactment of this Act, the Comptroller

1 General shall submit to Congress the results of the study
2 conducted under subsection (a), which shall include rec-
3 ommendations on the reforms needed to improve competi-
4 tion and enhance choices for consumers, including—

5 (1) whether oversight of alliances should be ex-
6 ercised by the Department of Justice rather than by
7 the Department of Transportation; and

8 (2) whether antitrust immunity for alliances
9 should expire.

10 **SEC. 5024. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
11 **AND TURBINE-POWERED MULTIENGINE AIR-**
12 **CRAFT.**

13 The Secretary of Transportation shall revise such
14 regulations as may be necessary to ensure that multi-year
15 lessees and owners of large and turbine-powered multien-
16 gine aircraft are treated equally for purposes of joint own-
17 ership policies of the Federal Aviation Administration.

18 **SEC. 5025. EVALUATION OF EMERGING TECHNOLOGIES.**

19 (a) STUDY.—The Administrator of the Federal Avia-
20 tion Administration, in consultation with representatives
21 of the aviation community and institutions of higher edu-
22 cation (as defined in section 101(a) of the Higher Edu-
23 cation Act of 1964 (20 U.S.C. 1001(a))), shall conduct
24 a study to evaluate the potential impact of emerging tech-
25 nologies, such as electric propulsion and autonomous con-

1 trol, on the current state of aircraft design, operations,
2 maintenance, and licensing.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 a report to the appropriate committees of Congress that
6 summarizes the results of the study conducted under sub-
7 section (a).

8 **SEC. 5026. STUDENT OUTREACH REPORT.**

9 Not later than 6 months after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall submit a report to the appropriate com-
12 mittees of Congress that describes the Administration's
13 existing outreach efforts, such as the STEM Aviation and
14 Space Education Outreach Program, to elementary and
15 secondary students who are interested in careers in
16 science, technology, engineering, art, and mathematics—

17 (1) to prepare and inspire such students for
18 aeronautical careers; and

19 (2) to mitigate an anticipated shortage of pilots
20 and other aviation professionals.

21 **SEC. 5027. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
22 **CONTROL SYSTEM.**

23 Notwithstanding any other provision of law, the Fed-
24 eral Aviation Administration, as appropriate, shall upon
25 request of a private aircraft owner or operator, block the

1 registration number of the aircraft of the owner or oper-
2 ator from any public dissemination or display, except in
3 data made available to a Government agency, for the non-
4 commercial flights of the owner or operator.

5 **SEC. 5028. CONDUCT OF SECURITY SCREENING BY THE**
6 **TRANSPORTATION SECURITY ADMINISTRA-**
7 **TION AT CERTAIN AIRPORTS.**

8 (a) IN GENERAL.—The Administrator of the Trans-
9 portation Security Administration shall provide for secu-
10 rity screening to be conducted by the Transportation Secu-
11 rity Administration at, and provide all necessary staff and
12 equipment to, any airport—

13 (1) that lost commercial air service on or after
14 January 1, 2013; and

15 (2) the operator of which, following the loss de-
16 scribed in paragraph (1), submits to the Adminis-
17 trator—

18 (A) a request for security screening to be
19 conducted at the airport by the Transportation
20 Security Administration; and

21 (B) written confirmation of a commitment
22 from a commercial air carrier—

23 (i) that the air carrier wants to pro-
24 vide commercial air service at the airport;
25 and

1 (ii) that such service will commence
2 not later than 1 year after the date of the
3 submission of the request under subpara-
4 graph (A).

5 (b) DEADLINE.—The Administrator of the Transpor-
6 tation Security Administration shall ensure that the proc-
7 ess of implementing security screening by the Transpor-
8 tation Security Administration at an airport described in
9 subsection (a) is complete not later than the later of—

10 (1) the date that is 90 days after the date on
11 which the operator of the airport submits to the Ad-
12 ministrator a request for such screening under para-
13 graph (2)(A) of that subsection; or

14 (2) the date on which the air carrier intends to
15 provide commercial air service at the airport.

16 (c) EFFECT ON OTHER AIRPORTS.—The Adminis-
17 trator of the Transportation Security Administration shall
18 carry out this section in a manner that does not negatively
19 affect operations at airports that are provided security
20 screening by the Transportation Security Administration.

21 **SEC. 5029. AVIATION CYBERSECURITY.**

22 (a) COMPREHENSIVE AVIATION FRAMEWORK.—

23 (1) IN GENERAL.—Not later than 240 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Federal Aviation Administration shall

1 facilitate and support the development of a com-
2 prehensive framework of principles and policies to
3 reduce cybersecurity risks to the national airspace
4 system, civil aviation, and agency information sys-
5 tems.

6 (2) SCOPE.—As part of the principles and poli-
7 cies under paragraph (1), the Administrator shall—

8 (A) clarify cybersecurity roles and respon-
9 sibilities of offices and employees, including
10 governance structures of any advisory commit-
11 tees addressing cybersecurity at the Federal
12 Aviation Administration;

13 (B) recognize the interactions of different
14 components of the national airspace system and
15 the interdependent and interconnected nature of
16 aircraft and air traffic control systems;

17 (C) identify and implement objectives and
18 actions to reduce cybersecurity risks to the air
19 traffic control information systems, including
20 actions to improve implementation of informa-
21 tion security standards and best practices of the
22 National Institute of Standards and Tech-
23 nology, and policies and guidance issued by the
24 Office of Management and Budget for agency
25 systems;

1 (D) support voluntary efforts by industry,
2 RTCA, Inc., or standards-setting organizations
3 to develop and identify consensus standards,
4 best practices, and guidance on aviation sys-
5 tems information security protection, consistent
6 with the activities described in section 2(e) of
7 the National Institute of Standards and Tech-
8 nology Act (15 U.S.C. 272(e)); and

9 (E) establish guidelines for the voluntary
10 sharing of information between and among
11 aviation stakeholders pertaining to aviation-re-
12 lated cybersecurity incidents, threats, and
13 vulnerabilities.

14 (3) LIMITATIONS.—In carrying out the activi-
15 ties under this section, the Administrator shall—

16 (A) coordinate with aviation stakeholders,
17 including industry, airlines, manufacturers, air-
18 ports, RTCA, Inc., and unions;

19 (B) consult with the Secretary of Defense,
20 Secretary of Homeland Security, Director of
21 National Institute of Standards and Tech-
22 nology, the heads of other relevant agencies,
23 and international regulatory authorities; and

24 (C) evaluate on a periodic basis, but not
25 less than once every 2 years, the effectiveness

1 of the principles established under this sub-
2 section.

3 (b) **THREAT MODEL.**—The Secretary of Transpor-
4 tation, in coordination with the Administrator of the Fed-
5 eral Aviation Administration, shall implement the open
6 recommendation issued in 2015 by the Government Ac-
7 countability Office to assess the potential cost and time-
8 table of developing and maintaining an agency-wide threat
9 model to strengthen cybersecurity across the Federal Avia-
10 tion Administration.

11 (c) **SECURE ACCESS TO FACILITIES AND SYSTEMS.**—

12 (1) **IDENTITY MANAGEMENT REQUIREMENTS.**—

13 Not later than 1 year after the date of enactment
14 of this Act, the Secretary of Transportation shall
15 implement open recommendations issued in 2014 by
16 the Inspector General of the Department of Trans-
17 portation—

18 (A) to work with the Federal Aviation Ad-
19 ministration to revise its plan to effectively
20 transition remaining users to require personal
21 identity verification, including create a plan of
22 actions and milestones with a planned comple-
23 tion date to monitor and track progress; and

24 (B) to work with the Director of the Office
25 of Security of the Department of Transpor-

1 tation to develop or revise plans to effectively
2 transition remaining facilities to require per-
3 sonal identity verification cards at the Federal
4 Aviation Administration.

5 (2) IDENTITY MANAGEMENT ASSESSMENT.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this Act,
8 the Secretary of Transportation shall prepare a
9 plan to implement the use of identity manage-
10 ment, including personal identity verification, at
11 the Federal Aviation Administration, consistent
12 with section 504 of the Cybersecurity Enhance-
13 ment Act of 2014 (Public Law 113–274; 15
14 U.S.C. 7464) and section 225 of title II of divi-
15 sion N of the Cybersecurity Act of 2015 (Public
16 Law 114–113; 129 Stat. 2242).

17 (B) CONTENTS.—The plan shall include—

18 (i) an assessment of the current im-
19 plementation and use of identity manage-
20 ment, including personal identity
21 verification, at the Federal Aviation Ad-
22 ministration for secure access to govern-
23 ment facilities and information systems, in-
24 cluding a breakdown of requirements for
25 use and identification of which systems

1 and facilities are enabled to use personal
2 identity verification; and

3 (ii) the actions to be taken, including
4 specified deadlines, by the Chief Informa-
5 tion Officers of the Department of Trans-
6 portation and the Federal Aviation Admin-
7 istration to increase the implementation
8 and use of such measures, with the goal of
9 100 percent implementation across the
10 agency.

11 (3) REPORT.—The Secretary shall submit the
12 plan to the appropriate committees of Congress.

13 (4) CLASSIFIED INFORMATION.—The report
14 submitted under paragraph (3) shall be in unclassi-
15 fied form, but may include a classified annex.

16 (d) AIRCRAFT SECURITY.—

17 (1) IN GENERAL.—The Aircraft Systems Infor-
18 mation Security Protection Working Group shall pe-
19 riodically review rulemaking, policy, and guidance
20 for certification of avionics software and hardware
21 (including any system on board an aircraft) and con-
22 tinued airworthiness in order to reduce cybersecurity
23 risks to aircraft systems.

24 (2) REQUIREMENTS.—In conducting the re-
25 views, the working group—

1 (A) shall assess the cybersecurity risks to
2 aircraft systems, including recognizing the
3 interactions of different components of the na-
4 tional airspace system and the interdependent
5 and interconnected nature of aircraft and air
6 traffic control systems;

7 (B) shall assess the extent to which exist-
8 ing rulemaking, policy, and guidance to pro-
9 mote safety also promote aircraft systems infor-
10 mation security protection; and

11 (C) based on the results of subparagraphs
12 (A) and (B), may make recommendations to the
13 Administrator of the Federal Aviation Adminis-
14 tration if separate or additional rulemaking,
15 policy, or guidance is needed to address aircraft
16 systems information security protection.

17 (3) RECOMMENDATIONS.—In any recommenda-
18 tion under paragraph (2)(C), the working group
19 shall identify a cost-effective and technology-neutral
20 approach and incorporate voluntary consensus
21 standards and best practices and international prac-
22 tices to the fullest extent possible.

23 (4) REPORT.—

24 (A) IN GENERAL.—Not later than 60 days
25 after the date of enactment of this Act, and pe-

1 riodically thereafter, the working group shall
2 provide a report to the Administrator of the
3 Federal Aviation Administration on the findings
4 of the review and any recommendations.

5 (B) CONGRESS.—The Administrator shall
6 submit to the appropriate committees of Con-
7 gress a copy of each report provided by the
8 working group.

9 (5) CLASSIFIED INFORMATION.—Each report
10 submitted under this subsection shall be in unclassi-
11 fied form, but may include a classified annex.

12 (e) CYBERSECURITY IMPLEMENTATION PROGRESS.—
13 The Administrator of the Federal Aviation Administration
14 shall—

15 (1) not later than 90 days after the date of en-
16 actment of this Act, and periodically thereafter until
17 the completion date, provide to the appropriate com-
18 mittees of Congress a briefing on the actions the Ad-
19 ministrator has taken to improve information secu-
20 rity management, including the steps taken to imple-
21 ment subsections (a), (b) and (c) and all of the
22 issues and open recommendations identified in
23 cybersecurity audit reports issued in 2014 and 2015
24 by the Inspector General of the Department of

1 Transportation and the Government Accountability
2 Office; and

3 (2) not later than 1 year after the date of en-
4 actment of this Act, issue a final report to the ap-
5 propriate committees of Congress on the steps taken
6 to improve information security management, includ-
7 ing implementation of subsections (a), (b) and (c)
8 and all of the issues and open recommendations
9 identified in the cybersecurity audit reports issued in
10 2014 and 2015 by the Inspector General of the De-
11 partment of Transportation and the Government Ac-
12 countability Office.

13 **SEC. 5030. PROHIBITIONS AGAINST SMOKING ON PAS-**
14 **SENGER FLIGHTS.**

15 Section 41706 is amended—

16 (1) by redesignating subsection (d) as sub-
17 section (e); and

18 (2) by inserting after subsection (c) the fol-
19 lowing:

20 “(d) **ELECTRONIC CIGARETTES.**—

21 “(1) **INCLUSION.**—The use of an electronic cig-
22 arette shall be treated as smoking for purposes of
23 this section.

24 “(2) **ELECTRONIC CIGARETTE DEFINED.**—In
25 this section, the term ‘electronic cigarette’ means a

1 device that delivers nicotine or other substances to
2 a user of the device in the form of a vapor that is
3 inhaled to simulate the experience of smoking.”.

4 **SEC. 5031. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
6 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
7 by striking “47176” and inserting “47175”.

8 (b) CONSULTATION ON CARRIER RESPONSE NOT
9 COVERED BY PLAN.—Section 41313(c)(16), as amended
10 by section 3104 of this Act, is further amended by striking
11 “the foreign air carrier will consult” and inserting “will
12 consult”.

13 (c) WEIGHING MAIL.—Section 41907 is amended by
14 striking “and –administrative” and inserting “and admin-
15 istrative”.

16 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
17 44728 is amended—

18 (1) in subsection (c), by striking “chapter” and
19 inserting “title”; and

20 (2) in subsection (d)(3), by striking “is” and
21 inserting “be”.

22 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
23 amended by striking “United States government” and in-
24 serting “United States Government”.

1 (f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
2 is amended by striking “(18 U.S.C. App.)” and inserting
3 “(18 U.S.C. App.)”.

4 (g) ALLOWABLE COST STANDARDS.—Section
5 47110(b)(2) is amended—

6 (1) in subparagraph (B), by striking
7 “compatability” and inserting “compatibility”; and

8 (2) in subparagraph (D)(i), by striking “cli-
9 mactic” and inserting “climatic”.

10 (h) DEFINITION OF QUALIFIED HUBZONE SMALL
11 BUSINESS CONCERN.—Section 47113(a)(3) is amended
12 by striking “(15 U.S.C. 632(o))” and inserting “(15
13 U.S.C. 632(p))”.

14 (i) DISCRETIONARY FUND.—Section 47115, as
15 amended by section 1006 of this Act, is further amend-
16 ed—

17 (1) by striking subsection (i); and

18 (2) by redesignating subsection (j) as sub-
19 section (i).

20 (j) SPECIAL APPORTIONMENT CATEGORIES.—Section
21 47117(e)(1)(B) is amended by striking “at least” and in-
22 serting “At least”.

23 (k) SOLICITATION AND CONSIDERATION OF COM-
24 MENTMENTS.—Section 47171(l) is amended by striking “4371”
25 and inserting “4321”.

1 (l) OPERATIONS AND MAINTENANCE.—Section
2 48104 is amended by striking “(a) AUTHORIZATION OF
3 APPROPRIATIONS.—the” and inserting “The”.

4 (m) EXPENDITURES FROM AIRPORT AND AIRWAY
5 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
6 enue Code of 1986 is amended by striking “farms” and
7 inserting “farms)”.