

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 2658

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, 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 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.

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, 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 uas operations by tribal governments.

PART III—TRANSITION AND SAVINGS PROVISIONS

Sec. 2141. Senior advisor for unmanned aircraft systems integration.
 Sec. 2142. Effect on other laws.
 Sec. 2143. Spectrum.
 Sec. 2144. Applications for designation.
 Sec. 2145. Use of unmanned aircraft systems at institutions of higher education.
 Sec. 2146. 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 flight attendants to identify human trafficking.
- 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.

Subtitle D—General Aviation Safety

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

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.

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 and cancellation fees.
- Sec. 3120. Enforcement of aviation consumer protection rules.
- Sec. 3121. Dimensions for passenger seats.

Subtitle B—Essential Air Service

- 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 metrics report.
- 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. 4121. Cost-saving initiatives.
- Sec. 4122. Treatment of essential employees during furloughs.
- Sec. 4123. Controller candidate interviews.
- Sec. 4124. Hiring of air traffic controllers.
- Sec. 4125. Computation of basic annuity for certain air traffic controllers.

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. 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, the term “appropriate committees of
10 Congress” means the Committee on Commerce, Science,
11 and Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives.

3 **SEC. 4. EFFECTIVE DATE.**

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

7 **TITLE I—AUTHORIZATIONS**
8 **Subtitle A—Funding of FAA**
9 **Programs**

10 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
11 **NOISE COMPATIBILITY PLANNING AND PRO-**
12 **GRAMS.**

13 (a) AUTHORIZATION.—Section 48103(a) is amended
14 by striking “section 47505(a)(2), and carrying out noise
15 compatibility programs under section 47504(c)
16 \$3,350,000,000 for each of fiscal years 2012 through
17 2015 and \$1,675,000,000 for the period beginning on Oc-
18 tober 1, 2015, and ending on March 31, 2016” and insert-
19 ing “section 47505(a)(2), carrying out noise compatibility
20 programs under section 47504(c), for an airport coopera-
21 tive research program under section 44511, for Airports
22 Technology-Safety research, and Airports Technology-Ef-
23 ficiency research, \$3,350,000,000 for fiscal year 2016 and
24 \$3,750,000,000 for fiscal year 2017”.

1 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
2 is amended in the matter preceding paragraph (1) by
3 striking “After March 31, 2016” and inserting “After
4 September 30, 2017”.

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

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
7 48101(a) is amended by striking paragraphs (1) through
8 (5) and inserting the following:

9 “(1) \$2,855,241,025 for fiscal year 2016.

10 “(2) \$2,862,020,524 for fiscal year 2017.”.

11 **SEC. 1003. FAA OPERATIONS.**

12 (a) IN GENERAL.—Section 106(k)(1) is amended by
13 striking subparagraphs (A) through (E) and inserting the
14 following:

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

16 and

17 “(B) \$10,025,361,111 for fiscal year
18 2017.”.

19 (b) AUTHORIZED EXPENDITURES.—Section
20 106(k)(2) is amended by striking “for fiscal years 2012
21 through 2015” each place it appears and inserting “for
22 fiscal years 2016 through 2017”.

23 (c) AUTHORITY TO TRANSFER FUNDS.—Section
24 106(k)(3) is amended by striking “2012 through 2015
25 and for the period beginning on October 1, 2015, and end-

1 ing on March 31, 2016” and inserting “2016 through
2 2017”.

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

4 Section 48102 is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “44511-44513” and in-
9 serting “44512-44513”; and

10 (ii) by striking “and, for each of fiscal
11 years 2012 through 2015, under sub-
12 section (g)”;

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

15 (C) by striking paragraph (9) and insert-
16 ing the following:

17 “(9) \$166,000,000 for fiscal year 2016; and

18 “(10) \$169,000,000 for fiscal year 2017.”; and

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

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

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

24 “(A) IN GENERAL.—The total budget re-
25 sources made available from the Airport and

1 Airway Trust Fund each fiscal year under sec-
2 tions 48101, 48102, 48103, and 106(k)—

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

5 “(I) 90 percent of the estimated
6 level of receipts plus interest credited
7 to the Airport and Airway Trust
8 Fund for that fiscal year; and

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

17 “(ii) may be used only for the aviation
18 investment programs listed in subsection
19 (b)(1).”.

20 (b) ENFORCEMENT OF GUARANTEES.—Section
21 48114(c)(2) is amended by striking “2016” and inserting
22 “2017”.

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

24 (a) MARSHALL ISLANDS, MICRONESIA, AND
25 PALAU.—Section 47115(j) is amended by striking “2015

1 and for the period beginning on October 1, 2015, and end-
2 ing on March 31, 2016,” and inserting “2017”.

3 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
4 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
5 MENTS.—Section 47141(f) is amended by striking “March
6 31, 2016” and inserting “September 30, 2017”.

7 (c) INSPECTOR GENERAL REPORT ON PARTICIPA-
8 TION IN FAA PROGRAMS BY DISADVANTAGED SMALL
9 BUSINESS CONCERNS.—

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

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

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

1 (A) a list of the top 25 and bottom 25
2 large and medium hub airports in terms of pro-
3 viding opportunities for small business concerns
4 owned and controlled by socially and economi-
5 cally disadvantaged individuals to participate in
6 the programs and activities funded using the
7 amounts made available under this Act;

8 (B) the results of an assessment, to be
9 conducted by the Inspector General, on the rea-
10 sons why the top airports have been successful
11 in providing such opportunities; and

12 (C) recommendations to the Administrator
13 of the Federal Aviation Administration and
14 Congress on methods for other airports to
15 achieve results similar to those of the top air-
16 ports.

17 (d) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
18 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
19 the FAA Modernization and Reform Act of 2012 (49
20 U.S.C. 47141 note) is amended by striking “March 31,
21 2016” and inserting “September 30, 2017”.

1 **Subtitle B—Airport Improvement**
2 **Program Modifications**

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

4 Section 47114(c)(1) is amended by adding at the end
5 the following:

6 “(G) SPECIAL RULE FOR FISCAL YEARS
7 2016 THROUGH 2017.—Notwithstanding sub-
8 paragraph (A), the Secretary shall apportion to
9 a sponsor of an airport under that subpara-
10 graph for each of fiscal years 2016 through
11 2017 an amount based on the number of pas-
12 senger boardings at the airport during calendar
13 year 2012 if the airport—

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

16 “(ii) had fewer than 10,000 passenger
17 boardings during the calendar year used to
18 calculate the apportionment for fiscal year
19 2016 or 2017 under subparagraph (A);
20 and

21 “(iii) had scheduled air service in the
22 calendar year used to calculate the appor-
23 tionment.”.

1 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
2 **PROJECTS IN COLD WEATHER STATES.**

3 (a) **IN GENERAL.**—The Administrator of the Federal
4 Aviation Administration, to the extent practicable, shall
5 schedule the Administrator’s review of construction
6 projects so that projects to be carried out in the States
7 in which the weather during a typical calendar year pre-
8 vents major construction projects from being carried out
9 before May 1 are reviewed as early as possible.

10 (b) **REPORT.**—The Administrator shall update the
11 appropriate committees of Congress annually on the effec-
12 tiveness of the review and prioritization.

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

14 Section 47128(a) is amended by striking “9 qualified
15 States for fiscal years 2000 and 2001 and 10 qualified
16 States for each fiscal year thereafter” and inserting “15
17 qualified States for fiscal year 2016 and each fiscal year
18 thereafter”.

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

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

24 (b) **CONTRACT AIR TRAFFIC CONTROL TOWER COST-**
25 **SHARE PROGRAM; FUNDING.**—Section 47124(b)(3)(E) is
26 amended to read as follows:

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

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

8 (d) COST BENEFIT RATIO REVISION.—Section
9 47124 is amended by adding at the end the following:

10 “(d) COST BENEFIT RATIOS.—

11 “(1) CONTRACT AIR TRAFFIC CONTROL TOWER
12 PROGRAM AT COST-SHARE AIRPORTS.—Beginning on
13 the date of enactment of the Federal Aviation Ad-
14 ministration Reauthorization Act of 2016, if an air
15 traffic control tower is operating under the Cost-
16 share Program, the Secretary shall annually cal-
17 culate a new benefit-to-cost ratio for the tower.

18 “(2) CONTRACT TOWER PROGRAM AT NON-
19 COST-SHARE AIRPORTS.—Beginning on the date of
20 enactment of the Federal Aviation Administration
21 Reauthorization Act of 2016, if a tower is operating
22 under the Contract Tower Program and continued
23 under subsection (b)(1), the Secretary shall not cal-
24 culate a new benefit-to-cost ratio for the tower un-
25 less the annual aircraft traffic at the airport where

1 the tower is located decreases by more than 25 per-
2 cent from the previous year or by more than 60 per-
3 cent over a 3 year period.

4 “(3) CONSIDERATIONS.—In establishing a ben-
5 efit-to-cost ratio under paragraph (1) or paragraph
6 (2), the Secretary may consider only the following
7 costs:

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

11 “(B) The Federal Aviation Administra-
12 tion’s actual telecommunications costs of the
13 tower.

14 “(C) Relocation and replacement costs of
15 equipment of the Federal Aviation Administra-
16 tion associated with the tower, if paid for by
17 the Federal Aviation Administration.

18 “(D) Logistics, such as direct costs associ-
19 ated with establishing or updating the tower’s
20 interface with other systems and equipment of
21 the Federal Aviation Administration, if paid for
22 by the Federal Aviation Administration

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

1 “(A) Airway facilities costs, including labor
2 and other costs associated with maintaining and
3 repairing the systems and equipment of the
4 Federal Aviation Administration.

5 “(B) Costs for depreciating the building
6 and equipment owned by the Federal Aviation
7 Administration.

8 “(C) Indirect overhead costs of the Federal
9 Aviation Administration.

10 “(D) Costs for utilities, janitorial, and
11 other services paid for or provided by the air-
12 port or the State or political subdivision of a
13 State having jurisdiction over the airport where
14 the tower is located.

15 “(E) The cost of new or replacement
16 equipment, or construction of a new or replace-
17 ment tower, if the costs incurred were incurred
18 by the airport or the State or political subdivi-
19 sion of a State having jurisdiction over the air-
20 port where the tower is or will be located.

21 “(F) Other expenses of the Federal Avia-
22 tion Administration not directly associated with
23 the actual operation of the tower.

24 “(5) MARGIN OF ERROR.—The Secretary shall
25 add a 5 percent margin of error to a benefit-to-cost

1 ratio determination to acknowledge and account for
2 any direct or indirect factors that are not included
3 in the criteria the Secretary used in calculating the
4 benefit-to-cost ratio.

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

7 “(A) to allow an airport or the State or po-
8 litical subdivision of a State having jurisdiction
9 over the airport where the tower is located not
10 less than 90 days following the receipt of an
11 initial benefit-to-cost ratio determination from
12 the Secretary—

13 “(i) to request the Secretary recon-
14 sider that determination; and

15 “(ii) to submit updated or additional
16 data to the Secretary in support of the re-
17 consideration;

18 “(B) to allow the Secretary not more than
19 90 days to review the data submitted under
20 subparagraph (A)(ii) and respond to the re-
21 quest under subparagraph (A)(i);

22 “(C) to allow the airport, State, or political
23 subdivision of a State, as applicable, 30 days
24 following the date of the response under sub-
25 paragraph (B) to review the response before

1 any action is taken based on a benefit-to-cost
2 determination; and

3 “(D) to provide, after the end of the period
4 described in subparagraph (C), an 18-month
5 grace period before cost-share payments are due
6 from the airport, State, or political subdivision
7 of a State if as a result of the benefit-to-cost
8 ratio determination the airport, State, or polit-
9 ical subdivision, as applicable, is required to
10 transition to the Cost-share Program.

11 “(e) DEFINITIONS.—In this section:

12 “(1) CONTRACT TOWER PROGRAM.—The term
13 ‘Contract Tower Program’ means the level I air traf-
14 fic control tower contract program established under
15 subsection (a) and continued under subsection
16 (b)(1).

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

20 (e) CONFORMING AMENDMENTS.—Section 47124(b)
21 is amended—

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

25 (2) in paragraph (3)—

1 (A) in the heading, by striking “CONTRACT
2 AIR TRAFFIC CONTROL TOWER PROGRAM” and
3 inserting “COST-SHARE PROGRAM”;

4 (B) in subparagraph (A), by striking “con-
5 tract tower program established under sub-
6 section (a) and continued under paragraph (1)
7 (in this paragraph referred to as the ‘Contract
8 Tower Program’)” and inserting “Contract
9 Tower Program”;

10 (C) in subparagraph (B), by striking “In
11 carrying out the program” and inserting “In
12 carrying out the Cost-share Program”;

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

16 (E) in subparagraph (D), by striking
17 “under the program” and inserting “under the
18 Cost-share Program”; and

19 (F) in subparagraph (F), by striking “the
20 program continued under paragraph (1)” and
21 inserting “the Contract Tower Program”; and

22 (3) in paragraph (4)(B)(i)(I), by striking “con-
23 tract tower program established under subsection (a)
24 and continued under paragraph (1) or the pilot pro-
25 gram established under paragraph (3)” and insert-

1 the Contract Tower Program if the Administrator deter-
2 mines the tower is eligible under the criteria set forth in
3 the Federal Aviation Administration report, Establish-
4 ment and Discontinuance Criteria for Airport Traffic Con-
5 trol Towers, dated August 1990 (FAA-APO-90-7).

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

13 (c) DEFINITION OF CONTRACT TOWER PROGRAM.—
14 In this section, the term “Contract Tower Program” has
15 the meaning given the term in section 47124(e) of title
16 49, United States Code.

17 **SEC. 1206. REMOTE TOWERS.**

18 (a) PILOT PROGRAM.—

19 (1) ESTABLISHMENT.—The Administrator of
20 the Federal Aviation Administration shall estab-
21 lish—

22 (A) in consultation with airport operators
23 and general aviation users, a pilot program at
24 public-use airports to construct and operate re-
25 mote towers; and

1 (B) a selection process for participation in
2 the pilot program.

3 (2) SAFETY CONSIDERATIONS.—In establishing
4 the pilot program, the Administrator shall consult
5 with operators of remote towers in foreign countries
6 to design the pilot program in a manner that
7 leverages as many safety and airspace efficiency ben-
8 efits as possible.

9 (3) REQUIREMENTS.—In selecting the airports
10 for participation in the pilot program, the Adminis-
11 trator shall—

12 (A) to the extent practicable, ensure that
13 at least 2 different vendors of remote tower sys-
14 tems participate;

15 (B) include at least 1 airport currently in
16 the Contract Tower Program and at least 1 air-
17 port that does not have an air traffic control
18 tower; and

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

21 (4) RESEARCH.—In selecting an airport for
22 participation in the pilot program, the Administrator
23 shall consider—

24 (A) how inclusion of that airport will add
25 research value to assist the Administrator in

1 evaluating the feasibility, safety, and benefits of
2 using remote towers;

3 (B) the amount and variety of air traffic
4 at an airport; and

5 (C) the costs and benefits of including that
6 airport.

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

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

16 (A) detailing any benefits, costs, or safety
17 improvements associated with the use of the re-
18 mote towers; and

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

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

1 shall select airports for participation in the pilot pro-
2 gram.

3 (8) DEFINITIONS.—In this subsection:

4 (A) CONTRACT TOWER PROGRAM.—The
5 term “Contract Tower Program” has the mean-
6 ing given the term in section 47124(e) of title
7 49, United States Code.

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

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

23 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

24 Section 186(d) of the Vision 100 - Century of Avia-
25 tion Reauthorization Act (Public Law 108–176; 117 Stat.

1 2518) is amended by striking “and for the period begin-
2 ning on October 1, 2015, and ending on March 31, 2016,”
3 inserting “and for fiscal years 2016 through 2017”.

4 **SEC. 1208. AIRPORT ROAD FUNDING.**

5 (a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—
6 Section 47107(b) is amended by adding at the end the
7 following:

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

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

3 (1) by inserting “(1)” before “Nothing” and in-
4 denting appropriately; and

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

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

11 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
12 **PORT VEHICLE PILOT PROGRAM.**

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

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

47136. [Reserved].

18 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
19 **HICLES AND INFRASTRUCTURE PILOT PRO-**
20 **GRAM.**

21 Section 47136a is amended—

22 (1) in subsection (a), by striking “, including”
23 and inserting “used exclusively for transporting pas-
24 sengers on-airport or for employee shuttle buses
25 within the airport, including”; and

1 (2) in subsection (f), by inserting “, as in effect
2 on the day before the date of enactment of the Fed-
3 eral Aviation Administration Reauthorization Act of
4 2016,” after “section 47136”.

5 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
6 **MENT EMISSIONS RETROFIT PILOT PRO-**
7 **GRAM.**

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

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
10 The table of contents for chapter 471 is amended by strik-
11 ing the item relating to section 47140 and inserting the
12 following:

 “47140. [Reserved].”.

13 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
14 **EFFICIENCY ASSESSMENTS.**

15 (a) COST REIMBURSEMENTS.—Section 47140a(a) is
16 amended by striking “airport.” and inserting “airport,
17 and to reimburse the airport sponsor for the costs incurred
18 in conducting the assessment.”.

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

23 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
24 **CLASSIFIED AIRPORTS.**

25 Section 47106(a) is amended—

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

3 (2) in paragraph (6)—

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

9 (B) in subparagraph (E), by striking the
10 period at the end and inserting “; and”; and

11 (3) by adding at the end the following:

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

15 “(A) for maintenance of the pavement of
16 the primary runway;

17 “(B) for obstruction removal for the pri-
18 mary runway;

19 “(C) for the rehabilitation of the primary
20 runway; or

21 “(D) a project that the Secretary considers
22 necessary for the safe operation of the air-
23 port.”.

1 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYS-**
2 **TEMS.**

3 Section 44502(e) is amended by striking the first sen-
4 tence and inserting “An airport may transfer, without con-
5 sideration, to the Administrator of the Federal Aviation
6 Administration an instrument landing system consisting
7 of a glide slope and localizer that conforms to performance
8 specifications of the Administrator if an airport improve-
9 ment project grant was used to assist in purchasing the
10 system, and if the Federal Aviation Administration has
11 determined that a satellite navigation system cannot pro-
12 vide a suitable approach.”.

13 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
14 **PROGRAM.**

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

17 **“§ 47143. Non-movement area surveillance surface**
18 **display systems pilot program**

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

24 “(1) the Administrator determines that acquisi-
25 tion and installation of qualifying non-movement
26 area surveillance surface display systems and sen-

1 sors improve safety or capacity in the National Air-
2 space System; and

3 “(2) the non-movement area surveillance sur-
4 face display systems and sensors are supplemental to
5 existing movement area systems and sensors at the
6 selected airports established under other programs
7 administered by the Administrator.

8 “(b) PROJECT GRANTS.—

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

23 “(2) PROCEDURES.—In accordance with the au-
24 thority under section 106, the Administrator may es-
25 tablish procurement procedures applicable to grants

1 issued under this subsection. The procedures may
2 permit the sponsor to carry out the project with ven-
3 dors that have been accepted in the procurement
4 procedure or using Federal Aviation Administration
5 contracts. The procedures may provide for the direct
6 reimbursement (including administrative costs) of
7 the Administrator by the sponsor using grant funds
8 under this subsection, for the ordering of system-re-
9 lated equipment and its installation, or for the direct
10 ordering of system-related equipment and its instal-
11 lation by the sponsor, using such grant funds, from
12 the suppliers with which the Administrator has con-
13 tracted.

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

21 “(c) DEFINITIONS.—In this section:

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

1 “(2) NON-MOVEMENT AREA SURVEILLANCE
2 SURFACE DISPLAY SYSTEM AND SENSORS.—The
3 term ‘non-movement area surveillance surface dis-
4 play system and sensors’ is a non-Federal surveil-
5 lance system that uses on-airport sensors that track
6 vehicles or aircraft that are equipped with tran-
7 sponders in the non-movement area.

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

14 “(A) provides the required transmit and
15 receive data formats consistent with the Na-
16 tional Airspace System architecture at the ap-
17 propriate service delivery point;

18 “(B) is on-airport; and

19 “(C) is airport operated.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

23 **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

24 Section 47102 is amended—

1 runway and taxiway incursion prevention
2 devices;”;

3 (4) in paragraph (3)—

4 (A) in subparagraph (K), by striking “such
5 project will result in an airport receiving appro-
6 priate” and inserting “the airport would be able
7 to receive”; and

8 (B) in subparagraph (L)—

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

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

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

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

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

1 nights at the airport for the greater
2 part of the year; or”; and

3 (10) by adding at the end the following:

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

10 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**
11 **DATES.**

12 Section 47503(b) is amended—

13 (1) by striking “a change in the operation of
14 the airport would establish” and inserting “there is
15 a change in the operation of the airport that would
16 establish”; and

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

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

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

23 **SEC. 1218. PROVISION OF FACILITIES.**

24 Section 44502 is amended by adding at the end the
25 following:

1 “(f) AIRPORT SPACE.—

2 “(1) RESTRICTION.—The Administrator may
3 not require an airport owner or sponsor (as defined
4 in section 47102) to provide to the Federal Aviation
5 Administration without cost any of the following:

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

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

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

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

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

1 **SEC. 1219. CONTRACT WEATHER OBSERVERS.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of enactment of this Act, the Administrator of the
4 Federal Aviation Administration shall submit to the ap-
5 propriate committee of Congress a report—

6 (1) outlining safety risks, hazard effects, and
7 operational effects that could result from loss of con-
8 tract weather observer service at airports that use
9 this service and were under review by the Federal
10 Aviation Administration on March 1, 2016;

11 (2) detailing whether and how rapidly changing
12 severe weather conditions, including thunderstorms,
13 lightning, fog, visibility, cloud layers and ceilings, ice
14 pellets, freezing rain, and drizzle without contract
15 weather observers can accurately be reported at an
16 airport described in paragraph (1); and

17 (3) detailing the process by which the Adminis-
18 trator analyzed the safety hazards associated with
19 eliminating the contract weather observer service.

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

25 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

26 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 **Subtitle C—Passenger Facility**
2 **Charges**

3 **SEC. 1301. PFC STREAMLINING.**

4 (a) PASSENGER FACILITY CHARGES; GENERAL AU-
5 THORITY.—Section 40117(b)(4) is amended—

6 (1) in the matter preceding subparagraph (A),
7 by striking “, if the Secretary finds—” and inserting
8 a period; and

9 (2) by striking subparagraphs (A) and (B).

10 (b) PILOT PROGRAM FOR PASSENGER FACILITY
11 CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Sec-
12 tion 40117(l) is amended—

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

15 (2) in paragraph (1), by striking “nonhub” and
16 inserting “nonhub, small hub, medium hub, and
17 large hub”.

18 **SEC. 1302. INTERMODAL ACCESS PROJECTS.**

19 Section 40117 is amended by adding at the end the
20 following:

21 “(n) PFC ELIGIBILITY FOR INTERMODAL GROUND
22 ACCESS PROJECTS.—

23 “(1) IN GENERAL.—The Secretary may author-
24 ize a passenger facility charge imposed under sub-

1 section (b)(1) to be used to finance the eligible cap-
2 ital costs of an intermodal ground access project.

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

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

9 “(B) is directly and substantially related to
10 the movement of passengers or property trav-
11 eling in air transportation.

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

15 “(A) the total capital cost of the project
16 multiplied by the ratio that the number of indi-
17 viduals projected to use the project to gain ac-
18 cess to or depart from the airport bears to the
19 total number of individuals projected to use the
20 local facility; or

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

23 “(4) DETERMINATIONS.—The Secretary shall
24 determine the projected use and cost of a project for
25 purposes of paragraph (3) at the time the project is

1 approved under this subsection, except that, in the
2 case of a project to be financed in part using funds
3 administered by the Federal Transit Administration,
4 the Secretary shall use the travel forecasting model
5 for the project at the time the project is approved
6 by the Federal Transit Administration to enter pre-
7 liminary engineering to determine the projected use
8 and cost of the project for purposes of paragraph
9 (3).

10 “(5) NONATTAINMENT AREAS.—For airport
11 property, any area of which is located in a non-
12 attainment area (as defined under section 171 of the
13 Clean Air Act (42 U.S.C. 7501)) for 1 or more cri-
14 teria pollutant, the airport emissions reductions
15 from less airport surface transportation and parking
16 as a direct result of the development of an inter-
17 modal project on the airport property would be eligi-
18 ble for air quality emissions credits.”.

19 **SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCI-**
20 **ATED AIRPORT.**

21 Section 40117, as amended by section 1302, is fur-
22 ther amended by adding at the end the following:

23 “(o) USE OF REVENUES AT A PREVIOUSLY ASSOCI-
24 ATED AIRPORT.—Notwithstanding the requirements relat-
25 ing to airport control under subsection (b)(1), the Sec-

1 retary may authorize use of a passenger facility charge
2 under subsection (b) to finance an eligible airport-related
3 project if—

4 “(1) the eligible agency seeking to impose the
5 new charge controls an airport where a \$2.00 pas-
6 senger facility charge became effective on January 1,
7 2013; and

8 “(2) the location of the project to be financed
9 by the new charge is at an airport that was under
10 the control of the same eligible agency that had con-
11 trolled the airport described in paragraph (1).”.

12 **SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FI-**
13 **NANCING STUDY.**

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

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

- 4 (1) non-hub Airports;
- 5 (2) small hub airports;
- 6 (3) medium hub airports;
- 7 (4) large hub airports;
- 8 (5) airports with international service;
- 9 (6) non-primary airports;
- 10 (7) local elected officials;
- 11 (8) relevant labor organizations;
- 12 (9) passengers; and
- 13 (10) air carriers.

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

- 16 (1) the ability of airport infrastructure to meet
17 current and projected passenger volumes;
- 18 (2) the available financial tools and resources
19 for airports of different sizes;
- 20 (3) the current debt held by airports, and its
21 impact on future construction and capacity needs;
- 22 (4) the impact of capacity constraints on pas-
23 sengers and ticket prices;

1 (5) the purchasing power of the passenger facil-
2 ity charge from the last increase in 2000 to the year
3 of enactment of this Act;

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

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

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

10 (9) the additional resources or options to fund
11 terminal construction projects;

12 (10) the resources eligible for use toward noise
13 reduction and emission reduction projects;

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

16 (12) the impact of regulatory requirements on
17 airport infrastructure financing needs;

18 (13) airline competition;

19 (14) airline ancillary fees and their impact on
20 ticket pricing and taxable revenue; and

21 (15) the ability of airports to finance necessary
22 safety, security, capacity, and environmental projects
23 identified in capital improvement plans.

24 (d) REPORT.—Not later than 15 months after the
25 date of enactment of this Act, the Transportation Re-

1 search Board shall submit to the Secretary and the appro-
2 priate committees of Congress a report on its findings and
3 recommendations.

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

7 **TITLE II—SAFETY**
8 **Subtitle A—Unmanned Aircraft**
9 **Systems Reform**

10 **SEC. 2001. DEFINITIONS.**

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

15 (b) DEFINITION OF CIVIL AIRCRAFT.—The term
16 “civil aircraft” has the meaning given the term in section
17 40102 of title 49, United States Code.

18 **PART I—PRIVACY AND TRANSPARENCY**

19 **SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**
20 **ICY.**

21 It is the policy of the United States that the operation
22 of any unmanned aircraft or unmanned aircraft system
23 shall be carried out in a manner that respects and protects
24 personal privacy consistent with the United States Con-
25 stitution and Federal, State, and local law.

1 **SEC. 2102. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) each person that uses an unmanned aircraft
4 system for compensation or hire, or in the further-
5 ance of a business enterprise, except for news gath-
6 ering, should have a written privacy policy consistent
7 with section 2101 that is appropriate to the nature
8 and scope of the activities regarding the collection,
9 use, retention, and dissemination of any data col-
10 lected during the operation of an unmanned aircraft
11 system;

12 (2) each privacy policy described in paragraph
13 (1) should be periodically reviewed and updated as
14 necessary; and

15 (3) each privacy policy described in paragraph
16 (1) should be publicly available.

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

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

1 **SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFOR-**
2 **MATION ADMINISTRATION MULTI-STAKE-**
3 **HOLDER PROCESS.**

4 Not later than July 31, 2016, the Administrator of
5 the National Telecommunications and Information Ad-
6 ministration shall submit to the appropriate committees
7 of Congress a report on the industry privacy best practices
8 developed through the multi-stakeholder engagement proc-
9 ess (established under Presidential Memorandum of Feb-
10 ruary 15, 2015 (80 Fed. Reg. 9355)) on unmanned air-
11 craft systems transparency and accountability. In addition
12 to the agreed upon best practices, this report shall include
13 relevant stakeholder recommendations for legislative or
14 regulatory action regarding privacy, accountability, and
15 transparency, including ways to encourage the adoption
16 of privacy policies by companies that use unmanned air-
17 craft systems for compensation or hire, or in the further-
18 ance of a business enterprise. The report shall take into
19 account existing rights protected under the First Amend-
20 ment to the United States Constitution in public spaces
21 and the First Amendment rights of journalists to control
22 their archives.

23 **SEC. 2105. IDENTIFICATION STANDARDS.**

24 (a) IN GENERAL.—The Director of the National In-
25 stitute of Standards and Technology, in collaboration with
26 the Administrator of the Federal Aviation Administration,

1 and in consultation with the Secretary of Transportation,
2 the President of RTCA, Inc., and the Administrator of
3 the National Telecommunications and Information Ad-
4 ministration, shall convene industry stakeholders to facili-
5 tate the development of consensus standards for remotely
6 identifying operators and owners of unmanned aircraft
7 systems and associated unmanned aircraft.

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

10 (1) requirements for remote identification of
11 unmanned aircraft systems;

12 (2) appropriate requirements for different clas-
13 sifications of unmanned aircraft systems operations,
14 including public and civil;

15 (3) the role of manufacturers, the Federal Avia-
16 tion Administration, and the owners of the systems
17 described in paragraphs (1) and (2) in reporting and
18 verifying identification data; and

19 (4) the feasibility of the development and oper-
20 ation of a publicly searchable online database to fur-
21 ther enable the immediate remote identification of
22 any unmanned aircraft and its operator by the gen-
23 eral public.

24 (c) DEADLINE.—Not later than 1 year after the date
25 of enactment of this Act, the Director shall submit to the

1 appropriate committees of Congress a report on the con-
2 sensus identification standards.

3 (d) GUIDANCE.—Not later than 1 year after the date
4 that the Director submits the report on the consensus
5 identification standards under subsection (c), the Admin-
6 istrator of the Federal Aviation Administration shall issue
7 regulatory guidance based on the consensus identification
8 standards.

9 **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERA-**
10 **TORS.**

11 (a) IN GENERAL.—Except for model aircraft under
12 section 44808 of title 49, United States Code, in author-
13 izing the operation of any public unmanned aircraft sys-
14 tem or the operation of any unmanned aircraft system by
15 a person conducting civil aircraft operations, the Adminis-
16 trator of the Federal Aviation Administration, to the ex-
17 tent practicable and consistent with applicable law and
18 without compromising national security, homeland de-
19 fense, or law enforcement, shall make the identifying in-
20 formation in subsection (b) available to the public via an
21 online searchable database.

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

24 (1) The name of each individual, or agency, as
25 applicable, authorized to conduct civil or public un-

1 manned aircraft systems operations described in
2 subsection (a).

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

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

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

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

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

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

1 (e) **TERMINATION.**—The Administrator may cease
2 the operation of such database on the date that the Ad-
3 ministrator issues regulatory guidance on the consensus
4 identification standards in section 2105.

5 **SEC. 2107. ANALYSIS OF CURRENT REMEDIES UNDER FED-**
6 **ERAL, STATE, LOCAL JURISDICTIONS.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Comptroller General of the United States
9 shall conduct and submit to the appropriate committees
10 of Congress a review of the privacy issues and concerns
11 associated with the operation of unmanned aircraft sys-
12 tems in the national airspace system that—

13 (1) examines and identifies the existing Fed-
14 eral, State, or local laws, including constitutional
15 law, that address an individual’s personal privacy;

16 (2) identifies specific issues and concerns that
17 may limit the availability of existing civil or criminal
18 legal remedies regarding inappropriate operation of
19 unmanned aircraft systems in the national airspace
20 system;

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

23 (4) recommends legislative or other actions to
24 address the limitations and deficiencies identified in
25 paragraphs (2) and (3).

1 fications and conditions required for operation of a
2 public aircraft (as defined in section 40102(a)).

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

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

11 “(8) ‘test range’ means a defined geographic
12 area where research and development are conducted
13 as authorized by the Administrator of the Federal
14 Aviation Administration.

15 “(9) ‘test site’ means any of the 6 test ranges
16 established by the Administrator of the Federal
17 Aviation Administration under section 332(c) of the
18 FAA Modernization and Reform Act of 2012 (49
19 U.S.C. 40101 note), as in effect on the day before
20 the date of enactment of the Federal Aviation Ad-
21 ministration Reauthorization Act of 2016.

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

1 “(11) ‘unmanned aircraft system’ means an un-
2 manned aircraft and associated elements (including
3 communication links and the components that con-
4 trol the unmanned aircraft) that are required for the
5 operator to operate safely and efficiently in the na-
6 tional airspace system.”.

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

 “448. Unmanned Aircraft Systems 44801”.

10 **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**

11 **TEST SITES.**

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

15 **“§ 44802. Unmanned aircraft system test sites**

16 “(a)(1) IN GENERAL.—The Administrator of the
17 Federal Aviation Administration shall establish and up-
18 date, as appropriate, a program for the use of the 6 test
19 sites established under section 332(c) of the FAA Mod-
20 ernization and Reform Act of 2012 (49 U.S.C. 40101
21 note) to facilitate the safe integration of unmanned air-
22 craft systems into the national airspace system.

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

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

3 “(1) designate airspace for safely testing the in-
4 tegration of unmanned flight operations in the na-
5 tional airspace system;

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

9 “(3) coordinate with and leverage the resources
10 of the National Aeronautics and Space Administra-
11 tion and the Department of Defense;

12 “(4) address both civil and public unmanned
13 aircraft systems;

14 “(5) ensure that the program is coordinated
15 with relevant aspects of the Next Generation Air
16 Transportation System;

17 “(6) provide for verification of the safety of un-
18 manned aircraft systems and related navigation pro-
19 cedures as it relates to continued development of
20 standards for integration into the national airspace
21 system;

22 “(7) engage each test site operator in projects
23 for research, development, testing, and evaluation of
24 unmanned aircraft systems to facilitate the Federal
25 Aviation Administration’s development of standards

1 for the safe integration of unmanned aircraft into
2 the national airspace system, which may include so-
3 lutions for—

4 “(A) developing and enforcing geographic
5 and altitude limitations;

6 “(B) classifications of airspace where man-
7 ufacturers must prevent flight of an unmanned
8 aircraft system;

9 “(C) classifications of airspace where man-
10 ufacturers of unmanned aircraft systems must
11 alert the operator to hazards or limitations on
12 flight;

13 “(D) sense and avoid capabilities; and

14 “(E) beyond-line-of-sight, nighttime oper-
15 ations and unmanned traffic management, or
16 other critical research priorities;

17 “(8) coordinate periodically with all test site op-
18 erators to ensure test site operators know which
19 data should be collected, what procedures should be
20 followed, and what research would advance efforts to
21 safely integrate unmanned aircraft systems into the
22 national airspace system;

23 “(9) allow a test site to develop multiple test
24 ranges within the test site;

1 “(10) streamline the approval process for test
2 sites when processing unmanned aircraft certificates
3 of waiver or authorization for operations at the test
4 sites;

5 “(11) require each test site operator to protect
6 proprietary technology, sensitive data, or sensitive
7 research of any civil or private entity when using
8 that test site without the need to obtain an experi-
9 mental or special airworthiness certificate;

10 “(12) evaluate options for the operation of 1 or
11 more small unmanned aircraft systems beyond the
12 visual line of sight of the operator for testing under
13 controlled conditions that ensure the safety of per-
14 sons and property, including on the ground; and

15 “(13) allow test site operators to receive Fed-
16 eral funding, other than from the Federal Aviation
17 Administration, including in-kind contributions,
18 from test site participants in the furtherance of re-
19 search, development, and testing objectives.

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

23 “(1) take into consideration geographic and cli-
24 matic diversity;

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

3 “(3) consult with the Administrator of the Na-
4 tional Aeronautics and Space Administration and
5 the Secretary of Defense.

6 “(d) REPORT TO CONGRESS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the Federal Aviation Ad-
9 ministration Reauthorization Act of 2016, the Ad-
10 ministrator shall submit to the appropriate commit-
11 tees of Congress a report on the establishment and
12 implementation of the program under subsection (a).

13 “(2) BRIEFINGS.—Beginning 180 days after
14 the date of enactment of the Federal Aviation Ad-
15 ministration Reauthorization Act of 2016, and every
16 180 days thereafter until September 30, 2017, the
17 Administrator shall provide to the appropriate com-
18 mittees of Congress a briefing that includes—

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

22 “(B) a description of all of the data gen-
23 erated from the operations described in sub-
24 paragraph (A), and shared with the Federal
25 Aviation Administration through a cooperative

1 research and development agreement authorized
2 in section 2123 of the Federal Aviation Admin-
3 istration Reauthorization Act of 2016, that re-
4 late to unmanned aircraft systems research pri-
5 orities, including beyond-line-of-sight, un-
6 manned traffic management, nighttime oper-
7 ations, and sense and avoid technology;

8 “(C) a description of how the data de-
9 scribed in subparagraph (B) will be or is
10 used—

11 “(i) to advance Federal Aviation Ad-
12 ministration priorities;

13 “(ii) to validate the safety of un-
14 manned aircraft systems and related tech-
15 nology; and

16 “(iii) to inform future rulemaking re-
17 lated to the integration of unmanned air-
18 craft systems into the national airspace;

19 “(D) an evaluation of the activities and
20 specific outcomes from activities at the test
21 sites that support the safe integration of un-
22 manned aircraft systems under this chapter;
23 and

24 “(E) recommendations for future Federal
25 Aviation Administration test site operations

1 that would generate data necessary to inform
2 future rulemaking related to unmanned aircraft
3 systems.

4 “(e) REVIEW OF OPERATIONS BY TEST SITE OPERA-
5 TORS.—The operator of each test site under subsection (a)
6 shall—

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

9 “(A) ongoing or completed research; and

10 “(B) data regarding operations by private
11 and public operators; and

12 “(2) submit to the Administrator, in such form
13 and manner as specified by the Administrator, the
14 results of the review, including recommendations to
15 further enable private research and development op-
16 erations at the test sites that contribute to the Fed-
17 eral Aviation Administration’s safe integration of
18 unmanned aircraft systems into the national air-
19 space system, on a quarterly basis until the program
20 terminates.

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

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“44802. Unmanned aircraft system test sites.”.

5 (2) PILOT PROJECTS.—Section 332 of the FAA
6 Modernization and Reform Act of 2012 (49 U.S.C.
7 40101 note) is amended by striking subsection (c).

8 **SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND**
9 **TESTING.**

10 (a) RESEARCH PLAN.—Not later than 1 year after
11 the date of enactment of this Act, the Administrator of
12 the Federal Aviation Administration and the United
13 States Unmanned Aircraft System Executive Committee,
14 jointly, and in coordination with industry, users, the Cen-
15 ter of Excellence for Unmanned Aircraft Systems, and test
16 site operators, shall develop a research plan to identify on-
17 going research into the broad range of technical, proce-
18 dural, and policy concerns arising from the integration of
19 unmanned aircraft systems into the national airspace sys-
20 tem, and research needs regarding those concerns. In de-
21 veloping the plan, the Administrator shall determine and
22 engage the appropriate entities to meet the research needs
23 identified in the plan.

24 (b) COLLABORATIVE RESEARCH AND DEVELOPMENT
25 AGREEMENTS.—The Administrator may use the other

1 transaction authority under section 106(l)(6) of title 49,
2 United States Code, and enter into collaborative research
3 and development agreements, to direct research related to
4 unmanned aircraft systems, including at any test site
5 under section 44802(a) of that title.

6 **SEC. 2124. SAFETY STANDARDS.**

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

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

11 “(a) CONSENSUS AIRCRAFT SAFETY STANDARDS.—
12 Not later than 60 days after the date of enactment of the
13 Federal Aviation Administration Reauthorization Act of
14 2016, the Director of the National Institute of Standards
15 and Technology and the Administrator of the Federal
16 Aviation Administration, in consultation with government
17 and industry stakeholders and appropriate standards-set-
18 ting organizations, shall initiate a collaborative process to
19 develop risk-based, consensus industry airworthiness
20 standards related to the safe integration of small un-
21 manned aircraft systems into the national airspace sys-
22 tem.

23 “(b) CONSIDERATIONS.—In developing the consensus
24 aircraft safety standards, the Director and Administrator
25 shall consider the following:

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

4 “(2) Using performance-based standards.

5 “(3) Predetermined action to maintain safety in
6 the event that a communications link between a
7 small unmanned aircraft and its operator is lost or
8 compromised.

9 “(4) Detectability and identifiability to pilots,
10 the Federal Aviation Administration, and air traffic
11 controllers, as appropriate.

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

17 “(6) Consensus identification standards under
18 section 2105.

19 “(7) How to update or modify a small un-
20 manned aircraft system that was commercially dis-
21 tributed prior to the development of the consensus
22 aircraft safety standards so that, to the greatest ex-
23 tent practicable, such systems meet the consensus
24 aircraft safety standards.

1 “(8) Any technology or standard related to
2 small unmanned aircraft systems that promotes
3 aviation safety.

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

7 “(1) the Administrator of the National Aero-
8 nautics and Space Administration;

9 “(2) the President of RTCA, Inc.;

10 “(3) the Secretary of Defense;

11 “(4) each operator of a test site under section
12 44802;

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

15 “(6) unmanned aircraft systems stakeholders;
16 and

17 “(7) community-based aviation organizations.

18 “(d) FAA APPROVAL.—Not later than 1 year after
19 the date of enactment of the Federal Aviation Administra-
20 tion Reauthorization Act of 2016, the Administrator of the
21 Federal Aviation Administration shall establish a process
22 for the approval of small unmanned aircraft systems make
23 and models based upon the consensus aircraft safety
24 standards developed under subsection (a). The consensus
25 aircraft safety standards developed under subsection (a)

1 shall allow the Administrator to approve small unmanned
2 aircraft systems for operation within the national airspace
3 system without requiring the type certification process in
4 parts 21 and 23 of the Code of Federal Regulations.

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

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

12 “(A) the aircraft’s operating instructions;

13 and

14 “(B) the manufacturer’s statement of com-
15 pliance as described in subsection (f) of this
16 section.

17 “(2) A sample aircraft must be inspected by the
18 Federal Aviation Administration and found to be in
19 a condition for safe operation and in compliance
20 with the consensus aircraft safety standards re-
21 quired by the Administrator in subsection (d).

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

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

3 “(2) state that the aircraft make and model
4 meets the provisions of the standard identified in
5 paragraph (1);

6 “(3) state that the aircraft make and model
7 conforms to the manufacturer’s design data, using
8 the manufacturer’s quality assurance system that
9 meets the identified consensus standard adopted by
10 the Administrator in subsection (d), and is manufac-
11 tured in way that ensures consistency in the produc-
12 tion process so that every unit produced meets the
13 applicable consensus aircraft safety standards;

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

16 “(A) the aircraft’s operating instructions,
17 that meet the standard identified in paragraph
18 (1); and

19 “(B) the aircraft’s maintenance and in-
20 spection procedures, that meet the standard
21 identified in paragraph (1);

22 “(5) state that the manufacturer will monitor
23 and correct safety-of-flight issues through a contin-
24 ued airworthiness system that meets the standard
25 identified in paragraph (1);

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

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

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

10 “(B) found the sample aircraft perform-
11 ance acceptable; and

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

14 “(g) PROHIBITION.—It shall be unlawful for any per-
15 son to introduce or deliver for introduction into interstate
16 commerce any unmanned aircraft manufactured after the
17 date that the Administrator adopts consensus aircraft
18 safety standards under this section, unless the manufac-
19 turer has received approval under subsection (d) for each
20 make and model.”.

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

“44803. Aircraft safety standards.”.

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

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

5 **“§ 44804. Unmanned aircraft systems in the Arctic**

6 “(a) IN GENERAL.—The Secretary of Transportation
7 shall develop a plan and initiate a process to work with
8 relevant Federal agencies and national and international
9 communities to designate permanent areas in the Arctic
10 where small unmanned aircraft may operate 24 hours per
11 day for research and commercial purposes.

12 “(b) PLAN CONTENTS.—The plan under subsection
13 (a) shall include the development of processes to facilitate
14 the safe operation of unmanned aircraft beyond line of
15 sight.

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

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

24 “(e) AIRCRAFT APPROVAL.—Not later than 1 year
25 after the entry into force of an agreement necessary to
26 effectuate the purposes of this section, the Secretary shall

1 work with relevant national and international communities
2 to establish and implement a process, or may apply an
3 applicable process already established, for approving the
4 use of unmanned aircraft in the designated permanent
5 areas in the Arctic without regard to whether an un-
6 manned aircraft is used as a public aircraft, a civil air-
7 craft, or a model aircraft.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

13 (2) EXPANDING USE OF UNMANNED AIRCRAFT
14 SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-
15 ernization and Reform Act of 2012 (49 U.S.C.
16 40101 note) is amended by striking subsection (d).

17 **SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
18 **AIRCRAFT SYSTEMS.**

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

22 **“§ 44805. Special authority for certain unmanned air-**
23 **craft systems**

24 “(a) IN GENERAL.—Notwithstanding any other re-
25 quirement of this chapter, the Secretary of Transportation

1 shall use a risk-based approach to determine if certain un-
2 manned aircraft systems may operate safely in the na-
3 tional airspace system notwithstanding completion of the
4 comprehensive plan and rulemaking required by section
5 332 of the FAA Modernization and Reform Act of 2012
6 (49 U.S.C. 40101 note) or the guidance required by sec-
7 tion 44807.

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

11 “(1) which types of unmanned aircraft systems,
12 if any, as a result of their size, weight, speed, oper-
13 ational capability, proximity to airports and popu-
14 lated areas, and operation within or beyond visual
15 line of sight, or operation during the day or night,
16 do not create a hazard to users of the national air-
17 space system or the public; and

18 “(2) whether a certificate under section 44703
19 or section 44704 of this title, or a certificate of
20 waiver or certificate of authorization, is required for
21 the operation of unmanned aircraft systems identi-
22 fied under paragraph (1) of this subsection.

23 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
24 Secretary determines under this section that certain un-
25 manned aircraft systems may operate safely in the na-

1 tional airspace system, the Secretary shall establish re-
2 quirements for the safe operation of such aircraft systems
3 in the national airspace system, including operation re-
4 lated to research, development, and testing of proprietary
5 systems.

6 “(d) PILOT CERTIFICATION EXEMPTION.—If the
7 Secretary proposes, under this section, to require an oper-
8 ator of an unmanned aircraft system to hold an airman
9 certificate, a medical certificate, or to have a minimum
10 number of hours operating a manned aircraft, the Sec-
11 retary shall set forth the reasoning for such proposal and
12 seek public notice and comment before imposing any such
13 requirements.

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

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

23 (2) SPECIAL RULES FOR CERTAIN UNMANNED
24 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
25 ernization and reform Act of 2012 (49 U.S.C. 40101

1 note) and the item relating to that section in the
2 table of contents under section 1(b) of that Act (126
3 Stat. 13) are repealed.

4 **SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.**

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

7 (1) beyond visual line of sight operations of un-
8 manned aerial systems have tremendous potential—

9 (A) to enhance research and development
10 both commercially and in academics;

11 (B) to spur economic growth and develop-
12 ment through innovative applications of this
13 emerging technology; and

14 (C) to improve emergency response efforts
15 as it relates to assessing damage to critical in-
16 frastructure such as roads, bridges, and public
17 utilities, including water and power, ultimately
18 speeding response time;

19 (2) advancements in miniaturization of safety
20 technologies, including for aircraft weighing under
21 4.4 pounds, have increased economic opportunities
22 for using unmanned aircraft systems while reducing
23 kinetic energy and risk compared to unmanned air-
24 craft that may weigh as much as 55 pounds;

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

4 (4) integrating unmanned aircraft systems safe-
5 ly into the national airspace, including beyond visual
6 line of sight operations on a routine basis should re-
7 main a top priority for the Federal Aviation Admin-
8 istration as it pursues additional rulemakings under
9 the amendments made by this section.

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

13 **“§ 44806. Additional rulemaking authority**

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

22 “(1) without an airman certificate;

23 “(2) without an airworthiness certificate for the
24 associated unmanned aircraft; or

1 “(B) the person operates the unmanned
2 aircraft system in a manner prescribed by the
3 regulations; and

4 “(2) to limit or affect in any way the Adminis-
5 trator’s authority to conduct a rulemaking, make a
6 determination, or carry out any activity related to
7 unmanned aircraft or unmanned aircraft systems
8 under any other provision of law.”.

9 (c) TABLE OF CONTENTS.—The table of contents for
10 chapter 448, as amended by section 2126 of this Act, is
11 amended by inserting after the item relating to section
12 44805 the following:

 “44806. Additional rulemaking authority.”.

13 **SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
14 **TEMS.**

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

18 **“§ 44807. Public unmanned aircraft systems**

19 “(a) GUIDANCE.—The Secretary of Transportation
20 shall issue guidance regarding the operation of a public
21 unmanned aircraft system—

22 “(1) to streamline the process for the issuance
23 of a certificate of authorization or a certificate of
24 waiver;

1 “(2) to provide for a collaborative process with
2 public agencies to allow for an incremental expansion
3 of access to the national airspace system as
4 technology matures and the necessary safety analyses
5 and data become available, and until standards
6 are completed and technology issues are resolved;

7 “(3) to facilitate the capability of public agencies
8 to develop and use test ranges, subject to operating
9 restrictions required by the Federal Aviation
10 Administration, to test and operate public unmanned
11 aircraft systems; and

12 “(4) to provide guidance on a public agency’s
13 responsibilities when operating an unmanned aircraft
14 without a civil airworthiness certificate issued
15 by the Administration.

16 “(b) STANDARDS FOR OPERATION AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall develop and implement operational and
17 certification requirements for the operation of a public
18 unmanned aircraft system in the national airspace system.
19

20 “(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

21 “(1) IN GENERAL.—The Secretary shall enter
22 into an agreement with each appropriate public
23 agency to simplify the process for issuing a certifi-
24
25

1 cate of waiver or a certificate of authorization with
2 respect to an application for authorization to operate
3 a public unmanned aircraft system in the national
4 airspace system.

5 “(2) CONTENTS.—An agreement under para-
6 graph (1) shall—

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

9 “(i) provide for an expedited review of
10 the application;

11 “(ii) require a decision by the Admin-
12 istrator on approval or disapproval not
13 later than 60 business days after the date
14 of submission of the application;

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

17 “(iv) if applicable, include verification
18 of the data minimization policy required
19 under subsection (d);

20 “(B) allow for a one-time approval of simi-
21 lar operations carried out during a fixed period
22 of time; and

23 “(C) allow a government public safety
24 agency to operate an unmanned aircraft weigh-

1 ing 25 pounds or less if that unmanned aircraft
2 is operated—

3 “(i) within or beyond the line of sight
4 of the operator;

5 “(ii) less than 400 feet above the
6 ground;

7 “(iii) during daylight conditions;

8 “(iv) within Class G airspace; and

9 “(v) outside of 5 statute miles from
10 any airport, heliport, seaplane base, space-
11 port, or other location with aviation activi-
12 ties.

13 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
14 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
15 180 days after the date of enactment of the Federal Avia-
16 tion Administration Reauthorization Act of 2016 each
17 Federal agency authorized by the Secretary to operate an
18 unmanned aircraft system shall develop and update a data
19 minimization policy that requires, at a minimum, that—

20 “(1) prior to the deployment of any new un-
21 manned aircraft system technology, and at least
22 every 3 years, existing policies and procedures relat-
23 ing to the collection, use, retention, and dissemina-
24 tion of information obtained by an unmanned air-

1 craft system must be examined to ensure that pri-
2 vacy, civil rights, and civil liberties are protected;

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

9 “(3) the Federal agency or person operating on
10 its behalf, only collect information using the un-
11 manned aircraft system, or use unmanned aircraft
12 system-collected information, to the extent that the
13 collection or use is consistent with and relevant to
14 an authorized purpose as determined by the head of
15 a Federal agency and consistent with the law;

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

21 “(A) the head of the Federal agency deter-
22 mines that retention of the information is rel-
23 evant and necessary to accomplish a purpose of
24 the Federal agency required to be accomplished

1 by statute or by executive order of the Presi-
2 dent;

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

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

9 “(5) any information collected, using an un-
10 manned aircraft or unmanned aircraft system, that
11 is not maintained in a system of records under sec-
12 tion 552a of title 5, will not be disseminated outside
13 of that Federal agency unless—

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

15 “(B) dissemination satisfies an authorized
16 purpose and complies with that Federal agen-
17 cy’s disclosure requirements;

18 “(6) to the extent it does not compromise law
19 enforcement or national security a Federal agency
20 shall—

21 “(A) provide notice to the public regarding
22 where in the national airspace system the Fed-
23 eral agency is authorized to operate the un-
24 manned aircraft system;

1 “(B) keep the public informed about the
2 Federal agency’s unmanned aircraft system
3 program, including any changes to that pro-
4 gram that would significantly affect privacy,
5 civil rights, or civil liberties;

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

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

12 “(ii) the number of times the Federal
13 agency provided assistance to other agen-
14 cies or to State, local, tribal, or territorial
15 governments; and

16 “(D) make available on a public and
17 searchable Internet website the data minimiza-
18 tion policy of the Federal agency;

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

21 “(A) the use of audits or assessments that
22 comply with existing Federal agency policies
23 and regulations;

24 “(B) the verification of the existence of
25 rules of conduct and training for Federal Gov-

1 ernment personnel and contractors who work on
2 programs, and procedures for reporting sus-
3 pected cases of misuse or abuse of unmanned
4 aircraft system technologies;

5 “(C) the establishment of policies and pro-
6 cedures, or confirmation that policies and pro-
7 cedures are in place, that provide meaningful
8 oversight of individuals who have access to sen-
9 sitive information, including personal informa-
10 tion, collected using an unmanned aircraft sys-
11 tem;

12 “(D) ensuring that any data-sharing
13 agreements or policies, data use policies, and
14 record management policies applicable to an un-
15 manned aircraft system conform to applicable
16 laws, regulations, and policies;

17 “(E) the establishment of policies and pro-
18 cedures, or confirmation that policies and pro-
19 cedures are in place, to authorize the use of an
20 unmanned aircraft system in response to a re-
21 quest for unmanned aircraft system assistance
22 in support of Federal, State, local, tribal, or
23 territorial government operations; and

24 “(F) a requirement that State, local, trib-
25 al, and territorial government recipients of Fed-

1 eral grant funding for the purchase or use of
2 unmanned aircraft systems for their own oper-
3 ations have in place policies and procedures to
4 safeguard individuals’ privacy, civil rights, and
5 civil liberties prior to expending such funds; and
6 “(8) ensures the protection of civil rights and
7 civil liberties, including—

8 “(A) ensuring that policies are in place to
9 prohibit the collection, use, retention, or dis-
10 semination of data in any manner that would
11 violate the First Amendment or in any manner
12 that would discriminate against persons based
13 upon their ethnicity, race, gender, national ori-
14 gin, religion, sexual orientation, or gender iden-
15 tity, in violation of law;

16 “(B) ensuring that unmanned aircraft sys-
17 tem activities are performed in a manner con-
18 sistent with the Constitution and applicable
19 laws, Executive Orders, and other Presidential
20 directives; and

21 “(C) ensuring that adequate procedures
22 are in place to receive, investigate, and address,
23 as appropriate, privacy, civil rights, and civil
24 liberties complaints.

1 “(e) LAW ENFORCEMENT AND NATIONAL SECUR-
2 RITY.—Each Federal agency shall effectuate a require-
3 ment under subsection (d) only to the extent it does not
4 compromise law enforcement or national security.

5 “(f) DEFINITION OF FEDERAL AGENCY.—In sub-
6 sections (d) and (e), the term ‘Federal agency’ has the
7 meaning given the term ‘agency’ in section 552(f) of title
8 5, United States Code.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) TABLE OF CONTENTS.—The table of con-
11 tents for chapter 448, as amended by section 2127
12 of this Act, is amended by inserting after the item
13 relating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

14 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—

15 Section 334 of the FAA Modernization and reform
16 Act of 2012 (49 U.S.C. 40101 note) and the item
17 relating to that section in the table of contents
18 under section 1(b) of that Act (126 Stat. 13) are re-
19 pealed.

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

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

1 **“§ 44808. Special rules for model aircraft**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of law relating to the incorporation of unmanned
4 aircraft systems into Federal Aviation Administration
5 plans and policies, including this chapter, the Adminis-
6 trator of the Federal Aviation Administration may not
7 promulgate any new rule or regulation specific only to an
8 unmanned aircraft operating as a model aircraft if—

9 “(1) the aircraft is flown strictly for hobby or
10 recreational use;

11 “(2) the aircraft is operated in accordance with
12 a community-based set of safety guidelines and with-
13 in the programming of a nationwide community-
14 based organization;

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

18 “(4) the aircraft is operated in a manner that
19 does not interfere with and gives way to any manned
20 aircraft;

21 “(5) when flown within 5 miles of an airport,
22 the operator of the aircraft provides the airport op-
23 erator, where applicable, and the airport air traffic
24 control tower (when an air traffic facility is located
25 at the airport) with prior notice and receives ap-
26 proval from the tower, to the extent practicable, for

1 the operation from each (model aircraft operators
2 flying from a permanent location within 5 miles of
3 an airport should establish a mutually-agreed upon
4 operating procedure with the airport operator and
5 the airport air traffic control tower (when an air
6 traffic facility is located at the airport));

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

11 “(7) the operator has passed an aeronautical
12 knowledge and safety test administered by the Fed-
13 eral Aviation Administration online for the operation
14 of unmanned aircraft systems subject to the require-
15 ments of section 44809 and maintains proof of test
16 passage to be made available to the Administrator or
17 law enforcement upon request.

18 “(b) UPDATES.—

19 “(1) IN GENERAL.—The Administrator, in col-
20 laboration with government and industry stake-
21 holders, including nationwide community-based orga-
22 nizations, shall initiate a process to update the oper-
23 ational parameters under subsection (a), as appro-
24 priate.

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

4 “(A) appropriate operational limitations to
5 mitigate aviation safety risk and risk to the un-
6 involved public;

7 “(B) operations outside the membership,
8 guidelines, and programming of a nationwide
9 community-based organization;

10 “(C) physical characteristics, technical
11 standards, and classes of aircraft operating
12 under this section;

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

15 “(E) ensuring, to the greatest extent prac-
16 ticable, that updates to the operational param-
17 eters correspond to, and leverage, advances in
18 technology.

19 “(3) SAVINGS CLAUSE.—Nothing in this sub-
20 section shall be construed as expanding the author-
21 ity of the Administrator to require operators of
22 model aircraft under the exemption of this sub-
23 section to be required to seek permissive authority of
24 the Administrator prior to operation in the national
25 airspace system.

1 “(c) STATUTORY CONSTRUCTION.—Nothing in this
2 section shall be construed to limit the authority of the Ad-
3 ministrator to pursue enforcement action against persons
4 operating model aircraft.

5 “(d) MODEL AIRCRAFT DEFINED.—In this section,
6 the term ‘model aircraft’ means an unmanned aircraft
7 that—

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

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

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

 “44808. Special rules for model aircraft.”.

21 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—

22 Section 336 of the FAA Modernization and Reform
23 Act of 2012 (49 U.S.C. 40101 note) and the item
24 relating to that section in the table of contents

1 under section 1(b) of that Act (126 Stat. 13) are re-
2 pealed.

3 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
4 **KNOWLEDGE AND SAFETY.**

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

8 **“§ 44809. Aeronautical knowledge and safety test**

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

11 “(1) the individual has successfully completed
12 an aeronautical knowledge and safety test under
13 subsection (c);

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

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

18 “(b) EXCEPTION.—This section shall not apply to the
19 operation of an unmanned aircraft system that has been
20 authorized by the Federal Aviation Administration under
21 section 44802, section 44805, section 44806, or section
22 44807. The Administrator may waive the requirements of
23 this section for operators of aircraft weighing less than
24 0.55 pounds or for operators under the age of 13 oper-

1 ating the unmanned aircraft system under the supervision
2 of an adult as determined by the Administrator.

3 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
4 TEST.—Not later than 180 days after the date of enact-
5 ment of the Federal Aviation Administration Reauthoriza-
6 tion Act of 2016, the Administrator of the Federal Avia-
7 tion Administration, in consultation with manufacturers
8 of unmanned aircraft systems, other industry stake-
9 holders, and community-based aviation organizations,
10 shall develop an aeronautical knowledge and safety test
11 that can be administered electronically.

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

15 “(1) understanding of aeronautical safety
16 knowledge, as applicable; and

17 “(2) knowledge of Federal Aviation Administra-
18 tion regulations and requirements pertaining to the
19 operation of an unmanned aircraft system in the na-
20 tional airspace system.

21 “(e) RECORD OF COMPLIANCE.—

22 “(1) IN GENERAL.—Each operator of an un-
23 manned aircraft system described under subsection
24 (a) shall maintain and make available for inspection,
25 upon request by the Administrator or a Federal,

1 State, or local law enforcement officer, a record of
2 compliance with this section through—

3 “(A) an identification number, issued by
4 the Federal Aviation Administration certifying
5 passage of the aeronautical knowledge and safe-
6 ty test;

7 “(B) if the individual has authority to op-
8 erate an unmanned aircraft system under other
9 Federal law, the requisite proof of authority
10 under that law; or

11 “(C) an airmen certificate issued under
12 section 44703.

13 “(2) COORDINATION.—The Administrator may
14 coordinate the identification number under para-
15 graph (1)(A) with an operator’s registration number
16 to the extent practicable.

17 “(3) LIMITATION.—No fine or penalty may be
18 imposed for the initial failure of an operator of an
19 unmanned aircraft system to comply with paragraph
20 (1) unless the Administrator finds that the conduct
21 of the operator actually posed a risk to the national
22 airspace system.”.

23 (b) TABLE OF CONTENTS.—The table of contents for
24 chapter 448, as amended by section 2129 of this Act, is

1 amended by inserting after the item relating to section
2 44808 the following:

“44809. Aeronautical knowledge and safety test.”.

3 **SEC. 2131. SAFETY STATEMENTS.**

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

7 **“§ 44810. Safety statements**

8 “(a) PROHIBITION.—Except as provided in sub-
9 section (d), it shall be unlawful for any person to introduce
10 or deliver for introduction into interstate commerce any
11 unmanned aircraft manufactured on or after the date this
12 section takes effect unless a safety statement is attached
13 to the unmanned aircraft or accompanying the unmanned
14 aircraft in its packaging.

15 “(b) SAFETY STATEMENT.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of the Federal Aviation Ad-
18 ministration Reauthorization Act of 2016, the Ad-
19 ministrator of the Federal Aviation Administration
20 shall issue guidance for implementing this section.

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

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

1 “(B) recommendations for using un-
2 manned aircraft in a manner that promotes the
3 safety of persons and property;

4 “(C) include the date that the safety state-
5 ment was created or last modified; and

6 “(D) include language approved by the Ad-
7 ministrators regarding the following:

8 “(i) A person may operate the un-
9 manned aircraft as a model aircraft (as de-
10 fined in section 44808) or otherwise in ac-
11 cordance with Federal Aviation Adminis-
12 tration authorization or regulation, includ-
13 ing requirements for the completion of the
14 aeronautical knowledge and safety test
15 under section 44809.

16 “(ii) The definition of a model aircraft
17 under section 44808.

18 “(iii) The requirements regarding a
19 model aircraft under paragraphs (1)
20 through (7) of section 44808(a).

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

1 “(c) CIVIL PENALTY.—A person who violates sub-
2 section (a) shall be liable for each violation to the United
3 States Government for a civil penalty described in section
4 46301(a).

5 “(d) EFFECTIVE DATE.—This section shall take ef-
6 fect on the date of enactment of the Federal Aviation Ad-
7 ministration Reauthorization Act of 2016, except that sub-
8 section (a) of this section shall take effect 1 year after
9 the date of publication of the guidance under subsection
10 (b).”.

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

“44810. Safety statements.”.

15 **SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-**
16 **ATING UNDERGROUND.**

17 An unmanned aircraft system that is operated under-
18 ground for mining purposes shall not be subject to regula-
19 tion or enforcement by the Federal Aviation Administra-
20 tion under chapter 448 of title 49, United States Code.

21 **SEC. 2133. ENFORCEMENT.**

22 (a) UAS SAFETY ENFORCEMENT.—The Adminis-
23 trator of the Federal Aviation Administration shall estab-
24 lish a program to utilize available remote detection and
25 identification technologies for safety oversight, including

1 enforcement actions against operators of unmanned air-
2 craft systems that are not in compliance with applicable
3 Federal aviation laws, including regulations.

4 (b) CIVIL PENALTIES.—

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

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

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

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

15 (D) in subsection (f), by inserting “chapter
16 448,” after “chapter 447 (except 44717 and
17 44719-44723),”.

18 (2) RULE OF CONSTRUCTION.—Nothing in this
19 subsection shall be construed to limit the authority
20 of the Administrator to pursue an enforcement ac-
21 tion for a violation of this Act, a regulation pre-
22 scribed or order or authority issued under this Act,
23 or any other applicable provision of aviation safety
24 law or regulation.

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

6 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
7 out this section, there is authorized to be appropriated
8 \$5,000,000 for each of the fiscal years 2016 through
9 2017.

10 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
11 **ICES DISRUPTION.**

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

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

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

16 **“§ 46320. Interference with firefighting, law enforce-**
17 **ment, or emergency response activities**

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

21 “(b) DEFINITION.—For purposes of this section, an
22 aircraft interferes with the activities specified in sub-
23 section (a) when its operation prevents the initiation of,
24 interrupts, or endangers a person or property engaged in
25 those activities.

1 “(c) CIVIL PENALTY.—A person violating subsection
2 (a) shall be liable for a civil penalty of not more than
3 \$20,000.

4 “(d) COMPROMISE AND SETOFF.—The United States
5 Government may deduct the amount of a civil penalty im-
6 posed or compromised under this section from the
7 amounts the Government owes the person liable for the
8 penalty.”.

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

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

12 **SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**
13 **SPACE HAZARD MITIGATION.**

14 (a) IN GENERAL.—The Administrator of the Federal
15 Aviation Administration shall carry out a pilot program
16 for airspace hazard mitigation at airports and other crit-
17 ical infrastructure.

18 (b) CONSULTATION.—In carrying out the pilot pro-
19 gram under subsection (a), the Administrator shall work
20 with the Secretary of Defense, Secretary of Homeland Se-
21 curity, and the heads of relevant Federal agencies for the
22 purpose of ensuring technologies that are developed, test-
23 ed, or deployed by those departments and agencies to miti-
24 gate threats posed by errant or hostile unmanned aircraft

1 system operations do not adversely impact or interfere
2 with safe airport operations, navigation, and air traffic
3 services.

4 (c) AUTHORIZATION.—There is authorized to be ap-
5 propriated from the Airport and Airway Trust Fund to
6 carry out this section \$6,000,000, and to remain available
7 until expended.

8 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**
9 **FUNCTIONS.**

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

13 **“§ 44811. Regulatory and administrative fees**

14 “(a) IN GENERAL.—Subject to subsection (b), the
15 Administrator may assess and collect regulatory and ad-
16 ministrative fees to recover the costs of regulatory and ad-
17 ministrative activities under this chapter related to au-
18 thorization to operate unmanned aircraft systems for com-
19 pensation or hire, or in the furtherance of a business en-
20 terprise.

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

1 “(c) RECEIPTS CREDITED TO ACCOUNT.—Notwith-
2 standing section 3302 of title 31, all fees and amounts
3 collected under this section shall be credited to the sepa-
4 rate account established under section 45303(c). Section
5 41742 shall not apply to fees and amounts collected under
6 this section.

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

11 (b) TABLE OF CONTENTS.—The table of contents for
12 chapter 448, as amended by section 2131 of this Act, is
13 further amended by inserting after the item relating to
14 section 44810 the following:

“44811. Regulatory and administrative fees.”.

15 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**
16 **RULEMAKING.**

17 It is the sense of the Congress that the Administrator
18 of the Federal Aviation Administration and Secretary of
19 Transportation should take every necessary action to expe-
20 dite final action on the notice of proposed rulemaking
21 dated February 23, 2015 (80 Fed. Reg. 9544), entitled
22 “Operation and Certification of Small Unmanned Aircraft
23 Systems”.

1 **SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**
2 **AGEMENT.**

3 (a) RESEARCH PLAN FOR UTM DEVELOPMENT.—

4 (1) IN GENERAL.—The Administrator of the
5 Federal Aviation Administration, in coordination
6 with the Administrator of the National Aeronautics
7 and Space Administration, shall develop a research
8 plan for unmanned aircraft systems traffic manage-
9 ment (referred to in this section as “UTM”) devel-
10 opment.

11 (2) REQUIREMENTS.—In developing the re-
12 search plan under paragraph (1), the Administrator
13 shall—

14 (A) identify research goals related to:

15 (i) operational parameters related to
16 altitude, geographic coverage, classes of
17 airspace, and critical infrastructure;

18 (ii) avionics capability requirements or
19 standards;

20 (iii) operator identification and au-
21 thentication requirements and capabilities;

22 (iv) communication protocols with air
23 traffic control facilities that will not inter-
24 fere with existing responsibility to
25 deconflict manned aircraft in the national
26 airspace system;

- 1 (v) collision avoidance requirements;
- 2 (vi) separation standards for manned
- 3 and unmanned aircraft; and
- 4 (vii) spectrum needs;

5 (B) evaluate options for the administration
6 and management structure for the traffic man-
7 agement of low altitude operations of small un-
8 manned aircraft systems; and

9 (C) ensure the plan is consistent with the
10 broader Federal Aviation Administration regu-
11 latory and operational framework encompassing
12 all unmanned aircraft systems operations ex-
13 pected to be authorized in the national airspace
14 system.

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

17 (A) the ability to allow near-term small un-
18 manned aircraft system operations without need
19 of an automated UTM system;

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

22 (C) the operational characteristics and
23 metrics that would drive incremental adoption
24 of automated capability and procedures con-
25 sistent with a rising aggregate community de-

1 mand for service for low altitude operations of
2 small unmanned aircraft systems; and

3 (D) the integration points for small un-
4 manned aircraft system traffic management
5 with the existing national airspace system plan-
6 ning and traffic management systems.

7 (4) DEADLINES.—The Administrator shall—

8 (A) initiate development of the research
9 plan not later than 90 days after the date of
10 enactment of this Act; and

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

13 (i) complete the research plan;

14 (ii) submit the research plan to the
15 appropriate committees of Congress; and

16 (iii) publish the research plan on the
17 Federal Aviation Administration’s Web
18 site.

19 (b) PILOT PROGRAM.—

20 (1) IN GENERAL.—Not later than 120 days
21 after the date the research plan under subsection (a)
22 is submitted under paragraph (4)(B) of that sub-
23 section, the Administrator of the Federal Aviation
24 Administration shall coordinate with the Adminis-
25 trator of the National Aeronautics and Space Ad-

1 ministration and the small unmanned aircraft sys-
2 tems industry to develop operational concepts and
3 top-level system requirements for a UTM system
4 pilot program, consistent with subsection (a).

5 (2) SOLICITATION.—The Administrator shall
6 issue a solicitation for operational prototype systems
7 that meet the necessary objectives for use in a pilot
8 program to demonstrate, validate, or modify, as ap-
9 propriate, the requirements developed under para-
10 graph (1).

11 (c) COMPREHENSIVE PLAN.—

12 (1) IN GENERAL.—Not later than 270 days
13 after the date the pilot program under subsection
14 (b) is complete, the Administrator of the Federal
15 Aviation Administration, in coordination with the
16 Administrator of the National Aeronautics and
17 Space Administration, and in consultation with the
18 head of each relevant Federal agency, shall develop
19 a comprehensive plan for the deployment of UTM
20 systems in the national airspace.

21 (2) SYSTEM REQUIREMENTS.—The comprehen-
22 sive plan under paragraph (1) shall include require-
23 ments or standards consistent with established or
24 planned rulemaking for, at a minimum—

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

3 (B) communications, as applicable—

4 (i) among small unmanned aircraft
5 systems;

6 (ii) between small unmanned aircraft
7 systems and manned aircraft operating in
8 the same airspace; and

9 (iii) between small unmanned aircraft
10 systems and air traffic control as consid-
11 ered necessary; and

12 (C) air traffic management for small un-
13 manned aircraft systems operations.

14 (d) SYSTEM IMPLEMENTATION.—Based on the com-
15 prehensive plan under subsection (c), including the re-
16 quirements under paragraph (2) of that subsection, and
17 the pilot program under subsection (b), the Administrator
18 shall determine the operational need and implementation
19 schedule for evolutionary use of automation support sys-
20 tems to separate and deconflict manned and unmanned
21 aircraft systems.

22 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Administrator of the
25 Federal Aviation Administration shall publish guidance

1 for the application for and procedures for the processing
2 of, on an emergency basis, exemptions or certificates of
3 authorization or waiver for the use of unmanned aircraft
4 systems for emergency response operations. This guidance
5 shall outline procedures for operations under both sections
6 44805 and 44807, of title 49, United States Code, with
7 priority given to applications for public unmanned aircraft
8 systems engaged in emergency response activities.

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

11 (1) if applicable, make explicit any safety re-
12 quirements that must be met for the consideration
13 of applications that include requests for beyond vis-
14 ual line of sight and nighttime operations; and

15 (2) if applicable, explicitly state the procedures
16 for coordinating with an incident commander to en-
17 sure operations granted under procedures developed
18 under subsection (a) do not interfere with manned
19 emergency response operations or otherwise impact
20 response efforts.

21 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
22 **MENTS. .**

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

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

8 (b) CONFORMING AMENDMENT.—Section 40125(b)
9 is amended by striking “or (D)” and inserting “(D), or
10 (F)”.

11 **PART III—TRANSITION AND SAVINGS**

12 **PROVISIONS**

13 **SEC. 2141. SENIOR ADVISOR FOR UNMANNED AIRCRAFT** 14 **SYSTEMS INTEGRATION.**

15 (a) IN GENERAL.—There shall be in the Federal
16 Aviation Administration a Senior Advisor for Unmanned
17 Aircraft Systems Integration.

18 (b) QUALIFICATIONS.—The Senior Advisor for Un-
19 manned Aircraft Systems Integration shall have a dem-
20 onstrated ability in management and knowledge of or ex-
21 perience in aviation.

22 (c) RESPONSIBILITIES.—Unless otherwise deter-
23 mined by the Administrator of the Federal Aviation Ad-
24 ministration—

1 (1) the Senior Advisor shall report directly to
2 the Deputy Administrator of the Federal Aviation
3 Administration; and

4 (2) the responsibilities of the Senior Advisor
5 shall include the following:

6 (A) Providing advice to the Administrator
7 and Deputy Administrator related to the inte-
8 gration of unmanned aircraft systems into the
9 national airspace system.

10 (B) Reviewing and evaluating Federal
11 Aviation Administration policies, activities, and
12 operations related to unmanned aircraft sys-
13 tems.

14 (C) Facilitating coordination and collabo-
15 ration among components of the Federal Avia-
16 tion Administration with respect to activities re-
17 lated to unmanned aircraft systems integration.

18 (D) Interacting with Congress, and Fed-
19 eral, State, or local agencies, and stakeholder
20 organizations whose operations and interests
21 are affected by the activities of the Federal
22 Aviation Administration on matters related to
23 unmanned aircraft systems integration.

1 **SEC. 2142. EFFECT ON OTHER LAWS.**

2 (a) **FEDERAL PREEMPTION.**—No State or political
3 subdivision of a State may enact or enforce any law, regu-
4 lation, or other provision having the force and effect of
5 law relating to the design, manufacture, testing, licensing,
6 registration, certification, operation, or maintenance of an
7 unmanned aircraft system, including airspace, altitude,
8 flight paths, equipment or technology requirements, pur-
9 pose of operations, and pilot, operator, and observer quali-
10 fications, training, and certification.

11 (b) **PRESERVATION OF STATE AND LOCAL AUTHOR-**
12 **ITY.**—Nothing in this subtitle shall be construed to limit
13 a State or local government’s authority to enforce Federal,
14 State, or local laws relating to nuisance, voyeurism, pri-
15 vacy, data security, harassment, reckless endangerment,
16 wrongful death, personal injury, property damage, or
17 other illegal acts arising from the use of unmanned air-
18 craft systems if such laws are not specifically related to
19 the use of an unmanned aircraft system.

20 (c) **NO PREEMPTION OF COMMON LAW OR STATU-**
21 **TORY CAUSES OF ACTION.**—Nothing in this subtitle, nor
22 any standard, rule, requirement, standard of performance,
23 safety determination, or certification implemented pursu-
24 ant to this subtitle, shall be construed to preempt, dis-
25 place, or supplant any State or Federal common law rights
26 or any State or Federal statute creating a remedy for civil

1 relief, including those for civil damage, or a penalty for
2 a criminal conduct. Notwithstanding any other provision
3 of this subtitle, nothing in this subtitle, nor any amend-
4 ments made by this subtitle, shall preempt or preclude any
5 cause of action for personal injury, wrongful death, prop-
6 erty damage, or other injury based on negligence, strict
7 liability, products liability, failure to warn, or any other
8 legal theory of liability under any State law, maritime law,
9 or Federal common law or statutory theory.

10 **SEC. 2143. SPECTRUM.**

11 (a) IN GENERAL.—Small unmanned aircraft systems
12 may operate wireless control link, tracking, diagnostics,
13 payload communication, and collaborative-collision avoid-
14 ance, such as vehicle-to-vehicle communication, and other
15 uses, if permitted by and consistent with the Communica-
16 tions Act of 1934 (47 U.S.C. 151 et seq.), Federal Com-
17 munications Commission rules, and the safety-of-life de-
18 termination made by the Federal Aviation Administration,
19 and with carrier consent, whether they are operating with-
20 in the UTM system under section 2138 of this Act or out-
21 side such a system.

22 (b) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Administrator of the Federal
24 Aviation Administration, the National Telecommuni-
25 cations and Information Administration, and the Federal

1 Communications Commission, shall submit to the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate, the Committee on Transportation and Infrastruc-
4 ture of the House of Representatives, and the Committee
5 on Energy and Commerce of the House of Representatives
6 a report—

7 (1) on whether small unmanned aircraft sys-
8 tems operations should be permitted to operate on
9 spectrum designated for aviation use, on an unli-
10 censed, shared, or exclusive basis, for operations
11 within the UTM system or outside of such a system;

12 (2) that addresses any technological, statutory,
13 regulatory, and operational barriers to use of such
14 spectrum; and

15 (3) that, if it is determined that spectrum des-
16 igned for aviation use is not suitable for operations
17 by small unmanned aircraft systems, includes rec-
18 ommendations of other spectrum frequencies that
19 may be appropriate for such operations.

20 **SEC. 2144. APPLICATIONS FOR DESIGNATION.**

21 (a) APPLICATIONS FOR DESIGNATION.—Not later
22 than 180 days after the date of enactment of this Act,
23 the Secretary of Transportation shall establish a process
24 to allow applicants to petition the Administrator of the
25 Federal Aviation Administration to prohibit or otherwise

1 limit the operation of an aircraft, including an unmanned
2 aircraft, over a fixed site facility.

3 (b) REVIEW PROCESS.—

4 (1) APPLICATION PROCEDURES.—

5 (A) IN GENERAL.—The Administrator
6 shall establish the procedures for the applica-
7 tion for designation under subsection (a).

8 (B) REQUIREMENTS.—The procedures
9 shall—

10 (i) allow individual fixed site facility
11 applications; and

12 (ii) allow for a group of similar facili-
13 ties to apply for a collective designation.

14 (C) CONSIDERATIONS.—In establishing the
15 procedures, the Administrator shall consider
16 how the process will apply to—

17 (i) critical infrastructure;

18 (ii) oil refineries and chemical facili-
19 ties;

20 (iii) amusement parks; and

21 (iv) other locations that may benefit
22 from such restrictions.

23 (2) DETERMINATION.—

24 (A) IN GENERAL.—The Secretary shall
25 provide for a determination under the review

1 process established under subsection (a) not
2 later than 90 days from the date of application,
3 unless the applicant is provided with written no-
4 tice describing the reason for the delay.

5 (B) AFFIRMATIVE DESIGNATIONS.—An af-
6 firmative designation shall outline—

7 (i) the boundaries for unmanned air-
8 craft operation near the fixed site facility;
9 and

10 (ii) such other limitations that the Ad-
11 ministrator determines may be appro-
12 priate.

13 (C) CONSIDERATIONS.—In making a de-
14 termination whether to grant or deny an appli-
15 cation for a designation, the Administrator may
16 consider—

17 (i) aviation safety;

18 (ii) personal safety of the uninvolved
19 public;

20 (iii) national security; or

21 (iv) homeland security.

22 (D) OPPORTUNITY FOR RESUBMISSION.—

23 If an application is denied and the applicant
24 can reasonably address the reason for the de-

1 nial, the Administrator may allow the applicant
2 to reapply for designation.

3 (c) PUBLIC INFORMATION.—Designations under sub-
4 section (a) shall be published by the Federal Aviation Ad-
5 ministration on a publicly accessible website.

6 **SEC. 2145. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
7 **STITUTIONS OF HIGHER EDUCATION.**

8 (a) IN GENERAL.—Not later than 270 days after the
9 date of enactment of this Act, the Administrator of the
10 Federal Aviation Administration shall establish procedures
11 and standards, as applicable, to streamline applications
12 for the safe operation of unmanned aircraft systems at
13 institutions of higher education in an academic setting.

14 (b) STANDARDS.—The standards required under sub-
15 section (a) shall outline risk-based operational parameters
16 to ensure the safety of the national airspace system and
17 the uninvolved public that facilitates the use of unmanned
18 aircraft systems for the following purposes:

19 (1) Instruction of students at the institution of
20 higher education.

21 (2) Activities undertaken by the institution as
22 part of research projects, including research projects
23 sponsored by the Federal Government.

1 (3) Other academic activities at the institution,
2 including general research, engineering, robotics,
3 and data collection.

4 (c) PROCEDURES.—The Administrator shall outline
5 a procedure to provide for streamlined, risk-based oper-
6 ational approval for unmanned aircraft systems operated
7 at the institution of higher education in an academic set-
8 ting outside of the parameters or purposes set forth in
9 subsection (b).

10 (d) DEFINITIONS.—In this section:

11 (1) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given that term by section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 (2) UNMANNED AIRCRAFT SYSTEM.—The term
16 “unmanned aircraft system” has the meaning given
17 the term in section 44801 of title 49, United States
18 Code, as added by section 2121 of this Act.

19 **SEC. 2146. TRANSITION LANGUAGE.**

20 (a) REGULATIONS.—Notwithstanding the repeals
21 under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),
22 2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-
23 minations, rules, regulations, permits, grants, and con-
24 tracts, which have been issued under any law described
25 under subsection (b) of this section on or before the effec-

1 tive date of this Act shall continue in effect until modified
2 or revoked by the Secretary of Transportation, acting
3 through the Administrator of the Federal Aviation Admin-
4 istration, as applicable, by a court of competent jurisdic-
5 tion, or by operation of law other than this Act.

6 (b) LAWS DESCRIBED.—The laws described under
7 this subsection are as follows:

8 (1) Section 332(c) of the FAA Modernization
9 and Reform Act of 2012 (49 U.S.C. 40101 note).

10 (2) Section 332(d) of the FAA Modernization
11 and Reform Act of 2012 (49 U.S.C. 40101 note).

12 (3) Section 333 of the FAA Modernization and
13 reform Act of 2012 (49 U.S.C. 40101 note).

14 (4) Section 334 of the FAA Modernization and
15 reform Act of 2012 (49 U.S.C. 40101 note).

16 (5) Section 336 of the FAA Modernization and
17 reform Act of 2012 (49 U.S.C. 40101 note).

18 (c) EFFECT ON PENDING PROCEEDINGS.—This Act
19 shall not affect administrative or judicial proceedings
20 pending on the effective date of this Act.

21 **Subtitle B—FAA Safety**

22 **Certification Reform**

23 **PART I—GENERAL PROVISIONS**

24 **SEC. 2211. DEFINITIONS.**

25 In this subtitle:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (2) ADVISORY COMMITTEE.—The term “Advi-
5 sory Committee” means the Safety Oversight and
6 Certification Advisory Committee established under
7 section 2212.

8 (3) FAA.—The term “FAA” means the Fed-
9 eral Aviation Administration.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (5) SYSTEMS SAFETY APPROACH.—The term
13 “systems safety approach” means the application of
14 specialized technical and managerial skills to the
15 systematic, forward-looking identification and con-
16 trol of hazards throughout the lifecycle of a project,
17 program, or activity.

18 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
19 **SORY COMMITTEE.**

20 (a) ESTABLISHMENT.—Not later than 60 days after
21 the date of enactment of this Act, the Secretary shall es-
22 tablish a Safety Oversight and Certification Advisory
23 Committee in accordance with this section.

24 (b) DUTIES.—The Advisory Committee shall provide
25 advice to the Secretary on policy-level issues facing the

1 aviation community that are related to FAA safety over-
2 sight and certification programs and activities, including
3 the following:

4 (1) Aircraft and flight standards certification
5 processes, including efforts to streamline those proc-
6 esses.

7 (2) Implementation and oversight of safety
8 management systems.

9 (3) Risk-based oversight efforts.

10 (4) Utilization of delegation and designation au-
11 thorities, including organization designation author-
12 ization.

13 (5) Regulatory interpretation standardization
14 efforts.

15 (6) Training programs.

16 (7) Expediting the rulemaking process and
17 prioritizing safety-related rules.

18 (8) Enhancing global competitiveness of U.S.
19 manufactured and FAA type-certificate aircraft
20 products and services throughout the world.

21 (c) FUNCTIONS.—In carrying out its duties under
22 subsection (b) related to FAA safety oversight and certifi-
23 cation programs and activities, the Advisory Committee
24 shall—

1 (1) foster aviation stakeholder collaboration in
2 an open and transparent manner;

3 (2) consult with, and ensure participation by—

4 (A) the private sector, including represent-
5 atives of—

6 (i) general aviation;

7 (ii) commercial aviation;

8 (iii) aviation labor;

9 (iv) aviation, aerospace, and avionics
10 manufacturing; and

11 (v) unmanned aircraft systems indus-
12 try; and

13 (B) the public;

14 (3) recommend consensus national goals, stra-
15 tegic objectives, and priorities for the most efficient,
16 streamlined, and cost-effective safety oversight and
17 certification processes in order to maintain the safe-
18 ty of the aviation system while allowing the FAA to
19 meet future needs and ensure that aviation stake-
20 holders remain competitive in the global market-
21 place;

22 (4) provide policy recommendations for the
23 FAA's safety oversight and certification efforts;

1 (5) periodically review and provide rec-
2 ommendations regarding the FAA's safety oversight
3 and certification efforts;

4 (6) periodically review and evaluate registration,
5 certification, and related fees;

6 (7) provide appropriate legislative, regulatory,
7 and guidance recommendations for the air transpor-
8 tation system and the aviation safety regulatory en-
9 vironment;

10 (8) recommend performance objectives for the
11 FAA and aviation industry;

12 (9) recommend performance metrics for the
13 FAA and the aviation industry to be tracked and re-
14 viewed as streamlining certification reform, flight
15 standards reform, and regulation standardization ef-
16 forts progress;

17 (10) provide a venue for tracking progress to-
18 ward national goals and sustaining joint commit-
19 ments;

20 (11) recommend recruiting, hiring, staffing lev-
21 els, training, and continuing education objectives for
22 FAA aviation safety engineers and aviation safety
23 inspectors;

24 (12) provide advice and recommendations to the
25 FAA on how to prioritize safety rulemaking projects;

- 1 (v) Air carriers.
- 2 (vi) Business aviation operators.
- 3 (vii) Unmanned aircraft systems man-
4 ufacturers and operators.
- 5 (viii) Aviation safety management ex-
6 perts.

7 (2) NONVOTING MEMBERS.—

8 (A) IN GENERAL.—In addition to the
9 members appointed under paragraph (1), the
10 Advisory Committee shall be composed of non-
11 voting members appointed by the Secretary
12 from among individuals representing FAA safe-
13 ty oversight program offices.

14 (B) DUTIES.—A nonvoting member may—

15 (i) take part in deliberations of the
16 Advisory Committee; and

17 (ii) provide input with respect to any
18 report or recommendation of the Advisory
19 Committee.

20 (C) LIMITATION.—A nonvoting member
21 may not represent any stakeholder interest
22 other than that of an FAA safety oversight pro-
23 gram office.

1 (3) TERMS.—Each voting member and non-
2 voting member of the Advisory Committee shall be
3 appointed for a term of 2 years.

4 (4) RULE OF CONSTRUCTION.—Public Law
5 104–65 (2 U.S.C. 1601 et seq.) may not be con-
6 strued to prohibit or otherwise limit the appointment
7 of any individual as a member of the Advisory Com-
8 mittee.

9 (e) COMMITTEE CHARACTERISTICS.—The Advisory
10 Committee shall have the following characteristics:

11 (1) Each voting member under subsection
12 (d)(1)(B) shall be an executive that has decision au-
13 thority within the member’s organization and can
14 represent and enter into commitments on behalf of
15 that organization in a way that serves the entire
16 group of organizations that member represents
17 under that subsection.

18 (2) The ability to obtain necessary information
19 from experts in the aviation and aerospace commu-
20 nities.

21 (3) A membership size that enables the Advi-
22 sory Committee to have substantive discussions and
23 reach consensus on issues in an expeditious manner.

24 (4) Appropriate expertise, including expertise in
25 certification and risk-based safety oversight proc-

1 esses, operations, policy, technology, labor relations,
2 training, and finance.

3 (f) CHAIRPERSON.—

4 (1) IN GENERAL.—The chairperson of the Advi-
5 sory Committee shall be appointed by the Secretary
6 from among the voting members under subsection
7 (d)(1)(B).

8 (2) TERM.—Each member appointed under
9 paragraph (1) shall serve a term of 2 years as chair-
10 person.

11 (g) MEETINGS.—

12 (1) FREQUENCY.—The Advisory Committee
13 shall convene at least 2 meetings a year at the call
14 of the chairperson.

15 (2) PUBLIC ATTENDANCE.—Each meeting of
16 the Advisory Committee shall be open and accessible
17 to the public.

18 (h) SPECIAL COMMITTEES.—

19 (1) ESTABLISHMENT.—The Advisory Com-
20 mittee may establish 1 or more special committees
21 composed of private sector representatives, members
22 of the public, labor representatives, and other rel-
23 evant parties in complying with consultation and
24 participation requirements under subsection (c)(2).

1 (2) RULEMAKING ADVICE.—A special com-
2 mittee established by the Advisory Committee may—

3 (A) provide rulemaking advice and rec-
4 ommendations to the Advisory Committee;

5 (B) provide the FAA additional opportuni-
6 ties to obtain firsthand information and insight
7 from those persons that are most affected by
8 existing and proposed regulations; and

9 (C) assist in expediting the development,
10 revision, or elimination of rules in accordance
11 with, and without circumventing, established
12 public rulemaking processes and procedures.

13 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
14 Federal Advisory Committee Act (5 U.S.C. App.)
15 shall not apply to a special committee under this
16 subsection.

17 (i) SUNSET.—The Advisory Committee shall cease to
18 exist on September 30, 2017.

19 **PART II—AIRCRAFT CERTIFICATION REFORM**

20 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
21 **JECTIVES AND METRICS.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date the Advisory Committee is established under section
24 2212, the Administrator shall establish performance objec-
25 tives and apply and track performance metrics for the

1 FAA and the aviation industry relating to aircraft certifi-
2 cation in accordance with this section.

3 (b) COLLABORATION.—The Administrator shall carry
4 out this section in collaboration with the Advisory Com-
5 mittee and update agency performance objectives and
6 metrics after considering the proposals recommended by
7 the Advisory Committee under paragraphs (8) and (9) of
8 section 2212(c).

9 (c) PERFORMANCE OBJECTIVES.—In establishing
10 performance objectives under subsection (a), the Adminis-
11 trator shall ensure progress is made toward, at a min-
12 imum—

13 (1) eliminating certification delays and improv-
14 ing cycle times;

15 (2) increasing accountability for both FAA and
16 the aviation industry;

17 (3) achieving full utilization of FAA delegation
18 and designation authorities, including organizational
19 designation authorization;

20 (4) fully implementing risk management prin-
21 ciples and a systems safety approach;

22 (5) reducing duplication of effort;

23 (6) increasing transparency;

1 (7) developing and providing training, including
2 recurrent training, in auditing and a systems safety
3 approach to certification oversight;

4 (8) improving the process for approving or ac-
5 cepting the certification actions between the FAA
6 and bilateral partners;

7 (9) maintaining and improving safety;

8 (10) streamlining the hiring process for—

9 (A) qualified systems safety engineers at
10 staffing levels to support the FAA’s efforts to
11 implement a systems safety approach; and

12 (B) qualified systems safety engineers to
13 guide the engineering of complex systems within
14 the FAA; and

15 (11) maintaining the leadership of the United
16 States in international aviation and aerospace.

17 (d) PERFORMANCE METRICS.—In carrying out sub-
18 section (a), the Administrator shall—

19 (1) apply and track performance metrics for the
20 FAA and the aviation industry; and

21 (2) transmit to the appropriate committees of
22 Congress an annual report on tracking the progress
23 toward full implementation of the recommendations
24 under section 2212.

25 (e) DATA.—

1 (1) BASELINES.—Not later than 1 year after
2 the date the Advisory Committee recommends initial
3 performance metrics under section 2212(c)(9), the
4 Administrator shall generate initial data with respect
5 to each of the performance metrics applied and
6 tracked under this section.

7 (2) BENCHMARKS.—The Administrator shall
8 use the performance metrics applied and tracked
9 under this section to generate data on an ongoing
10 basis and to measure progress toward the consensus
11 national goals, strategic objectives, and priorities
12 recommended under section 2212(c)(3).

13 (f) PUBLICATION.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Administrator shall make data generated using
16 the performance metrics applied and tracked under
17 this section available in a searchable, sortable, and
18 downloadable format through the Internet Web site
19 of the FAA or other appropriate methods.

20 (2) LIMITATIONS.—The Administrator shall
21 make the data under paragraph (1) available in a
22 manner that—

23 (A) protects from disclosure identifying in-
24 formation regarding an individual or entity; and

1 (B) protects from inappropriate disclosure
2 proprietary information.

3 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

4 (a) IN GENERAL.—Chapter 447 is amended by add-
5 ing at the end the following:

6 **“§ 44736. Organization designation authorizations**

7 “(a) DELEGATIONS OF FUNCTIONS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (3), in the oversight of an ODA holder, the
10 Administrator of the Federal Aviation Administra-
11 tion, in accordance with Federal Aviation Adminis-
12 tration standards, shall—

13 “(A) require, based on an application sub-
14 mitted by the ODA holder and approved by the
15 Administrator (or the Administrator’s des-
16 ignee), a procedures manual that addresses all
17 procedures and limitations regarding the speci-
18 fied functions to be performed by the ODA
19 holder subject to regulations prescribed by the
20 Administrator;

21 “(B) delegate fully to the ODA holder each
22 of the functions specified in the procedures
23 manual, unless the Administrator determines,
24 after the date of the delegation and as a result
25 of an inspection or other investigation, that the

1 public interest and safety of air commerce re-
2 quires a limitation with respect to 1 or more of
3 the functions; and

4 “(C) conduct oversight activities, including
5 by inspecting the ODA holder’s delegated func-
6 tions and taking action based on validated in-
7 spection findings.

8 “(2) DUTIES OF ODA HOLDERS.—An ODA
9 holder shall—

10 “(A) perform each specified function dele-
11 gated to the ODA holder in accordance with the
12 approved procedures manual for the delegation;

13 “(B) make the procedures manual avail-
14 able to each member of the appropriate ODA
15 unit; and

16 “(C) cooperate fully with oversight activi-
17 ties conducted by the Administrator in connec-
18 tion with the delegation.

19 “(3) EXISTING ODA HOLDERS.—With regard to
20 an ODA holder operating under a procedures man-
21 ual approved by the Administrator before the date of
22 enactment of the Federal Aviation Administration
23 Reauthorization Act of 2016, the Administrator
24 shall—

1 “(A) at the request of the ODA holder,
2 and in an expeditious manner, consider revisions to the ODA holder’s procedures manual;

3 “(B) delegate fully to the ODA holder each
4 of the functions specified in the procedures
5 manual, unless the Administrator determines,
6 after the date of the delegation and as a result
7 of an inspection or other investigation, that the
8 public interest and safety of air commerce requires a limitation with respect to 1 or more of
9 the functions; and
10 the functions; and

11 “(C) conduct oversight activities, including
12 by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

13 “(b) ODA OFFICE.—

14 “(1) ESTABLISHMENT.—Not later than 120
15 days after the date of enactment of Federal Aviation
16 Administration Reauthorization Act of 2016, the
17 Administrator shall identify, within the Office of
18 Aviation Safety, a centralized policy office to be responsible for the organization designation authorization (referred to in this subsection as the ODA Office). The Director of the ODA Office shall report
19 to the Director of the Aircraft Certification Service.

1 “(2) PURPOSE.—The purpose of the ODA Of-
2 fice shall be to provide oversight and ensure consist-
3 ency of the Federal Aviation Administration audit
4 functions under the ODA program across the agen-
5 cy.

6 “(3) FUNCTIONS.—The ODA Office shall—

7 “(A) improve the Administration and the
8 ODA holder performance and ensure full use of
9 the authorities delegated under the ODA pro-
10 gram;

11 “(B) develop a more consistent approach
12 to audit priorities, procedures, and training
13 under the ODA program;

14 “(C) expeditiously review a random sample
15 of limitations on delegated authorities under the
16 ODA program to determine if the limitations
17 are appropriate; and

18 “(D) ensure national consistency in the in-
19 terpretation and application of the requirements
20 of the ODA program and in the performance of
21 the ODA program.

22 “(c) DEFINITIONS.—In this section:

23 “(1) ODA OR ORGANIZATION DESIGNATION AU-
24 THORIZATION.—The term ‘ODA’ or ‘organization
25 designation authorization’ means an authorization

1 under section 44702(d) to perform approved func-
2 tions on behalf of the Administrator of the Federal
3 Aviation Administration under subpart D of part
4 183 of title 14, Code of Federal Regulations.

5 “(2) ODA HOLDER.—The term ‘ODA holder’
6 means an entity authorized under section
7 44702(d)—

8 “(A) to which the Administrator of the
9 Federal Aviation Administration issues an ODA
10 letter of designation under subpart D of part
11 183 of title 14, Code of Federal Regulations (or
12 any corresponding similar regulation or ruling);
13 and

14 “(B) that is responsible for administering
15 1 or more ODA units.

16 “(3) ODA PROGRAM.—The term ‘ODA pro-
17 gram’ means the program to standardize Federal
18 Aviation Administration management and oversight
19 of the organizations that are approved to perform
20 certain functions on behalf of the Administration
21 under section 44702(d).

22 “(4) ODA UNIT.—The term ‘ODA unit’ means
23 a group of 2 or more individuals under the super-
24 vision of an ODA holder who perform the specified
25 functions under an ODA.

1 “(5) ORGANIZATION.—The term ‘organization’
2 means a firm, a partnership, a corporation, a com-
3 pany, an association, a joint-stock association, or a
4 governmental entity.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 The table of contents of chapter 447 is amended by adding
7 after the item relating to section 44735 the following:

 “44736. Organization designation authorizations.”.

8 **SEC. 2223. ODA REVIEW.**

9 (a) EXPERT REVIEW PANEL.—

10 (1) ESTABLISHMENT.—Not later than 60 days
11 after the date of enactment of this Act, the Adminis-
12 trator of the FAA shall convene a multidisciplinary
13 expert review panel (referred to in this section as the
14 “Panel”).

15 (2) COMPOSITION.—

16 (A) IN GENERAL.—The Panel shall be
17 composed of not more than 20 members ap-
18 pointed by the Administrator.

19 (B) QUALIFICATIONS.—The members ap-
20 pointed to the Panel shall—

21 (i) each have a minimum of 5 years of
22 experience in processes and procedures
23 under the ODA program; and

24 (ii) include representatives of ODA
25 holders, aviation manufacturers, safety ex-

1 perts, and FAA labor organizations, in-
2 cluding labor representatives of FAA avia-
3 tion safety inspectors and aviation safety
4 engineers.

5 (b) SURVEY.—The Panel shall survey ODA holders
6 and ODA program applicants to document FAA safety
7 oversight and certification programs and activities, includ-
8 ing the FAA’s use of the ODA program and the speed
9 and efficiency of the certification process. In carrying out
10 this subsection, the Administrator shall consult with the
11 appropriate survey experts and the Panel to best design
12 and conduct the survey

13 (c) ASSESSMENT.—The Panel shall—

14 (1) conduct an assessment of—

15 (A) the FAA’s processes and procedures
16 under the ODA program and whether the proc-
17 esses and procedures function as intended;

18 (B) the best practices of and lessons
19 learned by ODA holders and the FAA personnel
20 who provide oversight of ODA holders;

21 (C) the performance incentive policies, re-
22 lated to the ODA program for FAA personnel,
23 that do not conflict with the public interest;

1 (D) the training activities related to the
2 ODA program for FAA personnel and ODA
3 holders; and

4 (E) the impact, if any, that oversight of
5 the ODA program has on FAA resources and
6 the FAA's ability to process applications for
7 certifications outside of the ODA program; and

8 (2) make recommendations for improving FAA
9 safety oversight and certification programs and ac-
10 tivities based on the results of the survey under sub-
11 section (b) and each element of the assessment
12 under paragraph (1) of this subsection.

13 (d) REPORT.—Not later than 180 days after the date
14 the Panel is convened under subsection (a), the Panel shall
15 submit to the Administrator, the Advisory Committee es-
16 tablished under section 2212, and the appropriate commit-
17 tees of Congress a report on results of the survey under
18 subsection (b) and the assessment and recommendations
19 under subsection (c).

20 (e) DEFINITIONS.—The terms used in this section
21 have the meanings given the terms in section 44736 of
22 title 49, United States Code.

23 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
24 Federal Advisory Committee Act (5 U.S.C. App.) shall not
25 apply to the Panel.

1 (g) SUNSET.—The Panel shall terminate on the date
2 the report is submitted under subsection (d).

3 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

4 (a) IN GENERAL.—Section 44704(a) is amended by
5 adding at the end the following:

6 “(6) TYPE CERTIFICATION RESOLUTION PROC-
7 ESS.—

8 “(A) IN GENERAL.—Not later than 15
9 months after the date of enactment of Federal
10 Aviation Administration Reauthorization Act of
11 2016, the Administrator shall establish an ef-
12 fective, expeditious, and milestone-based issue
13 resolution process for type certification activi-
14 ties under this subsection.

15 “(B) PROCESS REQUIREMENTS.—The res-
16 olution process shall provide for—

17 “(i) the resolution of technical issues
18 at pre-established stages of the certifi-
19 cation process, as agreed to by the Admin-
20 istrator and the type certificate applicant;

21 “(ii) the automatic escalation to ap-
22 propriate management personnel of the
23 Federal Aviation Administration and the
24 type certificate applicant of any major cer-
25 tification process milestone that is not

1 completed or resolved within a specific pe-
2 riod of time agreed to by the Adminis-
3 trator and the type certificate applicant;
4 and

5 “(iii) the resolution of a major certifi-
6 cation process milestone escalated under
7 clause (ii) within a specific period of time
8 agreed to by the Administrator and the
9 type certificate applicant.

10 “(C) DEFINITION OF MAJOR CERTIFI-
11 CATION PROCESS MILESTONE.—In this para-
12 graph, the term ‘major certification process
13 milestone’ means a milestone related to a type
14 certification basis, type certification plan, type
15 inspection authorization, issue paper, or other
16 major type certification activity agreed to by
17 the Administrator and the type certificate appli-
18 cant.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
20 Section 44704 is amended in the heading by striking
21 “**airworthiness certificates,**” and inserting “**air-**
22 **worthiness certificates,**”.

1 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
2 **GENERAL AVIATION AIRPLANES.**

3 (a) **POLICY.**—In a manner consistent with the Small
4 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
5 note), not later than 180 days after the date of enactment
6 of this Act, the Administrator shall establish and begin
7 implementing a risk-based policy that streamlines the in-
8 stallation of safety enhancing technologies for small gen-
9 eral aviation airplanes in a manner that reduces regu-
10 latory delays and significantly improves safety.

11 (b) **INCLUSIONS.**—The safety enhancing technologies
12 for small general aviation airplanes described in subsection
13 (a) shall include, at a minimum, the replacement or ret-
14 rofit of primary flight displays, auto pilots, engine mon-
15 itors, and navigation equipment.

16 (c) **COLLABORATION.**—In carrying out this section,
17 the Administrator shall collaborate with general aviation
18 operators, general aviation manufacturers, and appro-
19 priate FAA labor organizations, including representatives
20 of FAA aviation safety inspectors and aviation safety engi-
21 neers, certified under section 7111 of title 5, United
22 States Code.

23 (d) **DEFINITION OF SMALL GENERAL AVIATION AIR-**
24 **PLANE.**—In this section, the term “small general aviation
25 airplane” means an airplane that—

1 (1) is certified to the standards of part 23 of
2 title 14, Code of Federal Regulations;

3 (2) has a seating capacity of not more than 9
4 passengers; and

5 (3) is not used in scheduled passenger-carrying
6 operations under part 121 of title 14, Code of Fed-
7 eral Regulations.

8 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-**
9 **ERAL AVIATION AIRPLANES.**

10 (a) FINAL RULEMAKING.—Not later than December
11 31, 2016, the Administrator shall issue a final rulemaking
12 to comply with section 3 of the Small Airplane Revitaliza-
13 tion Act of 2013 (49 U.S.C. 44704 note).

14 (b) GOVERNMENT REVIEW.—The Federal Govern-
15 ment’s review process shall be streamlined to meet the
16 deadline in subsection (a).

17 **PART III—FLIGHT STANDARDS REFORM**

18 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-**
19 **TIVES AND METRICS.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date the Advisory Committee is established under section
22 2212, the Administrator shall establish performance objec-
23 tives and apply and track performance metrics for the
24 FAA and the aviation industry relating to flight standards
25 activities in accordance with this section.

1 (b) COLLABORATION.—The Administrator shall carry
2 out this section in collaboration with the Advisory Com-
3 mittee and update agency performance objectives and
4 metrics after considering the recommendations of the Ad-
5 visory Committee under paragraphs (8) and (9) of section
6 2212(c).

7 (c) PERFORMANCE OBJECTIVES.—In carrying out
8 subsection (a), the Administrator shall ensure that
9 progress is made toward, at a minimum—

10 (1) eliminating delays with respect to such ac-
11 tivities;

12 (2) increasing accountability for both FAA and
13 the aviation industry;

14 (3) fully implementing risk management prin-
15 ciples and a systems safety approach;

16 (4) reducing duplication of effort;

17 (5) promoting appropriate compliance activities
18 and eliminating inconsistent regulatory interpreta-
19 tions and inconsistent enforcement activities;

20 (6) improving and providing greater opportuni-
21 ties for training, including recurrent training, in au-
22 diting and a systems safety approach to oversight;

23 (7) developing and allowing the use of a single
24 master source for guidance;

1 (8) providing and using a streamlined appeal
2 process for the resolution of regulatory interpreta-
3 tion questions;

4 (9) maintaining and improving safety; and

5 (10) increasing transparency.

6 (d) PERFORMANCE METRICS.—In carrying out sub-
7 section (a), the Administrator shall—

8 (1) apply and track performance metrics for the
9 FAA and the aviation industry; and

10 (2) transmit to the appropriate committees of
11 Congress an annual report tracking the progress to-
12 ward full implementation of the performance metrics
13 under section 2212.

14 (e) DATA.—

15 (1) BASELINES.—Not later than 1 year after
16 the date the Advisory Committee recommends initial
17 performance metrics under section 2212(c)(9), the
18 Administrator shall generate initial data with respect
19 to each of the performance metrics applied and
20 tracked that are approved based on the rec-
21 ommendations required under this section.

22 (2) BENCHMARKS.—The Administrator shall
23 use the performance metrics applied and tracked
24 under this section to generate data on an ongoing
25 basis and to measure progress toward the consensus

1 national goals, strategic objectives, and priorities
2 recommended under section 2212(c)(3).

3 (f) PUBLICATION.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the Administrator shall make data generated using
6 the performance metrics applied and tracked under
7 this section available in a searchable, sortable, and
8 downloadable format through the Internet Web site
9 of the FAA or other appropriate methods.

10 (2) LIMITATIONS.—The Administrator shall
11 make the data under paragraph (1) available in a
12 manner that—

13 (A) protects from disclosure identifying in-
14 formation regarding an individual or entity; and

15 (B) protects from inappropriate disclosure
16 proprietary information.

17 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
18 **FORM.**

19 (a) ESTABLISHMENT.—Not later than 90 days after
20 the date of enactment of this Act, the Administrator shall
21 establish the FAA Task Force on Flight Standards Re-
22 form (referred to in this section as the “Task Force”).

23 (b) MEMBERSHIP.—

24 (1) APPOINTMENT.—The membership of the
25 Task Force shall be appointed by the Administrator.

1 (3) FAA aviation safety inspector training op-
2 portunities;

3 (4) FAA aviation safety inspector standards
4 and performance; and

5 (5) achieving, across the FAA, consistent—

6 (A) regulatory interpretations; and

7 (B) application of oversight activities.

8 (d) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Task Force shall submit to
10 the Administrator, Advisory Committee established under
11 section 2212, and appropriate committees of Congress a
12 report detailing—

13 (1) the best practices identified and rec-
14 ommendations provided by the Task Force under
15 subsection (c); and

16 (2) any recommendations of the Task Force for
17 additional regulatory action or cost-effective legisla-
18 tive action.

19 (e) FEDERAL ADVISORY COMMITTEE ACT.—The
20 Federal Advisory Committee Act (5 U.S.C. App.) shall not
21 apply to the Task Force.

22 (f) SUNSET.—The Task Force shall cease to exist on
23 the date that the Task Force submits the report required
24 under subsection (d).

1 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of enactment of this Act, the Administrator of
4 the FAA shall establish a centralized safety guidance data-
5 base for all of the regulatory guidance issued by the FAA
6 Office of Aviation Safety regarding compliance with 1 or
7 more aviation safety-related provisions of the Code of Fed-
8 eral Regulations.

9 (b) REQUIREMENTS.—The database under subsection
10 (a) shall—

11 (1) for each guidance, include a link to the spe-
12 cific provision of the Code of Federal Regulations;

13 (2) subject to paragraph (3), be accessible to
14 the public; and

15 (3) be provided in a manner that—

16 (A) protects from disclosure identifying in-
17 formation regarding an individual or entity; and

18 (B) protects from inappropriate disclosure
19 proprietary information.

20 (c) DATA ENTRY TIMING.—

21 (1) EXISTING DOCUMENTS.—Not later than 14
22 months after the date the database is established,
23 the Administrator shall have completed entering into
24 the database any applicable regulatory guidance that
25 are in effect and were issued before that date.

1 (2) NEW REGULATORY GUIDANCE AND UP-
2 DATES.—Beginning on the date the database is es-
3 tablished, the Administrator shall ensure that any
4 applicable regulatory guidance that are issued on or
5 after that date are entered into the database as they
6 are issued.

7 (d) CONSULTATION REQUIREMENT.—In establishing
8 the database under subsection (a), the Administrator shall
9 consult and collaborate with appropriate stakeholders, in-
10 cluding labor organizations (including those representing
11 aviation workers, FAA aviation safety engineers, and FAA
12 aviation safety inspectors) and aviation industry stake-
13 holders.

14 (e) DEFINITION OF REGULATORY GUIDANCE.—In
15 this section, the term “regulatory guidance” means all
16 forms of written information issued by the FAA that an
17 individual or entity may use to interpret or apply FAA
18 regulations and requirements, including information an in-
19 dividual or entity may use to determine acceptable means
20 of compliance with such regulations and requirements,
21 such as an order, manual, circular, policy statement, legal
22 interpretation memorandum, and rulemaking documents.

1 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**

2 **BOARD.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Administrator of
5 the FAA shall establish a Regulatory Consistency Commu-
6 nications Board (referred to in this section as the
7 “Board”).

8 (b) CONSULTATION REQUIREMENT.—In establishing
9 the Board, the Administrator shall consult and collaborate
10 with appropriate stakeholders, including FAA labor orga-
11 nizations (including labor organizations representing FAA
12 aviation safety inspectors and labor organizations rep-
13 resenting FAA aviation safety engineers) and aviation in-
14 dustry stakeholders.

15 (c) MEMBERSHIP.—The Board shall be composed of
16 FAA representatives, appointed by the Administrator,
17 from—

- 18 (1) the Flight Standards Service;
19 (2) the Aircraft Certification Service; and
20 (3) the Office of the Chief Counsel.

21 (d) FUNCTIONS.—The Board shall carry out the fol-
22 lowing functions:

- 23 (1) Recommend, at a minimum, processes by
24 which—

1 (A) FAA personnel and persons regulated
2 by the FAA may submit regulatory interpreta-
3 tion questions without fear of retaliation;

4 (B) FAA personnel may submit written
5 questions as to whether a previous approval or
6 regulatory interpretation issued by FAA per-
7 sonnel in another office or region is correct or
8 incorrect; and

9 (C) any other person may submit anony-
10 mous regulatory interpretation questions.

11 (2) Meet on a regular basis to discuss and re-
12 solve questions submitted under paragraph (1) and
13 the appropriate application of regulations and policy
14 with respect to each question.

15 (3) Provide to a person that submitted a ques-
16 tion under subparagraph (A) or subparagraph (B) of
17 paragraph (1) an expeditious written response to the
18 question.

19 (4) Recommend a process to make the resolu-
20 tion of common regulatory interpretation questions
21 publicly available to FAA personnel and the public
22 in a manner that—

23 (A) does not reveal any identifying data of
24 the person that submitted a question; and

25 (B) protects any proprietary information.

1 (5) Ensure that responses to questions under
2 this subsection are incorporated into regulatory
3 guidance (as defined in section 2233(e)).

4 (e) PERFORMANCE METRICS, TIMELINES, AND
5 GOALS.—Not later than 180 days after the date that the
6 Advisory Committee recommends performance objectives
7 and performance metrics for the FAA and the aviation
8 industry under paragraphs (8) and (9) of section 2212(c),
9 the Administrator, in collaboration with the Advisory
10 Committee, shall—

11 (1) establish performance metrics, timelines,
12 and goals to measure the progress of the Board in
13 resolving regulatory interpretation questions sub-
14 mitted under subsection (d)(1); and

15 (2) implement a process for tracking the
16 progress of the Board in meeting the performance
17 metrics, timelines, and goals under paragraph (1).

18 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**

19 **FEASIBILITY REPORT.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Administrator, in con-
22 sultation with relevant industry stakeholders, shall—

23 (1) determine the feasibility of realigning flight
24 standards service regional field offices to specialized

1 areas of aviation safety oversight and technical ex-
2 pertise; and

3 (2) submit to the appropriate committees of
4 Congress a report on the findings under paragraph
5 (1).

6 (b) CONSIDERATIONS.—In making a determination
7 under subsection (a), the Administrator shall consider a
8 flight standards service regional field office providing sup-
9 port in the area of its technical expertise to flight stand-
10 ards district offices and certificate management offices.

11 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, and subject to the requirements of subsection
14 (b), the Administrator may enter into a reimbursable
15 agreement with an applicant or certificate-holder for the
16 reasonable travel and per diem expenses of the FAA asso-
17 ciated with official travel to expedite the acceptance or val-
18 idation by a foreign authority of an FAA certificate or
19 design approval.

20 (b) CONDITIONS.—The Administrator may enter into
21 an agreement under subsection (a) only if—

22 (1) the travel covered under the agreement is
23 determined to be necessary, by both the Adminis-
24 trator and the applicant or certificate-holder, to ex-

1 pedite the acceptance or validation of the relevant
2 certificate or approval;

3 (2) the travel is conducted at the request of the
4 applicant or certificate-holder;

5 (3) the travel plans and expenses are approved
6 by the applicant or certificate-holder prior to travel;
7 and

8 (4) the agreement requires payment in advance
9 of FAA services and is consistent with the processes
10 under section 106(l)(6) of title 49, United States
11 Code.

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

15 (1) the number of occasions on which the Ad-
16 ministrator entered into reimbursable agreements
17 under this section;

18 (2) the number of occasions on which the Ad-
19 ministrator declined a request by an applicant or
20 certificate-holder to enter into a reimbursable agree-
21 ment under this section;

22 (3) the amount of reimbursements collected in
23 accordance with agreements under this section; and

24 (4) the extent to which reimbursable agree-
25 ments under this section assisted in reducing the

1 amount of time necessary for foreign authorities'
2 validations of FAA certificates and design approvals.

3 (d) DEFINITIONS.—In this section:

4 (1) APPLICANT.—The term “applicant” means
5 a person that has applied to a foreign authority for
6 the acceptance or validation of an FAA certificate or
7 design approval.

8 (2) CERTIFICATE-HOLDER.—The term “certifi-
9 cate-holder” means a person that holds a certificate
10 issued by the Administrator under part 21 of title
11 14, Code of Federal Regulations.

12 **PART IV—SAFETY WORKFORCE**

13 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

14 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
15 Not later than 60 days after the date of enactment of this
16 Act, the Administrator of the FAA shall review and revise
17 its safety workforce training strategy to ensure that it—

18 (1) aligns with an effective risk-based approach
19 to safety oversight;

20 (2) best utilizes available resources;

21 (3) allows FAA employees participating in orga-
22 nization management teams or conducting ODA pro-
23 gram audits to complete, expeditiously, appropriate
24 training, including recurrent training, in auditing
25 and a systems safety approach to oversight;

1 (4) seeks knowledge-sharing opportunities be-
2 tween the FAA and the aviation industry in new
3 technologies, best practices, and other areas of inter-
4 est related to safety oversight;

5 (5) fosters an inspector and engineer workforce
6 that has the skills and training necessary to improve
7 risk-based approaches that focus on requirements
8 management and auditing skills; and

9 (6) includes, as appropriate, milestones and
10 metrics for meeting the requirements of paragraphs
11 (1) through (5).

12 (b) REPORT.—Not later than 270 days after the date
13 the strategy is established under subsection (a), the Ad-
14 ministrators shall submit to the appropriate committees of
15 Congress a report on the implementation of the strategy
16 and progress in meeting any milestones or metrics in-
17 cluded in the strategy.

18 (c) DEFINITIONS.—In this section:

19 (1) ODA HOLDER.—The term “ODA holder”
20 has the meaning given the term in section 44736 of
21 title 49, United States Code.

22 (2) ODA PROGRAM.—The term “ODA pro-
23 gram” means the program to standardize FAA over-
24 sight of the organizations that are approved to per-

1 form certain functions on behalf of the FAA under
2 section 44702(d) of title 49, United States Code.

3 (3) ORGANIZATION MANAGEMENT TEAM.—The
4 term “organization management team” means a
5 group of FAA employees consisting of FAA aviation
6 safety engineers, flight test pilots, and aviation safe-
7 ty inspectors overseeing an ODA holder and its spec-
8 ified function delegated under section 44702.

9 **SEC. 2242. WORKFORCE STUDY.**

10 (a) WORKFORCE STUDY.—Not later than 90 days
11 after the date of enactment of this Act, the Comptroller
12 General of the United States shall conduct a study to as-
13 sess the workforce and training needs of the Office of
14 Aviation Safety of the Federal Aviation Administration
15 and taking into consideration how those needs could be
16 met.

17 (b) CONTENTS.—The study under subsection (a)
18 shall include—

19 (1) a review of the current staffing levels and
20 requirements for hiring and training, including re-
21 current training, of aviation safety inspectors and
22 aviation safety engineers;

23 (2) an analysis of the skills and qualifications
24 required of aviation safety inspectors and aviation
25 safety engineers for successful performance in the

1 current and future projected aviation safety regu-
2 latory environment, including an analysis of the need
3 for a systems engineering discipline within the Fed-
4 eral Aviation Administration to guide the engineer-
5 ing of complex systems, with an emphasis on audit-
6 ing an ODA holder (as defined in section 44736(c)
7 of title 49, United States Code);

8 (3) a review of current performance incentive
9 policies of the Federal Aviation Administration, as
10 applied to the Office of Aviation Safety, including
11 awards for performance;

12 (4) an analysis of ways the Federal Aviation
13 Administration can work with the aviation industry
14 and FAA labor force to establish knowledge-sharing
15 opportunities between the Federal Aviation Adminis-
16 tration and the aviation industry in new tech-
17 nologies, best practices, and other areas that could
18 improve the aviation safety regulatory system; and

19 (5) recommendations on the best and most cost-
20 effective approaches to address the needs of the cur-
21 rent and future projected aviation safety regulatory
22 system, including qualifications, training programs,
23 and performance incentives for relevant agency per-
24 sonnel.

1 (c) REPORT.—Not later than 270 days after the date
2 of enactment of this Act, the Comptroller General shall
3 submit to the appropriate committees of Congress a report
4 on the results of the study required under subsection (a).

5 **PART V—INTERNATIONAL AVIATION**

6 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**
7 **STANDARDS, PRODUCTS, AND SERVICES**
8 **ABROAD.**

9 Section 40104 is amended by adding at the end the
10 following:

11 “(d) PROMOTION OF UNITED STATES AEROSPACE
12 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
13 Secretary shall take appropriate actions—

14 “(1) to promote United States aerospace-re-
15 lated safety standards abroad;

16 “(2) to facilitate and vigorously defend approv-
17 als of United States aerospace products and services
18 abroad;

19 “(3) with respect to bilateral partners, to use
20 bilateral safety agreements and other mechanisms to
21 improve validation of United States type certificated
22 aeronautical products and services and enhance mu-
23 tual acceptance in order to eliminate redundancies
24 and unnecessary costs; and

1 nautical safety authority has an aircraft
2 certification system relating to safety that
3 produces a level of safety equivalent to the
4 level produced by the system of the Fed-
5 eral Aviation Administration; and

6 “(iv) the aeronautical safety authority
7 utilizes an open and transparent public no-
8 tice and comment process in the issuance
9 of airworthiness directives.

10 “(B) ALTERNATIVE APPROVAL PROCESS.—
11 Notwithstanding subparagraph (A), the Admin-
12 istrator may issue a Federal Aviation Adminis-
13 tration airworthiness directive instead of accept-
14 ing the airworthiness directive issued by the
15 aeronautical safety authority of a foreign coun-
16 try if the Administrator determines that such
17 issuance is necessary for safety or operational
18 reasons due to the complexity or unique fea-
19 tures of the Federal Aviation Administration
20 airworthiness directive or the United States
21 aviation system.

22 “(C) ALTERNATIVE MEANS OF COMPLI-
23 ANCE.—The Administrator may—

24 “(i) accept an alternative means of
25 compliance, with respect to an airworthi-

1 ness directive under subparagraph (A),
2 that was approved by the aeronautical
3 safety authority of the foreign country that
4 issued the airworthiness directive; or
5 “(ii) notwithstanding subparagraph
6 (A), and at the request of any person af-
7 fected by an airworthiness directive under
8 that subparagraph, the Administrator may
9 approve an alternative means of compli-
10 ance with respect to the airworthiness di-
11 rective.”.

12 **SEC. 2253. FAA LEADERSHIP ABROAD.**

13 (a) IN GENERAL.—To promote United States aero-
14 space safety standards, reduce redundant regulatory activ-
15 ity, and facilitate acceptance of FAA design and produc-
16 tion approvals abroad, the Administrator shall—

17 (1) attain greater expertise in issues related to
18 dispute resolution, intellectual property, and export
19 control laws to better support FAA certification and
20 other aerospace regulatory activities abroad;

21 (2) work with United States companies to more
22 accurately track the amount of time it takes foreign
23 authorities, including bilateral partners, to validate
24 United States type certificated aeronautical prod-
25 ucts;

1 (3) provide assistance to United States compa-
2 nies who have experienced significantly long foreign
3 validation wait times;

4 (4) work with foreign authorities, including bi-
5 lateral partners, to collect and analyze data to deter-
6 mine the timeliness of the acceptance and validation
7 of FAA design and production approvals by foreign
8 authorities and the acceptance and validation of for-
9 eign-certified products by the FAA;

10 (5) establish appropriate benchmarks and
11 metrics to measure the success of bilateral aviation
12 safety agreements and to reduce the validation time
13 for United States type certificated aeronautical
14 products abroad; and

15 (6) work with foreign authorities, including bi-
16 lateral partners, to improve the timeliness of the ac-
17 ceptance and validation of FAA design and produc-
18 tion approvals by foreign authorities and the accept-
19 ance and validation of foreign-certified products by
20 the FAA.

21 (b) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Administrator shall submit
23 to the appropriate committees of Congress a report that—

24 (1) describes the Administrator’s strategic plan
25 for international engagement;

1 (2) describes the structure and responsibilities
2 of all FAA offices that have international respon-
3 sibilities, including the Aircraft Certification Office,
4 and all the activities conducted by those offices re-
5 lated to certification and production;

6 (3) describes current and forecasted staffing
7 and travel needs for the FAA's international engage-
8 ment activities, including the needs of the Aircraft
9 Certification Office in the current and forecasted
10 budgetary environment;

11 (4) provides recommendations, if appropriate,
12 to improve the existing structure and personnel and
13 travel policies supporting the FAA's international
14 engagement activities, including the activities of the
15 Aviation Certification Office, to better support the
16 growth of United States aerospace exports; and

17 (5) identifies policy initiatives, regulatory initia-
18 tives, or cost-effective legislative initiatives needed to
19 improve and enhance the timely acceptance of
20 United States aerospace products abroad.

21 (c) INTERNATIONAL TRAVEL.—The Administrator of
22 the FAA, or the Administrator's designee, may authorize
23 international travel for any FAA employee, without the
24 approval of any other person or entity, if the Adminis-
25 trator determines that the travel is necessary—

1 (1) to promote United States aerospace safety
2 standards; or

3 (2) to support expedited acceptance of FAA de-
4 sign and production approvals.

5 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
6 **FEEES.**

7 Section 45305 is amended—

8 (1) in subsection (a) by striking “Subject to
9 subsection (b)” and inserting “Subject to subsection
10 (c)”;

11 (2) by redesignating subsections (b) and (c) as
12 subsections (c) and (d), respectively; and

13 (3) by inserting after subsection (a) the fol-
14 lowing:

15 “(b) CERTIFICATION SERVICES.—Subject to sub-
16 section (c), and notwithstanding section 45301(a), the Ad-
17 ministrator may establish and collect a fee from a foreign
18 government or entity for services related to certification,
19 regardless of where the services are provided, if the fee—

20 “(1) is established and collected in a manner
21 consistent with aviation safety agreements; and

22 “(2) does not exceed the estimated costs of the
23 services.”.

1 **Subtitle C—Airline Passenger**
2 **Safety and Protections**

3 **SEC. 2301. PILOT RECORDS DATABASE DEADLINE.**

4 Section 44703(i)(2) is amended by striking “The Ad-
5 ministrator shall establish” and inserting “Not later than
6 April 30, 2017, the Administrator shall establish and
7 make available for use”.

8 **SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.**

9 The Administrator of the Federal Aviation Adminis-
10 tration shall collaborate with other aviation authorities to
11 advance a global standard for access to air carrier flight
12 decks and redundancy requirements consistent with the
13 flight deck access and redundancy requirements in the
14 United States.

15 **SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration shall assess current per-
19 formance standards, and as appropriate, conduct a rule-
20 making to revise the standards to improve near-term and
21 long-term aircraft tracking and flight data recovery, in-
22 cluding retrieval, access, and protection of such data after
23 an incident or accident.

1 (b) CONSIDERATIONS.—In revising the performance
2 standards under subsection (a) the Administrator may
3 consider—

4 (1) various methods for improving detection
5 and retrieval of flight data, including—

6 (A) low frequency underwater locating de-
7 vices; and

8 (B) extended battery life for underwater
9 locating devices;

10 (2) automatic deployable flight recorders;

11 (3) triggered transmission of flight data, and
12 other satellite-based solutions;

13 (4) distress-mode tracking; and

14 (5) protections against disabling flight recorder
15 systems.

16 (c) COORDINATION.—In revising the performance
17 standards under subsection (a), the Administrator shall
18 coordinate with international regulatory authorities and
19 the International Civil Aviation Organization to ensure
20 that any new international standard for aircraft tracking
21 and flight data recovery is consistent with a performance-
22 based approach and is implemented in a globally har-
23 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 access treatment 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 (b), 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 **SEC. 2307. TRAINING FLIGHT ATTENDANTS TO IDENTIFY**
13 **HUMAN TRAFFICKING.**

14 Section 44734(a) is amended—

15 (1) in paragraph (2) by striking “and” at the
16 end;

17 (2) in paragraph (3) by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(4) identifying and timely alerting of appro-
21 priate government personnel or a law enforcement
22 officer and filing a report of a potential victim or in-
23 cidence of human trafficking.”.

1 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

2 (a) REPORT.—Not later than 180 days after the date
3 of enactment of this Act, the Administrator of the Federal
4 Aviation Administration shall submit to the appropriate
5 committees of Congress a report on the National Test
6 Equipment Program (referred to in this section as the
7 “Program”).

8 (b) CONTENTS.—The report shall include—

9 (1) a list of all known outstanding requests for
10 test equipment, cataloged by type and location,
11 under the Program;

12 (2) a description of the current method under
13 the Program of ensuring calibrated equipment is in
14 place for utilization;

15 (3) a plan by the Administrator for appropriate
16 inventory of such equipment; and

17 (4) the Administrator’s recommendations for
18 increasing multi-functionality in future test equip-
19 ment to be developed and all known and foreseeable
20 manufacturer technological advances.

21 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
22 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

23 (a) IN GENERAL.—Not later than June 30, 2016, the
24 Administrator of the Federal Aviation Administration
25 shall—

1 (1) assess available technologies to determine
2 whether it is feasible, cost-effective, and appropriate
3 to install and deploy, at any airport, systems to pro-
4 vide a direct warning capability to flight crews and
5 air traffic controllers of potential runway incursions;
6 and

7 (2) submit to the appropriate committees of
8 Congress a report on the assessment under para-
9 graph (1), including any recommendations.

10 (b) **CONSIDERATIONS.**—In conducting the assess-
11 ment under subsection (a), the Administration shall con-
12 sider National Transportation Safety Board findings and
13 relevant aviation stakeholder views relating to runway in-
14 cursions.

15 **SEC. 2310. LASER POINTER INCIDENTS.**

16 (a) **IN GENERAL.**—Beginning 90 days after the date
17 of enactment of this Act, the Administrator of the Federal
18 Aviation Administration, in coordination with the Director
19 of the Federal Bureau of Investigation, shall provide quar-
20 terly updates to the appropriate committees of Congress
21 regarding—

22 (1) the number of incidents involving the beam
23 from a laser pointer (as defined in section 39A of
24 title 18, United States Code) being aimed at, or in

1 the flight path of, an aircraft in the airspace juris-
2 diction of the United States;

3 (2) the number of civil or criminal enforcement
4 actions taken by the Federal Aviation Administra-
5 tion, Department of Transportation, or Department
6 of Justice with regard to the incidents described in
7 paragraph (1), including the amount of the civil or
8 criminal penalties imposed on violators;

9 (3) the resolution of any incidents that did not
10 result in a civil or criminal enforcement action; and

11 (4) any actions the Department of Transpor-
12 tation or Department of Justice has taken on its
13 own, or in conjunction with other Federal agencies
14 or local law enforcement agencies, to deter the type
15 of activity described in paragraph (1).

16 (b) CIVIL PENALTIES.—The Administrator shall re-
17 vise the maximum civil penalty that may be imposed on
18 an individual who aims the beam of a laser pointer at an
19 aircraft in the airspace jurisdiction of the United States,
20 or at the flight path of such an aircraft, to be \$25,000.

21 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**

22 **DATA AND REPORTS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the
25 Federal Aviation Administration, in collaboration with hel-

1 helicopter air ambulance industry stakeholders, shall assess
2 the availability of information to the general public related
3 to the location of heliports and helipads used by heli-
4 copters providing air ambulance services, including
5 helipads and helipads outside of those listed as part of
6 any existing databases of Airport Master Record (5010)
7 forms.

8 (b) REQUIREMENTS.—Based on the assessment
9 under subsection (a), the Administrator shall—

10 (1) update, as necessary, any existing guidance
11 on what information is included in the current data-
12 bases of Airport Master Record (5010) forms to in-
13 clude information related to heliports and helipads
14 used by helicopters providing air ambulance services;
15 or

16 (2) develop, as appropriate and in collaboration
17 with helicopter air ambulance industry stakeholders,
18 a new database of heliports and helipads used by
19 helicopters providing air ambulance services.

20 (c) REPORTS.—

21 (1) ASSESSMENT.—Not later than 30 days
22 after the date the assessment under subsection (a)
23 is complete, the Administrator shall submit to the
24 appropriate committees of Congress a report on the
25 assessment, including any recommendations on how

1 to make information related to the location of heli-
2 ports and helipads used by helicopters providing air
3 ambulance services available to the general public.

4 (2) IMPLEMENTATION.—Not later than 30 days
5 after completing action under paragraph (1) or
6 paragraph (2) of subsection (b), the Administrator
7 shall submit to the appropriate committees of Con-
8 gress a report on the implementation of that action.

9 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
10 is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
13 by striking “not later than 1 year after the date
14 of enactment of this section, and annually
15 thereafter” and inserting “annually”;

16 (B) in paragraph (2), by striking “flights
17 and hours flown, by registration number, dur-
18 ing which helicopters operated by the certificate
19 holder were providing helicopter air ambulance
20 services” and inserting “hours flown by the heli-
21 copters operated by the certificate holder”;

22 (C) in paragraph (3)—

23 (i) by striking “of flight” and insert-
24 ing “of patients transported and the num-
25 ber of patient transport”;

1 (ii) by inserting “or” after “inter-
2 facility transport,”; and

3 (iii) by striking “, or ferry or repo-
4 sitioning flight”;

5 (D) in paragraph (5)—

6 (i) by striking “flights and”; and

7 (ii) by striking “while providing air
8 ambulance services”; and

9 (E) by amending paragraph (6) to read as
10 follows:

11 “(6) The number of hours flown at night by
12 helicopters operated by the certificate holder.”;

13 (2) in subsection (d)—

14 (A) by striking “Not later than 2 years
15 after the date of enactment of this section, and
16 annually thereafter, the Administrator shall
17 submit” and inserting “The Administrator shall
18 submit annually”; and

19 (B) by adding at the end the following:

20 “The report shall include the number of acci-
21 dents experienced by helicopter air ambulance
22 operations, the number of fatal accidents expe-
23 rienced by helicopter air ambulance operations,
24 and the rate, per 100,000 flight hours, of acci-
25 dents and fatal accidents experienced by opera-

1 tors providing helicopter air ambulance serv-
2 ices.”;

3 (3) by redesignating subsection (e) as sub-
4 section (f); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) IMPLEMENTATION.—In carrying out this sec-
8 tion, the Administrator, in collaboration with part 135 cer-
9 tificate holders providing helicopter air ambulance serv-
10 ices, shall—

11 “(1) propose and develop a method to collect
12 and store the data submitted under subsection (a),
13 including a method to protect the confidentiality of
14 any trade secret or proprietary information sub-
15 mitted; and

16 “(2) ensure that the database under subsection
17 (c) and the report under subsection (d) include data
18 and analysis that will best inform efforts to improve
19 the safety of helicopter air ambulance operations.”.

20 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall—

24 (1) determine, in collaboration with the Na-
25 tional Transportation Safety Board and Part 135

1 industry stakeholders, what, if any, additional data
2 should be reported as part of an accident or incident
3 notice to more accurately measure the safety of on-
4 demand Part 135 aircraft activity, to pinpoint safety
5 problems, and to form the basis for critical research
6 and analysis of general aviation issues; and

7 (2) submit to the appropriate committees of
8 Congress a report on the findings under paragraph
9 (1), including a description of the additional data to
10 be collected, a timeframe for implementing the addi-
11 tional data collection, and any potential obstacles to
12 implementation.

13 **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

14 Section 40102(a) is amended—

15 (1) by redesignating paragraphs (24) through
16 (47) as paragraphs (25) through (48), respectively;
17 and

18 (2) by inserting after paragraph (23) the fol-
19 lowing:

20 “(24) ‘human factors’ means a multidisciplinary
21 field that generates and compiles information about
22 human capabilities and limitations and applies it to
23 design, development, and evaluation of equipment,
24 systems, facilities, procedures, jobs, environments,
25 staffing, organizations, and personnel management

1 for safe, efficient, and effective human performance,
2 including people’s use of technology.”.

3 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
4 **THORITY.**

5 It is the sense of Congress that the pilot in command
6 of an aircraft is directly responsible for, and is the final
7 authority as to, the operation of that aircraft, as set forth
8 in section 91.3(a) of title 14, Code of Federal Regulations
9 (or any successor regulation thereto).

10 **SEC. 2315. ENHANCING ASIAs.**

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 consultation with rel-
14 evant aviation industry stakeholders, shall assess what, if
15 any, improvements are needed to develop the predictive
16 capability of the Aviation Safety Information Analysis and
17 Sharing program (referred to in this section as “ASIAs”)
18 with regard to identifying precursors to accidents.

19 (b) CONTENTS.—In conducting the assessment under
20 subsection (a), the Administrator shall—

21 (1) determine what actions are necessary—

22 (A) to improve data quality and standard-
23 ization; and

24 (B) to increase the data received from ad-
25 ditional segments of the aviation industry, such

1 as small airplane, helicopter, and business jet
2 operations;

3 (2) consider how to prioritize the actions de-
4 scribed in paragraph (1); and

5 (3) review available methods for disseminating
6 safety trend data from ASLAS to the aviation safety
7 community, including the inspector workforce, to in-
8 form in their risk-based decision making efforts.

9 (c) REPORT.—Not later than 60 days after the date
10 the assessment under subsection (a) is complete, the Ad-
11 ministrator shall submit to the appropriate committees of
12 Congress a report on the assessment, including rec-
13 ommendations regarding paragraphs (1) through (3) of
14 subsection (b).

15 **SEC. 2316. IMPROVING RUNWAY SAFETY.**

16 (a) IN GENERAL.—The Administrator of the Federal
17 Aviation Administration shall expedite the development of
18 metrics—

19 (1) to allow the Federal Aviation Administra-
20 tion to determine whether runway incursions are in-
21 creasing; and

22 (2) to assess the effectiveness of implemented
23 runway safety initiatives.

24 (b) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Administrator shall submit

1 to the appropriate committees of Congress a report on the
2 progress in developing the metrics described in subsection
3 (a).

4 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
5 **AND BATTERIES.**

6 (a) RESTRICTIONS ON TRANSPORTATION OF LITHIUM BATTERIES ON PASSENGER AIRCRAFT.—

8 (1) IN GENERAL.—Pursuant to section 828 of
9 the FAA Modernization and Reform Act of 2012
10 (49 U.S.C. 44701 note)—

11 (A) not later than 90 days after the date
12 of enactment of this Act, the Administrator of
13 the Federal Aviation Administration shall up-
14 date applicable regulations to implement the re-
15 vised standards adopted by the International
16 Civil Aviation Organization (ICAO) on Feb-
17 ruary 22, 2016, regarding—

18 (i) prohibiting the bulk air transport-
19 ation of lithium ion batteries on passenger
20 aircraft; and

21 (ii) prohibiting bulk air transport
22 cargo shipment of lithium batteries with an
23 internal charge above 30 percent; and

24 (B) the Secretary of Transportation may
25 initiate a review of existing regulations under

1 parts 171-181 of title 49, Code of Federal Reg-
2 ulations, and any applicable regulations under
3 title 14, Code of Federal Regulations, regarding
4 the air transportation, including passenger-car-
5 rying and cargo aircraft, of lithium batteries
6 and cells.

7 (2) LIMITED EXCEPTION FOR MEDICAL DEVICE
8 BATTERIES.—The Secretary of Transportation may
9 issue limited exceptions to the restrictions in para-
10 graph (1) to allow the shipment of replacement med-
11 ical device batteries on passenger aircraft if—

12 (A) the intended destination is not served
13 by cargo aircraft; and

14 (B) the Secretary can ensure the general
15 safety of such shipments.

16 (3) SAVINGS CLAUSE.—Nothing in this section
17 shall be construed as expanding or constricting any
18 other authority the Secretary of Transportation has
19 under section 828 of the FAA Modernization and
20 Reform Act of 2012 (49 U.S.C. 44701 note) to pro-
21 mulgate additional emergency or permanent regula-
22 tions as permitted by subsection (b) of that section.

23 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
24 Not later than 90 days after the date of enactment of this
25 Act, the President shall establish a lithium battery safety

1 working group to promote and coordinate efforts related
2 to the promotion of the safe manufacture, use, and trans-
3 portation of lithium batteries and cells.

4 (1) COMPOSITION.—

5 (A) IN GENERAL.—The working group
6 shall be composed of at least 1 representative
7 from each of the following:

8 (i) Consumer Product Safety Commis-
9 sion.

10 (ii) Department of Transportation.

11 (iii) National Institute on Standards
12 and Technology.

13 (iv) Food and Drug Administration.

14 (B) ADDITIONAL MEMBERS.—The working
15 group may include not more than 4 additional
16 members with expertise in the safe manufac-
17 ture, use, or transportation of lithium batteries
18 and cells.

19 (C) SUBCOMMITTEES.—The President, or
20 members of the working group, may—

21 (i) establish working group sub-
22 committees to focus on specific issues re-
23 lated to the safe manufacture, use, or
24 transportation of lithium batteries and
25 cells; and

1 (ii) include in a subcommittee the par-
2 ticipation of non-member stakeholders with
3 expertise in areas that the President or
4 members consider necessary.

5 (2) REPORT.—Not later than 1 year after the
6 date it is established under subsection (b), the work-
7 ing group shall—

8 (A) research—

9 (i) additional ways to decrease the
10 risk of fires and explosions from lithium
11 batteries and cells;

12 (ii) additional ways to ensure uniform
13 transportation requirements for both bulk
14 and individual batteries; and

15 (iii) new or existing technologies that
16 could reduce the fire and explosion risk of
17 lithium batteries and cells; and

18 (B) transmit to the appropriate commit-
19 tees of Congress a report on the research under
20 subparagraph (A), including any legislative rec-
21 ommendations to effectuate the safety improve-
22 ments described in clauses (i) through (iii) of
23 that subparagraph.

1 (3) EXEMPTION FROM FACa.—The Federal Ad-
2 visory Committee Act (5 U.S.C. App.) shall not
3 apply to the working group.

4 (4) TERMINATION.—The working group, and
5 any working group subcommittees, shall terminate
6 90 days after the date the report is transmitted
7 under paragraph (2).

8 **Subtitle D—General Aviation**
9 **Safety**

10 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
11 **POLICY.**

12 (a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of this Act, the Administrator of the
14 Federal Aviation Administration shall—

15 (1) update automated weather observing sys-
16 tems standards to maximize the use of new tech-
17 nologies that promote the reduction of equipment or
18 maintenance cost for non-Federal automated weath-
19 er observing systems, including the use of remote
20 monitoring and maintenance, unless demonstrated to
21 be ineffective;

22 (2) review, and if necessary update, existing
23 policies in accordance with the standards developed
24 under paragraph (1); and

1 (3) establish a process under which appropriate
2 on site airport personnel or an aviation official may,
3 with appropriate manufacturer training or alter-
4 native training as determined by the Administrator,
5 be permitted to conduct the minimum tri-annual
6 preventative maintenance checks under the advisory
7 circular for non-Federal automated weather observ-
8 ing systems (AC 150/5220-16D).

9 (b) PERMISSION.—Permission to conduct the min-
10 imum tri-annual preventative maintenance checks de-
11 scribed under subsection (a)(3) shall not be withheld but
12 for specific cause.

13 (c) STANDARDS.—In updating the standards under
14 subsection (a)(1), the Administrator shall—

15 (1) ensure the standards are performance-
16 based;

17 (2) use risk analysis to determine the accuracy
18 of the automated weather observing systems outputs
19 required for pilots to perform safe aircraft oper-
20 ations; and

21 (3) provide a cost benefit analysis to determine
22 whether the benefits outweigh the cost for any re-
23 quirement not directly related to safety.

24 (d) REPORT.—Not later than September 30, 2017,
25 the Administrator shall provide a report to the appropriate

1 committees of Congress on the implementation of require-
2 ments under this section.

3 **SEC. 2402. TOWER MARKING.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Administrator of the
6 Federal Aviation Administration shall issue regulations to
7 require the marking of covered towers.

8 (b) MARKING REQUIRED.—The regulations under
9 subsection (a) shall require that a covered tower be clearly
10 marked in a manner that is consistent with applicable
11 guidance under the Federal Aviation Administration Advi-
12 sory Circular issued December 4, 2015 (AC 70/7460-1L)
13 or other relevant safety guidance, as determined by the
14 Administrator.

15 (c) APPLICATION.—The regulations issued under
16 subsection (a) shall ensure that—

17 (1) all covered towers constructed on or after
18 the date on which such regulations take effect are
19 marked in accordance with subsection (b); and

20 (2) a covered tower constructed before the date
21 on which such regulations take effect is marked in
22 accordance with subsection (b) not later than 1 year
23 after such effective date.

24 (d) DEFINITION OF COVERED TOWER.—

1 (1) IN GENERAL.—In this section, the term
2 “covered tower” means a structure that—

3 (A) is self-standing or supported by guy
4 wires and ground anchors;

5 (B) is 10 feet or less in diameter at the
6 above-ground base, excluding concrete footing;

7 (C) at the highest point of the structure is
8 at least 50 feet above ground level;

9 (D) at the highest point of the structure is
10 not more than 200 feet above ground level;

11 (E) has accessory facilities on which an an-
12 tenna, sensor, camera, meteorological instru-
13 ment, or other equipment is mounted; and

14 (F) is located—

15 (i) outside the boundaries of an incor-
16 porated city or town; or

17 (ii) on land that is—

18 (I) undeveloped; or

19 (II) used for agricultural pur-
20 poses.

21 (2) EXCLUSIONS.—The term “covered tower”
22 does not include any structure that—

23 (A) is adjacent to a house, barn, electric
24 utility station, or other building;

25 (B) is within the curtilage of a farmstead;

1 (C) supports electric utility transmission or
2 distribution lines;

3 (D) is a wind powered electrical generator
4 with a rotor blade radius that exceeds 6 feet; or

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

7 (e) DATABASE.—The Administrator shall—

8 (1) develop a database that contains the loca-
9 tion and height of each covered tower;

10 (2) keep the database current to the extent
11 practicable;

12 (3) ensure that any proprietary information in
13 the database is protected from disclosure in accord-
14 ance with law; and

15 (4) ensure access to the database is limited to
16 individuals, such as airmen, who require the infor-
17 mation for aviation safety purposes only.

18 **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

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

1 **Subtitle E—General Provisions**

2 **SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-**
3 **FICER.**

4 (a) IN GENERAL.—Section 106 is amended by adding
5 at the end the following:

6 “(u) DESIGNATED AGENCY SAFETY AND HEALTH
7 OFFICER.—

8 “(1) APPOINTMENT.—There shall be a Des-
9 gnated Agency Safety and Health Officer appointed
10 by the Administrator who shall exclusively fulfill the
11 duties prescribed in this subsection.

12 “(2) RESPONSIBILITIES.—The Designated
13 Agency Safety and Health Officer shall have respon-
14 sibility and accountability for—

15 “(A) auditing occupational safety and
16 health issues across the Administration;

17 “(B) overseeing Administration-wide com-
18 pliance with relevant Federal occupational safe-
19 ty and health statutes and regulations, national
20 industry and consensus standards, and Admin-
21 istration policies; and

22 “(C) encouraging a culture of occupational
23 safety and health to complement the Adminis-
24 tration’s existing safety culture.

1 “(3) REPORTING STRUCTURE.—The Designated
2 Agency Safety and Health Officer shall occupy a
3 full-time, senior executive position and shall report
4 directly to the Assistant Administrator for Human
5 Resource Management.

6 “(4) QUALIFICATIONS AND REMOVAL.—

7 “(A) QUALIFICATIONS.—The Designated
8 Agency Safety and Health Officer shall have
9 demonstrated ability and experience in the es-
10 tablishment and administration of comprehen-
11 sive occupational safety and health programs
12 and knowledge of relevant Federal occupational
13 safety and health statutes and regulations, na-
14 tional industry and consensus standards, and
15 Administration policies.

16 “(B) REMOVAL.—The Designated Agency
17 Safety and Health Officer shall serve at the
18 pleasure of the Administrator.”.

19 (b) DEADLINE FOR APPOINTMENT.—Not later than
20 180 days after the date of enactment of this Act, the Ad-
21 ministrators of the Federal Aviation Administration shall
22 appoint an individual to serve as the Designated Agency
23 Safety and Health Officer under section 106(u) of title
24 49, United States Code.

1 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**
2 **STATES.**

3 (a) RISK-BASED OVERSIGHT.—Section 44733 is
4 amended—

5 (1) by redesignating subsection (f) as sub-
6 section (g);

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) RISK-BASED OVERSIGHT.—

10 “(1) IN GENERAL.—Not later than 90 days
11 after the date of enactment of the Federal Aviation
12 Administration Reauthorization Act of 2016, the
13 Administrator shall take measures to ensure that the
14 safety assessment system established under sub-
15 section (a)—

16 “(A) places particular consideration on in-
17 spections of part 145 repair stations located
18 outside the United States that conduct sched-
19 uled heavy maintenance work on part 121 air
20 carrier aircraft; and

21 “(B) accounts for the frequency and seri-
22 ousness of any corrective actions that part 121
23 air carriers must implement to aircraft fol-
24 lowing such work at such repair stations.

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

4 “(A) in accordance with the United States
5 obligations under applicable international agree-
6 ments; and

7 “(B) in a manner consistent with the ap-
8 plicable laws of the country in which a repair
9 station is located.

10 “(3) ACCESS TO DATA.—The Administrator
11 may access and review such information or data in
12 the possession of a part 121 air carrier as the Ad-
13 ministrator may require in carrying out paragraph
14 (1)(B).”; and

15 (3) in subsection (g), as redesignated—

16 (A) by redesignating paragraphs (1) and
17 (2) as paragraphs (2) and (3), respectively; and

18 (B) by inserting before paragraph (2), as
19 redesignated, the following:

20 “(1) HEAVY MAINTENANCE WORK.—The term
21 ‘heavy maintenance work’ means a C-check, a D-
22 check, or equivalent maintenance operation with re-
23 spect to the airframe of a transport-category air-
24 craft.”.

1 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
2 ING.—The Administrator of the Federal Aviation Admin-
3 istration shall ensure that—

4 (1) not later than 90 days after the date of en-
5 actment of this Act, a notice of proposed rulemaking
6 required pursuant to section 44733(d)(2) of title 49,
7 United States Code, is published in the Federal Reg-
8 ister; and

9 (2) not later than 1 year after the date on
10 which the notice of proposed rulemaking is published
11 in the Federal Register, the rulemaking is finalized.

12 (c) BACKGROUND INVESTIGATIONS.—Not later than
13 180 days after the date of enactment of this Act, the Ad-
14 ministrator of the Federal Aviation Administration shall
15 ensure that each employee of a repair station certificated
16 under part 145 of title 14, Code of Federal Regulations,
17 who performs a safety-sensitive function on an air carrier
18 aircraft has undergone a pre-employment background in-
19 vestigation sufficient to determine whether the individual
20 presents a threat to aviation safety, in a manner that is—

21 (1) determined acceptable by the Administrator;

22 (2) consistent with the applicable laws of the
23 country in which the repair station is located; and

24 (3) consistent with the United States obliga-
25 tions under international agreements.

1 **SEC. 2503. FAA TECHNICAL TRAINING.**

2 (a) **E-LEARNING TRAINING PILOT PROGRAM.**—Not
3 later than 90 days after the date of enactment of this Act,
4 the Administrator of the Federal Aviation Administration,
5 in collaboration with the exclusive bargaining representa-
6 tives of covered FAA personnel, shall establish an e-learn-
7 ing training pilot program in accordance with the require-
8 ments of this section.

9 (b) **CURRICULUM.**—The pilot program shall—

10 (1) include a recurrent training curriculum for
11 covered FAA personnel to ensure that the covered
12 FAA personnel receive instruction on the latest avia-
13 tion technologies, processes, and procedures;

14 (2) focus on providing specialized technical
15 training for covered FAA personnel, as determined
16 necessary by the Administrator;

17 (3) include training courses on applicable regu-
18 lations of the Federal Aviation Administration; and

19 (4) consider the efficacy of instructor-led online
20 training.

21 (c) **PILOT PROGRAM TERMINATION.**—The pilot pro-
22 gram shall terminate 1 year after the date of establish-
23 ment of the pilot program.

24 (d) **E-LEARNING TRAINING PROGRAM.**—Upon termi-
25 nation of the pilot program, the Administrator shall assess
26 and establish or update an e-learning training program

1 that incorporates lessons learned for covered FAA per-
2 sonnel as a result of the pilot program.

3 (e) DEFINITIONS.—In this section:

4 (1) COVERED FAA PERSONNEL.—The term
5 “covered FAA personnel” means airway transpor-
6 tation systems specialists and aviation safety inspec-
7 tors of the Federal Aviation Administration.

8 (2) E-LEARNING TRAINING.—The term “e-
9 learning training” means learning utilizing electronic
10 technologies to access educational curriculum outside
11 of a traditional classroom.

12 **SEC. 2504. SAFETY CRITICAL STAFFING.**

13 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
14 later than 1 year after the date of enactment of this Act,
15 the Inspector General of the Department of Transpor-
16 tation shall conduct and complete an audit of the staffing
17 model used by the Federal Aviation Administration to de-
18 termine the number of aviation safety inspectors that are
19 needed to fulfill the mission of the Federal Aviation Ad-
20 ministration and adequately ensure aviation safety.

21 (b) CONTENTS.—The audit shall include, at a min-
22 imum—

23 (1) a review of the staffing model and an anal-
24 ysis of how consistently the staffing model is applied

1 throughout the Federal Aviation Administration's
2 aviation safety lines of business;

3 (2) a review of the assumptions and methods
4 used in devising and implementing the staffing
5 model to assess the adequacy of the staffing model
6 to predict the number of aviation safety inspectors
7 needed to properly fulfill the mission of the Federal
8 Aviation Administration and meet the future growth
9 of the aviation industry; and

10 (3) a determination on whether the current
11 staffing model takes into account the Federal Avia-
12 tion Administration's authority to fully utilize des-
13 ignees.

14 (c) REPORT.—Not later than 30 days after the date
15 of completion of the audit, the Inspector General shall
16 submit to the appropriate committees of Congress a report
17 on the results of the audit.

18 **Subtitle F—Third Class Medical**
19 **Reform and General Aviation**
20 **Pilot Protections**

21 **SEC. 2601. SHORT TITLE.**

22 This subtitle may be cited as the “Pilot’s Bill of
23 Rights 2”.

1 **SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL**
2 **AIRCRAFT PILOTS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall issue or revise regu-
6 lations to ensure that an individual may operate as pilot
7 in command of a covered aircraft if—

8 (1) the individual possesses a valid driver’s li-
9 cense issued by a State, territory, or possession of
10 the United States and complies with all medical re-
11 quirements or restrictions associated with that li-
12 cense;

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

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

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

24 (B) may include authorization for special
25 issuance;

26 (C) may be expired;

1 (D) cannot have been revoked or sus-
2 pended; and

3 (E) cannot have been withdrawn;

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

8 (5) the individual has completed a medical edu-
9 cation course described in subsection (c) during the
10 24 calendar months before acting as pilot in com-
11 mand of a covered aircraft and demonstrates proof
12 of completion of the course;

13 (6) the individual, when serving as a pilot in
14 command, is under the care and treatment of a phy-
15 sician if the individual has been diagnosed with any
16 medical condition that may impact the ability of the
17 individual to fly;

18 (7) the individual has received a comprehensive
19 medical examination from a State-licensed physician
20 during the previous 48 months and—

21 (A) prior to the examination, the indi-
22 vidual—

23 (i) completed the individual's section
24 of the checklist described in subsection (b);

25 and

1 (ii) provided the completed checklist
2 to the physician performing the examina-
3 tion; and

4 (B) the physician conducted the com-
5 prehensive medical examination in accordance
6 with the checklist described in subsection (b),
7 checking each item specified during the exam-
8 ination and addressing, as medically appro-
9 priate, every medical condition listed, and any
10 medications the individual is taking; and

11 (8) the individual is operating in accordance
12 with the following conditions:

13 (A) The covered aircraft is carrying not
14 more than 5 passengers.

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

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

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

23 (ii) at an altitude that is more than
24 18,000 feet above mean sea level;

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

4 (iv) at an indicated air speed exceed-
5 ing 250 knots.

6 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Adminis-
9 trator shall develop a checklist for an individual to
10 complete and provide to the physician performing
11 the comprehensive medical examination required in
12 subsection (a)(7).

13 (2) REQUIREMENTS.—The checklist shall con-
14 tain—

15 (A) a section, for the individual to com-
16 plete that contains—

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

20 (ii) a signature line for the individual
21 to affirm that—

22 (I) the answers provided by the
23 individual on that checklist, including
24 the individual's answers regarding

1 medical history, are true and com-
2 plete;

3 (II) the individual understands
4 that he or she is prohibited under
5 Federal Aviation Administration regu-
6 lations from acting as pilot in com-
7 mand, or any other capacity as a re-
8 quired flight crew member, if he or
9 she knows or has reason to know of
10 any medical deficiency or medically
11 disqualifying condition that would
12 make the individual unable to operate
13 the aircraft in a safe manner; and

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

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

24 (C) a section, for the physician to com-
25 plete, that instructs the physician—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (B) subject to subsection (d), a release au-
19 thorizing the National Driver Register through
20 a designated State Department of Motor Vehi-
21 cles to furnish to the Federal Aviation Adminis-
22 tration information pertaining to the individ-
23 ual's driving record;

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

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

5 (D) a form that includes—

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

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

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

17 (iv) a certification by the individual
18 that the checklist described in subsection
19 (b) was followed and signed by the physi-
20 cian in the comprehensive medical exam-
21 ination required in subsection (a)(7); and

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

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

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

11 (e) SPECIAL ISSUANCE PROCESS.—

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

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

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

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

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

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

12 (iii) bipolar disorder; or

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

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

20 (i) Epilepsy.

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

1 (iii) A transient loss of control of
2 nervous system functions without satisfac-
3 tory medical explanation of the cause.

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

7 (i) Myocardial infraction.

8 (ii) Coronary heart disease that has
9 required treatment.

10 (iii) Cardiac valve replacement.

11 (iv) Heart replacement.

12 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
13 DITIONS.—In the case of an individual with a car-
14 diovascular condition, the process for obtaining an
15 Authorization for Special Issuance of a Medical Cer-
16 tificate shall be satisfied with the successful comple-
17 tion of an appropriate clinical evaluation without a
18 mandatory wait period.

19 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
20 DITIONS.—

21 (A) In the case of an individual with a
22 clinically diagnosed mental health condition, the
23 third-class medical certificate exemption under
24 subsection (a) shall not apply if—

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

4 (I) renders the individual unable
5 to safely perform the duties or exer-
6 cise the airman privileges described in
7 subsection (a)(8); or

8 (II) may reasonably be expected
9 to make the individual unable to per-
10 form the duties or exercise the privi-
11 leges described in subsection (a)(8); or

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

16 (B) Subject to subparagraph (A), an indi-
17 vidual clinically diagnosed with a mental health
18 condition shall certify every 2 years, in conjunc-
19 tion with the certification under subsection
20 (c)(10)(C), that the individual is under the care
21 of a State-licensed medical specialist for that
22 mental health condition.

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

1 (A) In the case of an individual with a
2 clinically diagnosed neurological condition, the
3 third-class medical certificate exemption under
4 subsection (a) shall not apply if—

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

8 (I) renders the individual unable
9 to safely perform the duties or exer-
10 cise the airman privileges described in
11 subsection (a)(8); or

12 (II) may reasonably be expected
13 to make the individual unable to per-
14 form the duties or exercise the privi-
15 leges described in subsection (a)(8); or

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

20 (B) Subject to subparagraph (A), an indi-
21 vidual clinically diagnosed with a neurological
22 condition shall certify every 2 years, in conjunc-
23 tion with the certification under subsection
24 (c)(10)(C), that the individual is under the care

1 of a State-licensed medical specialist for that
2 neurological condition.

3 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
4 DITIONS FOR THE CACI PROGRAM.—

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

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

14 (3) REPORT REQUIRED.—Not later than 180
15 days after the date of enactment of this Act, the Ad-
16 ministrator shall submit to the Committee on Com-
17 merce, Science, and Transportation of the Senate
18 and the Committee on Transportation and Infra-
19 structure of the House of Representatives a report
20 listing the medical conditions that have been added
21 to the CACI program under paragraph (1).

22 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
23 ISSUANCE OF A MEDICAL CERTIFICATE.—

24 (1) IN GENERAL.—The Administrator shall im-
25 plement procedures to expedite the process for ob-

1 taining an Authorization for Special Issuance of a
2 Medical Certificate under section 67.401 of title 14,
3 Code of Federal Regulations.

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

7 (3) REPORT REQUIRED.—Not later than 1 year
8 after the date of enactment of this Act, the Adminis-
9 trator shall submit to the Committee on Commerce,
10 Science, and Transportation of the Senate and the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives a report describing
13 how the procedures implemented under paragraph
14 (1) will streamline the process for obtaining an Au-
15 thorization for Special Issuance of a Medical Certifi-
16 cate and reduce the amount of time needed to review
17 and decide special issuance cases.

18 (h) REPORT REQUIRED.—Not later than 5 years
19 after the date of enactment of this Act, the Administrator,
20 in coordination with the National Transportation Safety
21 Board, shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report that describes the effect of the
25 regulations issued or revised under subsection (a) and in-

1 cludes statistics with respect to changes in small aircraft
2 activity and safety incidents.

3 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
4 ginning on the date that is 1 year after the date of enact-
5 ment of this Act, the Administrator may not take an en-
6 forcement action for not holding a valid third-class med-
7 ical certificate against a pilot of a covered aircraft for a
8 flight, through a good faith effort, if the pilot and the
9 flight meet the applicable requirements under subsection
10 (a), except paragraph (5) of that subsection, unless the
11 Administrator has published final regulations in the Fed-
12 eral Register under that subsection.

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

15 (1) is authorized under Federal law to carry not
16 more than 6 occupants; and

17 (2) has a maximum certificated takeoff weight
18 of not more than 6,000 pounds.

19 (k) OPERATIONS COVERED.—The provisions and re-
20 quirements covered in this section do not apply to pilots
21 who elect to operate under the medical requirements under
22 subsection (b) or subsection (c) of section 61.23 of title
23 14, Code of Federal Regulations.

24 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
25 TION.—

1 (1) IN GENERAL.—If the Administrator receives
2 credible or urgent information, including from the
3 National Driver Register or the Administrator’s
4 Safety Hotline, that reflects on an individual’s abil-
5 ity to safely operate a covered aircraft under the
6 third-class medical certificate exemption in sub-
7 section (a), the Administrator may require the indi-
8 vidual to provide additional information or history so
9 that the Administrator may determine whether the
10 individual is safe to continue operating a covered
11 aircraft.

12 (2) USE OF INFORMATION.—The Administrator
13 may use credible or urgent information received
14 under paragraph (1) to request an individual to pro-
15 vide additional information or to take actions under
16 section 44709(b) of title 49, United States Code.

17 **SEC. 2603. EXPANSION OF PILOT’S BILL OF RIGHTS.**

18 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
19 CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of
20 Rights (Public Law 112-153; 126 Stat. 1159; 49 U.S.C.
21 44703 note) is amended by striking “or imposing a puni-
22 tive civil action or an emergency order of revocation under
23 subsections (d) and (e) of section 44709 of such title” and
24 inserting “suspending or revoking an airman certificate
25 under section 44709(d) of such title, or imposing an emer-

1 gency order of revocation under subsections (d) and (e)
2 of section 44709 of such title”.

3 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
4 OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights
5 (Public Law 112-153; 126 Stat. 1159; 49 U.S.C. 44703
6 note) is amended—

7 (1) by amending paragraph (1) to read as fol-
8 lows:

9 “(1) IN GENERAL.—In an appeal filed under
10 subsection (d) in a United States district court with
11 respect to a denial, suspension, or revocation of an
12 airman certificate by the Administrator—

13 “(A) the district court shall review the de-
14 nial, suspension, or revocation de novo, includ-
15 ing by—

16 “(i) conducting a full independent re-
17 view of the complete administrative record
18 of the denial, suspension, or revocation;

19 “(ii) permitting additional discovery
20 and the taking of additional evidence; and

21 “(iii) making the findings of fact and
22 conclusions of law required by Rule 52 of
23 the Federal Rules of Civil Procedure with-
24 out being bound to any findings of fact of

1 the Administrator or the National Trans-
2 portation Safety Board.”;

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) BURDEN OF PROOF.—In an appeal filed
8 under subsection (d) in a United States district
9 court after an exhaustion of administrative remedies,
10 the burden of proof shall be as follows:

11 “(A) In an appeal of the denial of an ap-
12 plication for the issuance or renewal of an air-
13 man certificate under section 44703 of title 49,
14 United States Code, the burden of proof shall
15 be upon the applicant denied an airman certifi-
16 cate by the Administrator.

17 “(B) In an appeal of an order issued by
18 the Administrator under section 44709 of title
19 49, United States Code, the burden of proof
20 shall be upon the Administrator.”; and

21 (4) by adding at the end the following:

22 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
23 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
24 this subsection or subsection (a)(1) of section 554 of
25 title 5, United States Code, section 554 of such title

1 shall apply to adjudications of the Administrator
2 and the National Transportation Safety Board to
3 the same extent as that section applied to such adju-
4 dications before the date of enactment of the Pilot’s
5 Bill of Rights 2.”.

6 (c) NOTIFICATION OF INVESTIGATION.—Subsection
7 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
8 112-153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
9 amended—

10 (1) in paragraph (2)(A), by inserting “and the
11 specific activity on which the investigation is based”
12 after “nature of the investigation”;

13 (2) in paragraph (3), by striking “timely”; and

14 (3) in paragraph (5), by striking “section
15 44709(c)(2)” and inserting “section 44709(e)(2)”.

16 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
17 2 of the Pilot’s Bill of Rights (Public Law 112-153; 126
18 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
19 inserting after subsection (e) the following:

20 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

21 “(1) IN GENERAL.—

22 “(A) EMERGENCY ORDERS.—In any pro-
23 ceeding conducted under part 821 of title 49,
24 Code of Federal Regulations, relating to the
25 amendment, modification, suspension, or rev-

1 ocation of an airman certificate, in which the
2 Administrator issues an emergency order under
3 subsections (d) and (e) of section 44709, sec-
4 tion 44710, or section 46105(c) of title 49,
5 United States Code, or another order that takes
6 effect immediately, the Administrator shall pro-
7 vide to the individual holding the airman certifi-
8 cate the releasable portion of the investigative
9 report at the time the Administrator issues the
10 order. If the complete Report of Investigation is
11 not available at the time the Emergency Order
12 is issued, the Administrator shall issue all por-
13 tions of the report that are available at the time
14 and shall provide the full report within 5 days
15 of its completion.

16 “(B) OTHER ORDERS.—In any non-emer-
17 gency proceeding conducted under part 821 of
18 title 49, Code of Federal Regulations, relating
19 to the amendment, modification, suspension, or
20 revocation of an airman certificate, in which the
21 Administrator notifies the certificate holder of a
22 proposed certificate action under subsections
23 (b) and (c) of section 44709 or section 44710
24 of title 49, United States Code, the Adminis-
25 trator shall, upon the written request of the

1 covered certificate holder and at any time after
2 that notification, provide to the covered certifi-
3 cate holder the releasable portion of the inves-
4 tigative report.

5 “(2) MOTION FOR DISMISSAL.—If the Adminis-
6 trator does not provide the releasable portions of the
7 investigative report to the individual holding the air-
8 man certificate subject to the proceeding referred to
9 in paragraph (1) by the time required by that para-
10 graph, the individual may move to dismiss the com-
11 plaint of the Administrator or for other relief and,
12 unless the Administrator establishes good cause for
13 the failure to provide the investigative report or for
14 a lack of timeliness, the administrative law judge
15 shall order such relief as the judge considers appro-
16 priate.

17 “(3) RELEASABLE PORTION OF INVESTIGATIVE
18 REPORT.—For purposes of paragraph (1), the re-
19 leasable portion of an investigative report is all in-
20 formation in the report, except for the following:

21 “(A) Information that is privileged.

22 “(B) Information that constitutes work
23 product or reflects internal deliberative process.

24 “(C) Information that would disclose the
25 identity of a confidential source.

1 “(D) Information the disclosure of which is
2 prohibited by any other provision of law.

3 “(E) Information that is not relevant to
4 the subject matter of the proceeding.

5 “(F) Information the Administrator can
6 demonstrate is withheld for good cause.

7 “(G) Sensitive security information, as de-
8 fined in section 15.5 of title 49, Code of Fed-
9 eral Regulations (or any corresponding similar
10 ruling or regulation).

11 “(4) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed to prevent the Ad-
13 ministrator from releasing to an individual subject
14 to an investigation described in subsection (b)(1)—

15 “(A) information in addition to the infor-
16 mation included in the releasable portion of the
17 investigative report; or

18 “(B) a copy of the investigative report be-
19 fore the Administrator issues a complaint.”.

20 **SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
21 **CATE HOLDERS.**

22 (a) IN GENERAL.—Section 44709(a) is amended—
23 (1) by striking “The Administrator” and insert-
24 ing the following:

25 “(1) IN GENERAL.—The Administrator”;

1 (2) by striking “reexamine” and inserting “, ex-
2 cept as provided in paragraph (2), reexamine”; and
3 (3) by adding at the end the following:

4 “(2) LIMITATION ON THE REEXAMINATION OF
5 AIRMAN CERTIFICATES.—

6 “(A) IN GENERAL.—The Administrator
7 may not reexamine an airman holding a stu-
8 dent, sport, recreational, or private pilot certifi-
9 cate issued under section 44703 of this title if
10 the reexamination is ordered as a result of an
11 event involving the fault of the Federal Aviation
12 Administration or its designee, unless the Ad-
13 ministrator has reasonable grounds—

14 “(i) to establish that the airman may
15 not be qualified to exercise the privileges of
16 a particular certificate or rating, based
17 upon an act or omission committed by the
18 airman while exercising those privileges,
19 after the certificate or rating was issued by
20 the Federal Aviation Administration or its
21 designee; or

22 “(ii) to demonstrate that the airman
23 obtained the certificate or the rating
24 through fraudulent means or through an
25 examination that was substantially and de-

1 monstrably inadequate to establish the air-
2 man's qualifications.

3 “(B) NOTIFICATION REQUIREMENTS.—Be-
4 fore taking any action to reexamine an airman
5 under subparagraph (A), the Administrator
6 shall provide to the airman—

7 “(i) a reasonable basis, described in
8 detail, for requesting the reexamination;
9 and

10 “(ii) any information gathered by the
11 Federal Aviation Administration, that the
12 Administrator determines is appropriate to
13 provide, such as the scope and nature of
14 the requested reexamination, that formed
15 the basis for that justification.”.

16 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
17 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
18 INATION.—Section 44709(b) is amended—

19 (1) in paragraph (1), by redesignating subpara-
20 graphs (A) and (B) as clauses (i) and (ii), respec-
21 tively, and indenting appropriately;

22 (2) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), respectively, and indent-
24 ing appropriately;

1 (3) in the matter preceding subparagraph (A),
2 as redesignated, by striking “The Administrator”
3 and inserting the following:

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Administrator”;

6 (4) by adding at the end the following:

7 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
8 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
9 AFTER REEXAMINATION.—

10 “(A) IN GENERAL.—The Administrator
11 may not issue an order to amend, modify, sus-
12 pend, or revoke an airman certificate held by a
13 student, sport, recreational, or private pilot and
14 issued under section 44703 of this title after a
15 reexamination of the airman holding the certifi-
16 cate unless the Administrator determines that
17 the airman—

18 “(i) lacks the technical skills and com-
19 petency, or care, judgment, and responsi-
20 bility, necessary to hold and safely exercise
21 the privileges of the certificate; or

22 “(ii) materially contributed to the
23 issuance of the certificate by fraudulent
24 means.

1 “(B) STANDARD OF REVIEW.—Any order
2 of the Administrator under this paragraph shall
3 be subject to the standard of review provided
4 for under section 2 of the Pilot’s Bill of Rights
5 (49 U.S.C. 44703 note).”.

6 (c) CONFORMING AMENDMENTS.—Section
7 44709(d)(1) is amended—

8 (1) in subparagraph (A), by striking “sub-
9 section (b)(1)(A)” and inserting “subsection
10 (b)(1)(A)(i)”; and

11 (2) in subparagraph (B), by striking “sub-
12 section (b)(1)(B)” and inserting “subsection
13 (b)(1)(A)(ii)”.

14 **SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.**

15 (a) IN GENERAL.—

16 (1) Beginning on the date that is 180 days
17 after the date of enactment of this Act, the Adminis-
18 trator of the Federal Aviation Administration may
19 not take any enforcement action against any indi-
20 vidual for a violation of a NOTAM (as defined in
21 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
22 44701 note)) until the Administrator certifies to the
23 appropriate congressional committees that the Ad-
24 ministrator has complied with the requirements of

1 section 3 of the Pilot’s Bill of Rights, as amended
2 by this section.

3 (2) In this subsection, the term “appropriate
4 congressional committees” means—

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

7 (B) the Committee on Transportation and
8 Infrastructure of the House of Representatives.

9 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
10 Rights (Public Law 112-153; 126 Stat. 1162; 49 U.S.C.
11 44701 note) is amended—

12 (1) in subsection (a)(2)—

13 (A) in the matter preceding subparagraph

14 (A)—

15 (i) by striking “this Act” and insert-
16 ing “the Pilot’s Bill of Rights 2”; and

17 (ii) by striking “begin” and inserting
18 “complete the implementation of”;

19 (B) by amending subparagraph (B) to read
20 as follows:

21 “(B) to continue developing and modern-
22 izing the NOTAM repository, in a public cen-
23 tral location, to maintain and archive all
24 NOTAMs, including the original content and
25 form of the notices, the original date of publica-

1 tion, and any amendments to such notices with
2 the date of each amendment, in a manner that
3 is Internet-accessible, machine-readable, and
4 searchable;”;

5 (C) in subparagraph (C), by striking the
6 period at the end and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(D) to specify the times during which
9 temporary flight restrictions are in effect and
10 the duration of a designation of special use air-
11 space in a specific area.”; and

12 (2) by amending subsection (d) to read as fol-
13 lows:

14 “(d) DESIGNATION OF REPOSITORY AS SOLE
15 SOURCE FOR NOTAMS.—

16 “(1) IN GENERAL.—The Administrator—

17 “(A) shall consider the repository for
18 NOTAMs under subsection (a)(2)(B) to be the
19 sole location for airmen to check for NOTAMs;
20 and

21 “(B) may not consider a NOTAM to be
22 announced or published until the NOTAM is in-
23 cluded in the repository for NOTAMs under
24 subsection (a)(2)(B).

1 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
2 LATIONS OF NOTAMS NOT IN REPOSITORY.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), beginning on the date that
5 the repository under subsection (a)(2)(B) is
6 final and published, the Administrator may not
7 take any enforcement action against an airman
8 for a violation of a NOTAM during a flight if—

9 “(i) that NOTAM is not available
10 through the repository before the com-
11 mencement of the flight; and

12 “(ii) that NOTAM is not reasonably
13 accessible and identifiable to the airman.

14 “(B) EXCEPTION FOR NATIONAL SECUR-
15 RITY.—Subparagraph (A) shall not apply in the
16 case of an enforcement action for a violation of
17 a NOTAM that directly relates to national se-
18 curity.”.

19 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

20 (a) IN GENERAL.—Subchapter I of chapter 471 is
21 amended by inserting after section 47124 the following:

22 **“§ 47124a. Accessibility of certain flight data**

23 “(a) DEFINITIONS.—In this section:

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 Avia-
3 tion Administration.

4 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
5 plicable individual’ means an individual who is the
6 subject of an investigation initiated by the Adminis-
7 trator related to a covered flight record.

8 “(4) CONTRACT TOWER.—The term ‘contract
9 tower’ means an air traffic control tower providing
10 air traffic control services pursuant to a contract
11 with the Administration under the contract air traf-
12 fic control tower program under section
13 47124(b)(3).

14 “(5) COVERED FLIGHT RECORD.—The term
15 ‘covered flight record’ means any air traffic data (as
16 defined in section 2(b)(4)(B) of the Pilot’s Bill of
17 Rights (49 U.S.C. 44703 note)), created, main-
18 tained, or controlled by any program of the Adminis-
19 tration, including any program of the Administration
20 carried out by employees or contractors of the Ad-
21 ministration, such as contract towers, flight service
22 stations, and controller training programs.

23 “(b) PROVISION OF COVERED FLIGHT RECORD TO
24 ADMINISTRATION.—

1 “(1) REQUESTS.—Whenever the Administration
2 receives a written request for a covered flight record
3 from an applicable individual and the covered flight
4 record is not in the possession of the Administration,
5 the Administrator shall request the covered flight
6 record from the contract tower or other contractor
7 of the Administration in possession of the covered
8 flight record.

9 “(2) PROVISION OF RECORDS.—Any covered
10 flight record created, maintained, or controlled by a
11 contract tower or another contractor of the Adminis-
12 tration that maintains covered flight records shall be
13 provided to the Administration if the Administration
14 requests the record pursuant to paragraph (1).

15 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
16 TION.—If the Administrator has issued, or subse-
17 quently issues, a Notice of Proposed Certificate Ac-
18 tion relying on evidence contained in the covered
19 flight record and the individual who is the subject of
20 an investigation has requested the record, the Ad-
21 ministrator shall promptly produce the record and
22 extend the time the individual has to respond to the
23 Notice of Proposed Certificate Action until the cov-
24 ered flight record is provided.

25 “(c) IMPLEMENTATION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of the Pilot’s Bill of
3 Rights 2, the Administrator shall promulgate regula-
4 tions or guidance to ensure compliance with this sec-
5 tion.

6 “(2) COMPLIANCE BY CONTRACTORS.—

7 “(A) Compliance with this section by a
8 contract tower or other contractor of the Ad-
9 ministration that maintains covered flight
10 records shall be included as a material term in
11 any contract between the Administration and
12 the contract tower or contractor entered into or
13 renewed on or after the date of enactment of
14 the Pilot’s Bill of Rights 2.

15 “(B) Subparagraph (A) shall not apply to
16 any contract or agreement in effect on the date
17 of enactment of the Pilot’s Bill of Rights 2 un-
18 less the contract or agreement is renegotiated,
19 renewed, or modified after that date.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 The table of contents for chapter 471 is amended by in-
22 serting after the item relating to section 47124 the fol-
23 lowing:

“47124a. Accessibility of certain flight data.”.

1 **SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
2 **CERTAIN NOTICES.**

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 revise section 13.11 of title 14, Code
6 of Federal Regulations, to authorize legal counsel of the
7 Federal Aviation Administration to close enforcement ac-
8 tions covered by that section with a warning notice, letter
9 of correction, or other administrative action.

10 **TITLE III—AIR SERVICE**
11 **IMPROVEMENTS**

12 **SEC. 3001. DEFINITIONS.**

13 In this title:

14 (1) **COVERED AIR CARRIER.**—The term “cov-
15 ered air carrier” means an air carrier or a foreign
16 air carrier as those terms are defined in section
17 40102 of title 49, United States Code.

18 (2) **ONLINE SERVICE.**—The term “online serv-
19 ice” means any service available over the Internet,
20 or that connects to the Internet or a wide-area net-
21 work.

22 (3) **TICKET AGENT.**—The term “ticket agent”
23 has the meaning given the term in section 40102 of
24 title 49, United States Code.

1 **Subtitle A—Passenger Air Service**
2 **Improvements**

3 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-**
4 **TIONS.**

5 (a) REVIEW.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary of
8 Transportation shall review the categorization of
9 delays and cancellations with respect to air carriers
10 that are required to report such data.

11 (2) CONSIDERATIONS.—In conducting the re-
12 view under paragraph (1), the Secretary shall con-
13 sider, at a minimum—

14 (A) whether delays and cancellations at-
15 tributed by an air carrier to weather were un-
16 avoidable due to an operational or air traffic
17 control issue, or due to the air carrier’s pref-
18 erence in determining which flights to delay or
19 cancel during a weather event;

20 (B) whether and to what extent delays and
21 cancellations attributed by an air carrier to
22 weather disproportionately impact service to
23 smaller airports and communities; and

24 (C) whether it is an unfair or deceptive
25 practice in violation of section 41712 of title

1 49, United States Code, for an air carrier to in-
2 form a passenger that a flight is delayed or
3 cancelled due to weather, without any other
4 context or explanation for the delay or cancella-
5 tion, when the air carrier has discretion as to
6 which flights to delay or cancel.

7 (3) **ADVISORY COMMITTEE FOR AVIATION CON-**
8 **SUMER PROTECTION.**—The Secretary may use the
9 Advisory Committee for Aviation Consumer Protec-
10 tion, established under section 411 of the FAA Mod-
11 ernization and Reform Act of 2012 (49 U.S.C.
12 42301 prec. note), to assist in conducting the review
13 and providing recommendations.

14 (b) **REPORT.**—Not later than 90 days after the date
15 the review under subsection (a) is complete, the Secretary
16 shall submit to the appropriate committees of Congress
17 a report on the review under subsection (a), including any
18 recommendations.

19 (c) **SAVINGS PROVISION.**—Nothing in this section
20 shall be construed as affecting the decision of an air car-
21 rier to maximize its system capacity during weather-re-
22 lated events to accommodate the greatest number of pas-
23 sengers.

24 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

25 (a) **REVIEW.**—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 Transportation shall review whether it is an unfair
4 or deceptive practice in violation of section 41712 of
5 title 49, United States Code, for an air carrier to
6 change the itinerary of a passenger, more than 24
7 hours before departure, if the new itinerary involves
8 additional stops or departs 3 hours earlier or later
9 and compensation or other more suitable air trans-
10 portation is not offered.

11 (2) ADVISORY COMMITTEE FOR AVIATION CON-
12 SUMER PROTECTION.—The Secretary may use the
13 Advisory Committee for Aviation Consumer Protec-
14 tion, established under section 411 of the FAA Mod-
15 ernization and Reform Act of 2012 (49 U.S.C.
16 42301 prec. note), to assist in conducting the review
17 and providing recommendations.

18 (b) REPORT.—Not later than 90 days after the date
19 the review under subsection (a) is complete, the Secretary
20 shall submit to appropriate committees of Congress a re-
21 port on the review under subsection (a), including any rec-
22 ommendations.

23 **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

24 Not later than 180 days after the date that the re-
25 views under sections 3101 and 3102 of this Act are com-

1 plete, the Secretary of Transportation shall issue a supple-
2 mental notice of proposed rulemaking to its notice of pro-
3 posed rulemaking published in the Federal Register on
4 May 23, 2014 (DOT-OST-2014-0056) (relating to the
5 transparency of airline ancillary fees and other consumer
6 protection issues) to consider the following:

7 (1) Requiring an air carrier to provide notifica-
8 tion and refunds or other consideration to a con-
9 sumer who is impacted by delays or cancellations
10 when an air carrier has a choice as to which flights
11 to cancel or delay during a weather-related event.

12 (2) Requiring an air carrier to provide notifica-
13 tion and refunds or other consideration to a con-
14 sumer who is impacted by involuntary changes to
15 the consumer's itinerary.

16 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
17 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
18 **DENTS.**

19 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
20 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
21 amended—

22 (1) in subsection (a), by striking “a major” and
23 inserting “any”;

24 (2) in subsection (b)—

1 (A) in paragraph (9), by striking “(and
2 any other victim of the accident)” and inserting
3 “(and any other victim of the accident, includ-
4 ing any victim on the ground)”;

5 (B) in paragraph (16), by striking “major”
6 and inserting “any”; and

7 (C) in paragraph (17)(A), by striking “sig-
8 nificant” and inserting “any”; and

9 (3) by amending subsection (e) to read as fol-
10 lows:

11 “(e) DEFINITIONS.—In this section—

12 “(1) ‘aircraft accident’ means any aviation dis-
13 aster, regardless of its cause or suspected cause, for
14 which the National Transportation Safety Board is
15 the lead investigative agency.

16 “(2) ‘passenger’ has the meaning given the
17 term in section 1136.”.

18 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
19 AIR TRANSPORTATION.—Section 41313 is amended—

20 (1) in subsection (b), by striking “a major” and
21 inserting “any”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “a sig-
24 nificant” and inserting “any”;

1 (B) in paragraph (2), by striking “a sig-
2 nificant” and inserting “any”;

3 (C) in paragraph (16), by striking “major”
4 and inserting “any”; and

5 (D) in paragraph (17)(A), by striking “sig-
6 nificant” and inserting “any”.

7 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—
8 Section 1136(a) is amended by striking “aircraft accident
9 within the United States involving an air carrier or foreign
10 air carrier and resulting in a major loss of life” and insert-
11 ing “aircraft accident involving an air carrier or foreign
12 air carrier, resulting in any loss of life, and for which the
13 National Transportation Safety Board will serve as the
14 lead investigative agency”.

15 **SEC. 3105. EMERGENCY MEDICAL KITS.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of the enactment of this Act, the Administrator of
18 the Federal Aviation Administration shall evaluate and re-
19 vise, as appropriate, the regulations under part 121 of title
20 14, Code of Federal Regulations, regarding the emergency
21 medical equipment requirements, including the contents of
22 the first-aid kit, applicable to all certificate holders oper-
23 ating passenger-carrying airplanes under that part.

24 (b) CONSIDERATIONS.—The Administrator shall con-
25 sider whether the minimum contents of approved emer-

1 gency medical kits, including approved first-aid kits, in-
2 clude appropriate medications and equipment to meet the
3 emergency medical needs of children, including consider-
4 ation of an epinephrine auto-injector, as appropriate.

5 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall—

9 (1) conduct a study of airport accessibility best
10 practices for individuals with disabilities; and

11 (2) submit to the appropriate committees of
12 Congress a report on the study, including the Comp-
13 troller General’s findings, conclusions, and rec-
14 ommendations.

15 (b) CONTENTS.—The study under subsection (a)
16 shall include accessibility best practices beyond those rec-
17 ommended under the Architectural Barriers Act of 1968
18 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
19 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
20 Stat. 1080; Public Law 99–435), or Americans with Dis-
21 abilities Act of 1990 (42 U.S.C. 12101 et seq), that im-
22 prove infrastructure and communications, such as with re-
23 gard to wayfinding, amenities, and passenger care.

1 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR**
2 **AVIATION CONSUMER PROTECTION.**

3 (a) **TERMINATION.**—Section 411(h) of the FAA Mod-
4 ernization and Reform Act of 2012 (Public Law 112–95;
5 49 U.S.C. 42301 prec. note) is amended by striking
6 “March 30, 2016” and inserting “September 30, 2017”.

7 (b) **FINANCIAL DISCLOSURE.**—Section 411 of the
8 FAA Modernization and Reform Act of 2012 (Public Law
9 112–95; 49 U.S.C. 42301 prec. note) is further amend-
10 ed—

11 (1) by redesignating subsection (h) as sub-
12 section (i); and

13 (2) by inserting before subsection (i), the fol-
14 lowing:

15 “(h) **CONFLICT OF INTEREST DISCLOSURE.**—Begin-
16 ning on the date of enactment of the Federal Aviation Ad-
17 ministration Reauthorization Act of 2016, each member
18 of the advisory committee who is not a government em-
19 ployee shall disclose, on an annual basis, any potential
20 conflicts of interest, including financial conflicts of inter-
21 est, to the Secretary in such form and manner as pre-
22 scribed by the Secretary.”.

23 (c) **RECOMMENDATIONS.**—Section 411(g) of the FAA
24 Modernization and Reform Act of 2012 (Public Law 112–
25 95; 49 U.S.C. 42301 prec. note) is amended—

1 (1) by striking “of the first 2 calendar years be-
2 beginning after the date of enactment of this Act” and
3 inserting “calendar year”; and

4 (2) by inserting “and post on the Department
5 of Transportation Web site” after “Congress”.

6 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

7 Section 47107(r)(3) is amended by striking “April 1,
8 2016” and inserting “October 1, 2017”.

9 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

10 (a) **IN GENERAL.**—Not later than 1 year after the
11 date of enactment of this Act, the Secretary of Transpor-
12 tation shall issue final regulations to require a covered air
13 carrier to promptly provide an automatic refund to a pas-
14 senger in the amount of any applicable ancillary fees paid
15 if the covered air carrier has charged the passenger an
16 ancillary fee for checked baggage but the covered air car-
17 rier fails to deliver the checked baggage to the passenger
18 not later than 6 hours after the arrival of a domestic flight
19 or 12 hours after the arrival of an international flight.

20 (b) **EXCEPTION.**—If as part of the rulemaking the
21 Secretary makes a determination on the record that a re-
22 quirement under subsection (a) is unfeasible and will neg-
23 atively affect consumers in certain cases, the Secretary
24 may modify 1 or both of the deadlines in that subsection
25 for such cases, except that—

1 (1) the deadline relating to a domestic flight
2 may not exceed 12 hours after the arrival of the do-
3 mestic flight; and

4 (2) the deadline relating to an international
5 flight may not exceed 24 hours after the arrival of
6 the international flight.

7 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
8 **ORED BY A COVERED AIR CARRIER.**

9 (a) **IN GENERAL.**—Not later than 1 year after the
10 date of enactment of this Act, the Secretary of Transpor-
11 tation shall promulgate regulations that require each cov-
12 ered air carrier to promptly provide an automatic refund
13 to a passenger of any ancillary fees paid for services that
14 the passenger does not receive, including on the pas-
15 senger’s scheduled flight or, if rescheduled, a subsequent
16 replacement itinerary.

17 (b) **CANCELLED FLIGHTS.**—As part of the rule under
18 subsection (a), the Secretary shall require each covered air
19 carrier to promptly provide an automatic refund to a pas-
20 senger of any ancillary fees paid for services that the pas-
21 senger does not receive for a flight cancelled by the pas-
22 senger.

1 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

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 requiring—

5 (1) each covered air carrier to disclose to a con-
6 sumer the baggage fee, cancellation fee, change fee,
7 ticketing fee, and seat selection fee of that covered
8 air carrier in a standardized format; and

9 (2) notwithstanding the manner in which infor-
10 mation regarding the fees described in paragraph
11 (1) is collected, each ticket agent to disclose to a
12 consumer such fees of a covered air carrier in the
13 standardized format described in paragraph (1).

14 (b) REQUIREMENTS.—The regulations under sub-
15 section (a) shall require that each disclosure—

16 (1) if ticketing is done on an Internet Web site
17 or other online service—

18 (A) be prominently displayed to the con-
19 sumer prior to the point of purchase; and

20 (B) set forth the fees described in sub-
21 section (a)(1) in clear and plain language and
22 a font of easily readable size; and

23 (2) if ticketing is done on the telephone, be ex-
24 pressly stated to the consumer during the telephone
25 call and prior to the point of purchase.

1 **SEC. 3112. SEAT ASSIGNMENTS.**

2 (a) IN GENERAL.—Not later than 15 months after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation shall complete such actions as may be necessary
5 to require each covered air carrier and ticket agent to dis-
6 close to a consumer that seat selection for which a fee
7 is charged is an optional service, and that if a consumer
8 does not pay for a seat assignment, a seat will be assigned
9 to the consumer from available inventory at the time the
10 consumer checks in for the flight or prior to departure.

11 (b) REQUIREMENTS.—The disclosure under sub-
12 section (a) shall—

13 (1) if ticketing is done on an Internet Web site
14 or other online service, be prominently displayed to
15 the consumer on that Internet Web site or online
16 service during the selection of seating or prior to the
17 point of purchase; and

18 (2) if ticketing is done on the telephone, be ex-
19 pressly stated to the consumer during the telephone
20 call and prior to the point of purchase.

21 **SEC. 3113. CHILD SEATING.**

22 (a) IN GENERAL.—Not later than 15 months after
23 the date of enactment of this Act, the Secretary of Trans-
24 portation shall complete such actions as may be necessary
25 to require each covered air carrier and ticket agent to dis-
26 close to a consumer that if a reservation includes a child

1 under the age of 13 traveling with an accompanying pas-
2 senger who is age 13 or older—

3 (1) whether adjoining seats are available at no
4 additional cost at the time of purchase; and

5 (2) if not, what the covered air carrier's policy
6 is for accommodating adjoining seat requests at the
7 time the consumer checks in for the flight or prior
8 to departure.

9 (b) **REQUIREMENTS.**—The disclosure under sub-
10 section (a) shall—

11 (1) if ticketing is done on an Internet Web site
12 or other online service, be prominently displayed to
13 the consumer on that Internet Web site or online
14 service during the selection of seating or prior to the
15 point of purchase; and

16 (2) if ticketing is done on the telephone, be ex-
17 pressly stated to the consumer during the telephone
18 call and prior to the point of purchase.

19 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**
20 **MENT.**

21 (a) **IN GENERAL.**—Section 42302 is amended—

22 (1) by redesignating subsections (b) and (c) as
23 subsections (c) and (d), respectively;

24 (2) by inserting after subsection (a), the fol-
25 lowing:

1 “(b) POINT OF SALE.—Each air carrier, foreign air
2 carrier, and ticket agent shall inform each consumer of
3 a carrier service, at the point of sale, that the consumer
4 can file a complaint about that service with the carrier
5 and with the Aviation Consumer Protection Division of the
6 Department of Transportation.”;

7 (3) by amending subsection (c), as redesignig-
8 nated, to read as follows:

9 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
10 ICE NOTICE.—Each air carrier and foreign air carrier
11 shall include on its Internet Web site, any related mobile
12 device application, and online service—

13 “(1) the hotline telephone number established
14 under subsection (a) or for the Aviation Consumer
15 Protection Division of the Department of Transpor-
16 tation;

17 “(2) an active link and the email address, tele-
18 phone number, and mailing address of the air car-
19 rier or foreign air carrier, as applicable, for a con-
20 sumer to submit a complaint to the carrier about the
21 quality of service;

22 “(3) notice that the consumer can file a com-
23 plaint with the Aviation Consumer Protection Divi-
24 sion of the Department of Transportation;

1 “(4) an active link to the Internet Web site of
2 the Aviation Consumer Protection Division of the
3 Department of Transportation for a consumer to file
4 a complaint; and

5 “(5) the active link described in paragraph (2)
6 on the same Internet Web site page as the active
7 link described in paragraph (4).”; and

8 (4) in subsection (d), as redesignated—

9 (A) in the matter preceding paragraph (1),
10 by striking “An air carrier or foreign air carrier
11 providing scheduled air transportation using
12 any aircraft that as originally designed has a
13 passenger capacity of 30 or more passenger
14 seats” and inserting “Each air carrier and for-
15 eign air carrier”;

16 (B) in paragraph (1), by striking “air car-
17 rier” and inserting “carrier”; and

18 (C) in paragraph (2), by striking “air car-
19 rier” and inserting “carrier”.

20 (b) RULEMAKING.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall promulgate regulations to implement the re-
23 quirements of section 42302 of title 49, United States
24 Code, as amended.

1 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
2 **TECTION INFORMATION.**

3 (a) INTERNET WEB SITE.—Not later than 180 days
4 after the date of enactment of this Act, the Secretary of
5 Transportation shall—

6 (1) complete an evaluation of the aviation con-
7 sumer protection portion of the Department of
8 Transportation’s public Internet Web site to identify
9 any changes to the user interface that will improve
10 usability, accessibility, consumer satisfaction, and
11 Web site performance;

12 (2) in completing the evaluation under para-
13 graph (1)—

14 (A) consider the best practices of other
15 Federal agencies with effective Web sites; and

16 (B) consult with the Federal Web Man-
17 agers Council;

18 (3) develop a plan, including an implementation
19 timeline, for—

20 (A) making the changes identified under
21 paragraph (1); and

22 (B) making any necessary changes to that
23 portion of the Web site that will enable a con-
24 sumer—

25 (i) to access information regarding
26 each complaint filed with the Aviation Con-

1 consumer Protection Division of the Depart-
2 ment of Transportation;

3 (ii) to search the complaints described
4 in clause (i) by the name of the air carrier
5 and the type of complaint; and

6 (iii) to determine the date a complaint
7 was filed and the date a complaint was re-
8 solved; and

9 (4) submit the evaluation and plan to appro-
10 priate committees of Congress.

11 (b) MOBILE APPLICATION SOFTWARE.—Not later
12 than 1 year after the date of enactment of this Act, the
13 Secretary of Transportation shall—

14 (1) implement a program to develop application
15 software for wireless devices that will enable a user
16 to access information and perform activities related
17 to aviation consumer protection, such as—

18 (A) information regarding airline pas-
19 senger protections, including protections related
20 to lost baggage and baggage fees, disclosure of
21 additional fees, bumping, and tarmac delays;
22 and

23 (B) file an aviation consumer complaint,
24 including a safety and security, airline service,
25 disability and discrimination, or privacy com-

1 plaint, with the Aviation Consumer Protection
2 Division of the Department of Transportation;
3 and

4 (2) make the application software available to
5 the public at no cost.

6 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
7 **SYSTEMS.**

8 Not later than 2 years after the date of the enact-
9 ment of this Act, the Architectural and Transportation
10 Barriers Compliance Board, in consultation with the Sec-
11 retary of Transportation, shall conduct a study to deter-
12 mine the ways in which particular individuals with signifi-
13 cant disabilities who use wheelchairs, including power
14 wheelchairs, can be accommodated through in cabin wheel-
15 chair restraint systems.

16 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**
17 **FOR PERSONS WITH DISABILITIES.**

18 (a) IN GENERAL.—Not later than 270 days after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit to Congress a report
21 describing—

22 (1) each air carrier’s training policy for its per-
23 sonnel and contractors regarding assistance for per-
24 sons with disabilities, as required by Department of
25 Transportation regulations;

1 (2) any variations among the air carriers in the
2 policies described in paragraph (1);

3 (3) how the training policies are implemented to
4 meet the Department of Transportation regulations;

5 (4) how frequently an air carrier must train
6 new employees and contractors due to turnover in
7 positions that require such training;

8 (5) how frequently, in the prior 10 years, the
9 Department of Transportation has requested, after
10 reviewing a training policy, that an air carrier take
11 corrective action; and

12 (6) the action taken by an air carrier under
13 paragraph (5).

14 (b) BEST PRACTICES.—After the date the report is
15 submitted under subsection (a), the Secretary of Trans-
16 portation, based on the findings of the report, shall de-
17 velop and disseminate to air carriers such best practices
18 as the Secretary considers necessary to improve the train-
19 ing policies.

20 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**
21 **NEEDS OF PASSENGERS WITH DISABILITIES.**

22 (a) ESTABLISHMENT.—The Secretary of Transpor-
23 tation shall establish an advisory committee for the air
24 travel needs of passengers with disabilities (referred to in
25 this section as the “Advisory Committee”).

1 (b) DUTIES.—The Advisory Committee shall advise
2 the Secretary with regard to the implementation of the
3 Air Carrier Access Act of 1986 (Public Law 99–435; 100
4 Stat. 1080), including—

5 (1) assessing the disability-related access bar-
6 riers encountered by passengers with disabilities;

7 (2) determining the extent to which the pro-
8 grams and activities of the Department of Transpor-
9 tation are addressing the barriers described in para-
10 graph (1);

11 (3) recommending improvements to the air
12 travel experience of passengers with disabilities; and

13 (4) such activities as the Secretary considers
14 necessary to carry out this section.

15 (c) MEMBERSHIP.—

16 (1) IN GENERAL.—The Advisory Committee
17 shall be comprised of at least 1 representative of
18 each of the following groups:

19 (A) Passengers with disabilities.

20 (B) National disability organizations.

21 (C) Air carriers.

22 (D) Airport operators.

23 (E) Contractor service providers.

1 (2) APPOINTMENT.—The Secretary of Trans-
2 portation shall appoint each member of the Advisory
3 Committee.

4 (3) VACANCIES.—A vacancy in the Advisory
5 Committee shall be filled in the manner in which the
6 original appointment was made.

7 (d) CHAIRPERSON.—The Secretary of Transportation
8 shall designate, from among the members appointed under
9 subsection (c), an individual to serve as chairperson of the
10 Advisory Committee.

11 (e) TRAVEL EXPENSES.—Members of the advisory
12 committee shall serve without pay, but shall receive travel
13 expenses, including per diem in lieu of subsistence, in ac-
14 cordance with subchapter I of chapter 57 of title 5, United
15 States Code.

16 (f) REPORTS.—

17 (1) IN GENERAL.—Not later than February 1
18 of each year, the Advisory Committee shall submit
19 to the Secretary of Transportation a report on the
20 needs of passengers with disabilities in air travel, in-
21 cluding—

22 (A) an assessment of disability-related ac-
23 cess barriers, both those that were evident in
24 the preceding year and those that will likely be
25 an issue in the next 5 years;

1 (B) an evaluation of the extent to which
2 the Department of Transportation's programs
3 and activities are eliminating disability-related
4 access barriers;

5 (C) a description of the Advisory Commit-
6 tee's actions during the prior calendar year;

7 (D) a description of activities that the Ad-
8 visory Committee proposed to undertake in the
9 succeeding calendar year; and

10 (E) any recommendations for legislation,
11 administrative action, or other action that the
12 Advisory Committee considers appropriate.

13 (2) REPORT TO CONGRESS.—Not later than 60
14 days after the date the Secretary receives the report
15 under subparagraph (A), the Secretary shall submit
16 to Congress a copy of the report, including any addi-
17 tional findings or recommendations that the Sec-
18 retary considers appropriate.

19 (g) TERMINATION.—The Advisory Committee shall
20 terminate 2 years after the date of enactment of this Act.

21 **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE**
22 **AND CANCELLATION FEES.**

23 (a) IN GENERAL.—The Comptroller General of the
24 United States shall conduct a study of existing airline in-
25 dustry change and cancellation fees and the current indus-

1 try practice for handling changes to or cancellation of
2 ticketed travel on covered air carriers.

3 (b) CONSIDERATIONS.—In conducting the study, the
4 Comptroller General shall consider, at a minimum—

5 (1) whether and how each covered air carrier
6 calculates its change fees and cancellation fees; and

7 (2) the relationship between the cost of the
8 ticket and the date of change or cancellation as com-
9 pared to the date of travel.

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Comptroller General shall
12 submit to the appropriate committees of Congress a report
13 on the study, including the Comptroller General’s findings,
14 conclusions, and recommendations.

15 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
16 **TECTION RULES.**

17 (a) IN GENERAL.—The Comptroller General of the
18 United States shall conduct a study to consider and evalu-
19 ate Department of Transportation enforcement of aviation
20 consumer protection rules.

21 (b) CONTENTS.—The study under subsection (a)
22 shall include an evaluation of—

23 (1) available enforcement mechanisms;

24 (2) any obstacles to enforcement; and

1 (3) trends in Department of Transportation en-
2 forcement actions.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General shall
5 submit to the appropriate committees of Congress a report
6 on the study, including the Comptroller General’s findings,
7 conclusions, and recommendations.

8 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

9 (a) IN GENERAL.—Not later than 18 months after
10 the date of enactment of this Act, the Secretary of Trans-
11 portation shall initiate a proceeding to study the minimum
12 seat pitch for passenger seats on aircraft operated by air
13 carriers (as defined in section 40102 of title 49, United
14 States Code).

15 (b) CONSIDERATIONS.—In reviewing any minimum
16 seat pitch under subsection (a), the Secretary shall con-
17 sider the safety of passengers, including passengers with
18 disabilities.

19 **Subtitle B—Essential Air Service**

20 **SEC. 3201. ESSENTIAL AIR SERVICE.**

21 (a) AUTHORIZATION EXTENSION.—Section 41742(a)
22 is amended—

23 (1) in paragraph (2), by striking
24 “\$150,000,000” and all that follows though “March

1 31, 2016” and inserting “\$155,000,000 for each of
2 fiscal years 2016 through 2017”; and

3 (2) by striking paragraph (3).

4 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
5 amended by striking clause (ii) and inserting the following:

6 “(ii) was determined, on or after Oc-
7 tober 1, 1988, and before December 1,
8 2012, under this subchapter by the Sec-
9 retary of Transportation to be eligible to
10 receive subsidized small community air
11 service under section 41736 (a);”.

12 (c) SEASONAL SERVICE.—The Secretary of Trans-
13 portation may consider the flexibility of current oper-
14 ational dates and airport accessibility to meet local com-
15 munity needs when issuing requests for proposal of essen-
16 tial air service at seasonal airports.

17 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
18 **MENT PROGRAM.**

19 (a) EXTENSION OF AUTHORIZATION.—Section
20 41743(e)(2) is amended to read as follows:

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to the Sec-
23 retary \$10,000,000 for each of fiscal years 2016
24 through 2017 to carry out this section. Such sums
25 shall remain available until expended.”.

1 (b) ELIGIBILITY.—Section 41743(c)(1) is amended
2 to read as follows:

3 “(1) SIZE.—On the date of the most recent no-
4 tice of order soliciting community proposals issued
5 by the Secretary under this section, the airport serv-
6 ing the community or consortium—

7 “(A) was not larger than a small hub air-
8 port, as determined using the Department of
9 Transportation’s most recent published classi-
10 fication; and

11 “(B)(i) had insufficient air carrier service;
12 or

13 “(ii) had unreasonably high air fares.”.

14 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

15 (a) IN GENERAL.—Section 41743(c)(4) is amend-
16 ed—

17 (1) by inserting “(B) SAME PROJECTS.—” be-
18 fore the second sentence and indenting appro-
19 priately;

20 (2) by inserting “(A) IN GENERAL.—” before
21 the first sentence and indenting appropriately;

22 (3) in subparagraph (B), as designated by this
23 subsection, by striking “No community” and insert-
24 ing “Except as provided in subparagraph (C)”; and

25 (4) by adding at the end the following:

1 “(C) EXCEPTION.—The Secretary may
2 waive the limitation under subparagraph (B)
3 related to projects that are the same if the Sec-
4 retary determines that the community or con-
5 sortium spent little or no money on its previous
6 project or encountered industry or environ-
7 mental challenges, due to circumstances that
8 were reasonably beyond the control of the com-
9 munity or consortium.”.

10 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
11 41743(e)(1) is amended by adding at the end the fol-
12 lowing: “The Secretary may amend the scope of a grant
13 agreement at the request of the community or consortium
14 and any participating air carrier, and may limit the scope
15 of a grant agreement to only the elements using grant as-
16 sistance or to only the elements achieved, if the Secretary
17 determines that the amendment is reasonably consistent
18 with the original purpose of the project.”.

19 **SEC. 3204. WAIVERS.**

20 Section 41732 is amended by adding at the end the
21 following:

22 “(c) WAIVERS.—Notwithstanding section 41733(e),
23 upon request by an eligible place, the Secretary may waive,
24 in whole or in part, subsections (a) and (b) of this section
25 or subsections (a) through (e) of section 41734. A waiver

1 issued under this subsection shall remain in effect for a
2 limited period of time, as determined by the Secretary.”.

3 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**
4 **TO SMALL COMMUNITIES.**

5 (a) IN GENERAL.—Not later than 120 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation and the Administrator of the Federal Aviation Ad-
8 ministration shall establish a working group—

9 (1) to identify obstacles to attracting and main-
10 taining air transportation service to and from small
11 communities; and

12 (2) to develop recommendations for maintaining
13 and improving air transportation service to and from
14 small communities.

15 (b) OUTREACH.—In carrying out the requirements
16 under paragraphs (1) and (2) of subsection (a), the work-
17 ing group shall consult with—

18 (1) interested Governors;

19 (2) representatives of State and local agencies,
20 and other officials and groups, representing rural
21 States and other rural areas;

22 (3) other representatives of relevant State and
23 local agencies; and

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

4 (c) CONSIDERATIONS.—In carrying out the require-
5 ments under paragraphs (1) and (2) of subsection (a), the
6 working group shall—

7 (1) consider whether funding for, and terms of,
8 current or potential new programs is sufficient to
9 help ensure continuation of or improvement to air
10 transportation service to small communities, includ-
11 ing the Essential Air Service Program and the Small
12 Community Air Service Development Program;

13 (2) identify initiatives to help support pilot
14 training to provide air transportation service to
15 small communities;

16 (3) consider whether Federal funding for air-
17 ports serving small communities, including airports
18 that have lost air transportation services or had de-
19 creased enplanements in recent years, is adequate to
20 ensure that small communities have access to qual-
21 ity, affordable air transportation service;

22 (4) consider potential improvements in pilot
23 training and any constraints affecting pilot career
24 pathways that, if addressed, would increase both
25 aviation safety and pilot supply;

1 (5) identify innovative State or local efforts that
2 have established public-private partnerships that are
3 successful in attracting and retaining air transpor-
4 tation service in small communities; and

5 (6) consider such other issues as the Secretary
6 and Administrator consider appropriate.

7 (d) COMPOSITION.—

8 (1) IN GENERAL.—The working group shall be
9 facilitated through the Administrator or the Admin-
10 istrator’s designee.

11 (2) MEMBERSHIP.—Members of the working
12 group shall be appointed by the Administrator and
13 shall include representatives of—

14 (A) State and local government, including
15 State and local aviation officials;

16 (B) State governors;

17 (C) aviation safety experts;

18 (D) economic development officials; and

19 (E) the traveling public from small com-
20 munities.

21 (e) REPORT AND RECOMMENDATIONS.—Not later
22 than 1 year after the date of enactment of this Act, the
23 Secretary and the Administrator shall submit to the ap-
24 propriate committees of Congress a report, including—

1 (1) a summary of the views expressed by the
2 participants in the outreach under subsection (b);

3 (2) a description of the working group’s find-
4 ings, including the identification of any areas of gen-
5 eral consensus among the non-Federal participants
6 in the outreach under subsection (b); and

7 (3) any recommendations for legislative or regu-
8 latory action that would assist in maintaining and
9 improving air transportation service to and from
10 small communities.

11 **TITLE IV—NEXTGEN AND FAA** 12 **ORGANIZATION**

13 **SEC. 4001. DEFINITIONS.**

14 In this title:

15 (1) **ADMINISTRATION.**—The term “Administra-
16 tion” means the Federal Aviation Administration.

17 (2) **ADMINISTRATOR.**—The term “Adminis-
18 trator” means the Administrator of the Federal
19 Aviation Administration.

20 (3) **ADS-B.**—The term “ADS-B” means auto-
21 matic dependent surveillance-broadcast.

22 (4) **ADS-B OUT.**—The term “ADS-B Out”
23 means automatic dependent surveillance-broadcast
24 with the ability to transmit information from the

1 aircraft to ground stations and to other equipped
2 aircraft.

3 (5) NEXTGEN.—The term “NextGen” means
4 the Next Generation Air Transportation System.

5 **Subtitle A—Next Generation Air**
6 **Transportation System**

7 **SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, the Administrator shall
10 submit to the appropriate committees of Congress a report
11 on the Administrator’s assessment of each NextGen pro-
12 gram.

13 (b) CONTENTS.—The report under subsection (a)
14 shall include—

15 (1) an estimate of the date that each NextGen
16 program will have a positive return on investment;

17 (2) an assessment of the impacts of each such
18 program for—

19 (A) the Federal Government; and

20 (B) the users of the national airspace sys-
21 tem;

22 (3) a description of how each such program di-
23 rectly contributes to a more safe and efficient air
24 traffic control system; and

1 (4) the status of NextGen programs and of the
2 projected return on investment for each such pro-
3 gram.

4 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
5 ment under subsection (a) the Administrator shall—

6 (1) develop, in coordination with the NextGen
7 Advisory Committee and considering the need for a
8 balance between long-term and near-term user bene-
9 fits, a prioritization of each NextGen program;

10 (2) include the priority list in the report under
11 subsection (b); and

12 (3) prepare budget submissions to reflect the
13 current status of NextGen programs and projected
14 returns on investment for each program.

15 (d) DEFINITIONS.—In this section:

16 (1) KEY MILESTONES.—The term “key mile-
17 stones” includes cost and deployment schedule, and
18 benefits anticipated in the most recent baseline.

19 (2) RETURN ON INVESTMENT.—The term “re-
20 turn on investment” means the cost associated with
21 technologies that are required by law or policy as
22 compared to the benefits derived from such tech-
23 nologies by a government or a user of airspace.

24 (e) REPEAL OF NEXTGEN PRIORITIES.—The FAA
25 Modernization and Reform Act of 2012 is amended by

1 striking section 202 (Public Law 112–95; 49 U.S.C.
2 40101 note).

3 **SEC. 4102. ENSURING FAA READINESS TO USE NEW TECH-**
4 **NOLOGY.**

5 (a) IN GENERAL.—Not later than December 31,
6 2017, the Administrator shall—

7 (1) ensure the capability of the Administration
8 to receive space-based ADS-B data; and

9 (2) use the data described under paragraph (1)
10 to provide positive air traffic control, including sepa-
11 ration of aircraft over the oceans and other specific
12 regions not covered by radar.

13 (b) REPORT.—Not later than 6 months after the date
14 of the enactment of this Act, and biannually thereafter
15 until the date that the Administrator certifies that the Ad-
16 ministration has the capability to receive space-based
17 ADS-B data, the Administrator shall submit to the appro-
18 priate committees of Congress a report that—

19 (1) details the actions the Administrator has
20 taken to ensure 2018 readiness and usage;

21 (2) details the actions that remain to be taken
22 to implement such capability;

23 (3) includes a schedule for expected completion
24 of each outstanding action described in paragraph
25 (2); and

1 (4) includes a detailed description of the invest-
2 ment decisions and requests for funding made by the
3 Administrator that are consistent with the terrestrial
4 ADS-B implementation to ensure a sustained pro-
5 gram beyond 2018.

6 **SEC. 4103. NEXTGEN METRICS REPORT.**

7 Section 710(e)(2) of the Vision 100—Century of
8 Aviation Reauthorization Act (Public Law 108–176; 49
9 U.S.C. 40101 note) is amended—

10 (1) in subparagraph (D), by striking “; and”
11 and inserting a semicolon;

12 (2) in subparagraph (E), by striking the period
13 at the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(F) a description of the progress made on
16 NextGen performance goals relative to the per-
17 formance metrics established under section 214
18 of the FAA Modernization and Reform Act of
19 2012 (Public Law 112–95; 49 U.S.C. 40101
20 note).”.

21 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) On September 26, 2014, an Administration
25 contract employee deliberately started a fire that de-

1 stroyed critical equipment at the Administration’s
2 Chicago Air Route Traffic Control Center (referred
3 to in this section as the “Chicago Center”) in Au-
4 rora, Illinois.

5 (2) As a result of the damage, Chicago Center
6 was unable to control air traffic for more than 2
7 weeks, thousands of flights were delayed or cancelled
8 into and out of O’Hare International Airport and
9 Midway Airport in Chicago, and aviation stake-
10 holders and airlines reportedly lost over
11 \$350,000,000.

12 (3) According to the Office of the Inspector
13 General of the Department of Transportation, the
14 fire at Chicago Center demonstrated that the Ad-
15 ministration’s contingency plans for the Chicago
16 Center and the airspace it controls do not ensure re-
17 dundancy and resiliency for sustained operations.

18 (4) Further, the Inspector General found that
19 Chicago Center incident highlighted the limited flexi-
20 bility and lack of resiliency in critical elements of the
21 Administration’s current air traffic control infra-
22 structure, including limited communication capacity
23 and the inability to easily transfer control of air-
24 space and flight plans.

1 (b) COMPREHENSIVE CONTINGENCY PLAN.—Not
2 later than 180 days after the date of the enactment of
3 this Act, the Administrator shall update the Administra-
4 tion’s comprehensive contingency plan to address potential
5 air traffic facility outages that could have a major impact
6 on operation of the national airspace system.

7 (c) REPORT.—Not later than 60 days after the date
8 the plan is updated under subsection (b), the Adminis-
9 trator shall submit to the appropriate committees of Con-
10 gress a report on the update, including any recommenda-
11 tions for ensuring air traffic facility outages do not have
12 a major impact on operation of the national airspace sys-
13 tem.

14 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) The Administration’s ADS-B program is ex-
18 pected to be the centerpiece of the NextGen effort
19 at the Administration, but the satellite-based system
20 faces uncertainty and controversy.

21 (2) In May 2010, the Administration published
22 a final rule that mandated airspace users be
23 equipped with ADS-B Out avionics by January 1,
24 2020.

1 (3) Subsequently, in April 2015, the Adminis-
2 tration announced completion of the ADS-B ground-
3 based radio infrastructure. However, the ADS-B
4 program faces considerable uncertainty and unan-
5 swered questions about whether or not the 2020
6 mandate is still meaningful.

7 (4) In 2014, the Office of the Inspector General
8 found that while ADS-B is providing benefits where
9 radar is limited or nonexistent in places such as the
10 Gulf of Mexico, the system is providing only limited
11 initial services to pilots and air traffic controllers in
12 domestic airspace.

13 (5) The Office of the Inspector General also
14 found, in 2014, that all elements of the system, such
15 as avionics, the ground infrastructure, and controller
16 automation systems, had not yet been tested in com-
17 bination to see if the overall system can be used in
18 congested airspace and perform as well as existing
19 radar, much less allow aircraft to fly closer together.
20 This is referred to as “end-to-end testing.”

21 (6) When this report was issued, commercial
22 and general aviation stakeholders voiced serious con-
23 cerns that equipping with new avionics for the 2020
24 mandate will be difficult due to the cost and limited

1 availability of avionics, and capacity of certified re-
2 pair stations to install avionics.

3 (b) ASSESSMENT.—Not later than 1 year after the
4 date of the enactment of this Act, the Inspector General
5 of the Department of Transportation shall assess—

6 (1) Administration and industry readiness to
7 meet the ADS-B mandate by 2020;

8 (2) changes to ADS-B program since May
9 2010; and

10 (3) additional options to comply with the man-
11 date and consequences, both for individual system
12 users and for the overall safety and efficiency of the
13 national airspace system, for noncompliance.

14 (c) REPORT.—Not later than 60 days after the date
15 the assessment under subsection (b) is complete, the In-
16 spector General of the Department of Transportation shall
17 submit to the appropriate committees of Congress a report
18 on the progress made toward meeting the ADS-B mandate
19 by 2020, including any recommendations of the Inspector
20 General to carry out such mandate.

21 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

22 (a) IN GENERAL.—To implement a more effective
23 international strategy for achieving NextGen interoper-
24 ability with foreign countries, the Administrator shall take
25 the following actions:

1 (1) Conduct a gap analysis to identify potential
2 risks to NextGen interoperability with other Air
3 Navigation Service Providers and establish a sched-
4 ule for periodically reevaluating such risks.

5 (2) Develop a plan that identifies and docu-
6 ments actions the Administrator will undertake to
7 mitigate such risks, using information from the gap
8 analysis as a basis for making management deci-
9 sions about how to allocate resources for such ac-
10 tions.

11 (b) REPORT.—Not later than 1 year after the date
12 of the enactment of this Act, the Administrator shall sub-
13 mit to the appropriate committees of Congress a report
14 on the analysis conducted under paragraph (1) of sub-
15 section (a) and on the actions the Administrator has taken
16 under paragraph (2) of such subsection.

17 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

18 (a) IN GENERAL.—The Administrator shall—

19 (1) identify and analyze technical and oper-
20 ational maturity gaps in NextGen transition and im-
21 plementation plans; and

22 (2) develop a plan to mitigate the gaps identi-
23 fied in paragraph (1).

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, the Administrator shall sub-

1 mit to the appropriate committees of Congress a report
2 on the actions taken to carry out the plan required by
3 subsection (a)(2).

4 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
5 **IMPROVEMENTS.**

6 (a) IN GENERAL.—To help ensure that NextGen
7 operational improvements are fully implemented in the
8 midterm, the Administrator shall—

9 (1) work with airlines and other users of the
10 national airspace system (referred to in this section
11 as “NAS”) to develop and implement a system to
12 systematically track the use of existing performance
13 based navigation (referred to in this section as
14 “PBN”) procedures;

15 (2) require consideration of other key oper-
16 ational improvements in planning for NextGen im-
17 provements, including identifying additional
18 metroplexes for PBN projects, non-metroplex PBN
19 procedures, as well as the identification of unused
20 flight routes for decommissioning;

21 (3) develop and implement guidelines for ensur-
22 ing timely inclusion of appropriate stakeholders, in-
23 cluding airport representatives, in the planning and
24 implementation of NextGen improvement efforts;
25 and

1 (4) assure that NextGen planning documents
2 provide stakeholders information on how and when
3 operational improvements are expected to achieve
4 NextGen goals and targets.

5 (b) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, the Administrator shall sub-
7 mit to the appropriate committees of Congress a report
8 on the progress made toward implementing the require-
9 ments of subsection (a), and on the schedule and process
10 that will be used to implement PBN at additional airports,
11 including information on how the Administration will part-
12 ner and coordinate with private industry to ensure expedi-
13 tious implementation of performance based navigation.

14 **SEC. 4109. CYBERSECURITY.**

15 (a) IN GENERAL.—The Administrator shall—

16 (1) identify and implement ways to better incor-
17 porate cybersecurity measures as a systems char-
18 acteristic at all levels and phases of the architecture
19 and design of air traffic control programs, including
20 NextGen programs;

21 (2) develop a threat model that will identify
22 vulnerabilities to better focus resources to mitigate
23 cybersecurity risks;

24 (3) develop an appropriate plan to mitigate
25 cybersecurity risk, to respond to an attack, intru-

1 sion, or otherwise unauthorized access and to adapt
2 to evolving cybersecurity threats; and

3 (4) foster a cybersecurity culture throughout
4 the Administration, including air traffic control pro-
5 grams and relevant contractors.

6 (b) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Administrator shall sub-
8 mit to the appropriate committees of Congress a report
9 on the progress made toward implementing the require-
10 ments under subsection (a).

11 **SEC. 4110. DEFINING NEXTGEN.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Comptroller General of the United States
14 shall—

15 (1) assess how the line items included in the
16 Administration's NextGen budget request relate to
17 the goals and expected outcomes of NextGen, includ-
18 ing how NextGen programs directly contribute to a
19 measurably safer and more efficient air traffic con-
20 trol system; and

21 (2) submit to the appropriate committees of
22 Congress a report on the results of the assessment
23 under paragraph (1), including any recommenda-
24 tions for the removal of line items that do not per-
25 tain to the overall vision for NextGen.

1 **SEC. 4111. HUMAN FACTORS.**

2 (a) IN GENERAL.—In order to avoid having to subse-
3 quently modify products and services developed as a part
4 of NextGen, the Administrator shall—

5 (1) recognize and incorporate, in early design
6 phases of all relevant NextGen programs, the human
7 factors and procedural and airspace implications of
8 stated goals and associated technical changes; and

9 (2) ensure that a human factors specialist, sep-
10 arate from the research and certification groups, is
11 directly involved with the NextGen approval process.

12 (b) REPORT.—Not later than 1 year after the date
13 of the enactment of this Act, the Administrator shall sub-
14 mit to the appropriate committees of Congress a report
15 on the progress made toward implementing the require-
16 ments under subsection (a).

17 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

18 (a) IN GENERAL.—The Administrator shall evaluate
19 the current acquisition practices of the Administration to
20 ensure that such practices—

21 (1) identify the current estimated costs for each
22 acquisition system, including all segments;

23 (2) separately identify cumulative amounts for
24 acquisition costs, technical refresh, and other en-
25 hancements in order to identify the total baselined
26 and re-baselined costs for each system; and

1 (3) account for the way funds are being used
2 when reporting to managers, Congress, and other
3 stakeholders.

4 (b) REPORT.—Not later than 1 year after the date
5 of the enactment of this Act, the Administrator shall sub-
6 mit to the appropriate committees of Congress a report
7 on the progress made toward implementing the require-
8 ments under subsection (a).

9 **SEC. 4113. EQUIPAGE MANDATES.**

10 (a) IN GENERAL.—Before NextGen-related equipage
11 mandates are imposed on users of the national airspace
12 system, the Administrator, in collaboration with all rel-
13 evant stakeholders, shall—

14 (1) provide a statement of estimated cost and
15 benefits that is based upon mature and stable tech-
16 nical specifications; and

17 (2) create a schedule for Administration
18 deliverables and investments by both users and the
19 Administration, including for procedure and airspace
20 design, infrastructure deployment, and training.

21 **SEC. 4114. WORKFORCE.**

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

1 (1) identify and assess barriers to attracting,
2 developing, training, and retaining a talented work-
3 force in the areas of systems engineering, architec-
4 ture, systems integration, digital communications,
5 and cybersecurity;

6 (2) develop a comprehensive plan to attract, de-
7 velop, train, and retain talented individuals; and

8 (3) identify the resources needed to attract, de-
9 velop, and retain this talent.

10 (b) REPORT.—The Administrator shall submit to the
11 appropriate committees of Congress a report on the
12 progress made toward implementing the requirements
13 under subsection (a).

14 **SEC. 4115. ARCHITECTURAL LEADERSHIP.**

15 (a) IN GENERAL.—In order to provide an adequate
16 technical foundation for steering NextGen’s technical gov-
17 ernance and managing inevitable changes in technology
18 and operations, the Administrator shall—

19 (1) develop a plan that—

20 (A) uses an architecture leadership com-
21 munity and an effective governance approach to
22 assure a proper balance between documents and
23 artifacts and to provide high-level guidance;

24 (B) enables effective management and
25 communication of dependencies;

1 (C) provides flexibility and the ability to
2 evolve to ensure accommodation of future
3 needs; and

4 (D) communicates changing circumstances
5 in order to align agency and airspace user ex-
6 pectations;

7 (2) determine the feasibility of conducting a
8 small number of experiments among the Administra-
9 tion's system integration partners to prototype can-
10 didate solutions for establishing and managing a vi-
11 brant architectural community; and

12 (3) develop a method to initiate, grow, and en-
13 gage a capable architecture community, from both
14 within and outside of the Administration, who will
15 expand the breadth and depth of expertise that is
16 steering architectural changes.

17 (b) REPORT.—Not later than 1 year after the date
18 of the enactment of this Act, the Administrator shall sub-
19 mit to the appropriate committees of Congress a report
20 on the progress made toward implementing the require-
21 ments under subsection (a).

22 **SEC. 4116. PROGRAMMATIC RISK MANAGEMENT.**

23 (a) IN GENERAL.—To better inform the Administra-
24 tion's decisions regarding the prioritization of efforts and

1 allocation of resources for NextGen, the Administrator
2 shall—

3 (1) solicit input from specialists in probability
4 and statistics to identify and prioritize the pro-
5 grammatic and implementation risks to NextGen;
6 and

7 (2) develop a method to manage and mitigate
8 the risks identified in paragraph (1).

9 (b) REPORT.—Not later than 1 year after the date
10 of the enactment of this Act, the Administrator shall sub-
11 mit to the appropriate committees of Congress a report
12 on the progress made toward implementing the require-
13 ments under subsection (a).

14 **SEC. 4117. NEXTGEN PRIORITIZATION.**

15 The Administrator shall consider expediting NextGen
16 modernization implementation projects at public use air-
17 ports that share airspace with active military training
18 ranges and do not have radar coverage where such imple-
19 mentation would improve the safety of aviation operations.

20 **Subtitle B—Administration**
21 **Organization and Employees**

22 **SEC. 4121. COST-SAVING INITIATIVES.**

23 (a) IN GENERAL.—To ensure that Administration
24 initiatives are being implemented in a timely and fiscally
25 responsible manner, the Administrator shall—

1 (1) identify and implement agencywide cost-sav-
2 ing initiatives; and

3 (2) develop appropriate schedules and metrics
4 to measure whether the initiatives are successful in
5 reducing costs.

6 (b) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Administrator shall sub-
8 mit to the appropriate committees of Congress a report
9 on the progress made toward implementing the require-
10 ments under subsection (a).

11 **SEC. 4122. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
12 **FURLOUGHS.**

13 (a) DEFINITION OF ESSENTIAL EMPLOYEE.—In this
14 section, the term “essential employee” means an employee
15 of the Administration who performs work involving the
16 safety of human life or the protection of property, as de-
17 termined by the Administrator.

18 (b) IN GENERAL.—In implementing spending reduc-
19 tions under Federal law, the Administrator may furlough
20 1 or more employees of the Administration, except an es-
21 sential employee, if the Administrator determines the fur-
22 lough is necessary to achieve the required spending reduc-
23 tions.

24 (c) TRANSFER OF BUDGETARY RESOURCES.—The
25 Administrator may transfer budgetary resources within

1 the Administration to carry out subsection (b), except that
2 the transfer may only be made to maintain essential em-
3 ployees.

4 **SEC. 4123. CONTROLLER CANDIDATE INTERVIEWS.**

5 (a) IN GENERAL.—Not later than 60 days after the
6 date of the enactment of this Act, the Administrator shall
7 require that an in-person interview be conducted with each
8 individual applying for an air traffic control specialist po-
9 sition before that individual may be hired to fill that posi-
10 tion.

11 (b) GUIDANCE.—Not later than 30 days after the
12 date of the enactment of this Act, the Administrator shall
13 establish guidelines regarding the in-person interview
14 process described in subsection (a).

15 **SEC. 4124. HIRING OF AIR TRAFFIC CONTROLLERS.**

16 (a) IN GENERAL.—Section 44506 is amended by
17 adding at the end the following:

18 “(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL
19 SPECIALISTS.—

20 “(1) CONSIDERATION OF APPLICANTS.—

21 “(A) ENSURING SELECTION OF MOST
22 QUALIFIED APPLICANTS.—In appointing indi-
23 viduals to the position of air traffic controllers,
24 the Administrator shall give preferential consid-
25 eration to qualified individuals maintaining 52

1 consecutive weeks of air traffic control experi-
2 ence involving the full-time active separation of
3 air traffic after receipt of an air traffic certifi-
4 cation or air traffic control facility rating within
5 5 years of application while serving at—

6 “(i) a Federal Aviation Administra-
7 tion air traffic control facility;

8 “(ii) a civilian or military air traffic
9 control facility of the Department of De-
10 fense; or

11 “(iii) a tower operating under con-
12 tract with the Federal Aviation Adminis-
13 tration under section 47124 of this title.

14 “(B) CONSIDERATION OF ADDITIONAL AP-
15 PPLICANTS.—The Administrator shall consider
16 additional applicants for the position of air traf-
17 fic controller by referring an approximately
18 equal number of employees for appointment
19 among the 2 applicant pools. The number of
20 employees referred for consideration from each
21 group shall not differ by more than 10 percent.

22 “(i) POOL ONE.—Applicants who:

23 “(I) have successfully completed
24 air traffic controller training and
25 graduated from an institution partici-

1 pating in the Collegiate Training Ini-
2 tiative program maintained under
3 subsection (c)(1) who have received
4 from the institution—

5 “(aa) an appropriate rec-
6 ommendation; or

7 “(bb) an endorsement certi-
8 fying that the individual would
9 have met the requirements in ef-
10 fect as of December 31, 2013,
11 for an appropriate recommenda-
12 tion;

13 “(II) are eligible for a veterans
14 recruitment appointment pursuant to
15 section 4214 of title 38, United States
16 Code, and provide a Certificate of Re-
17 lease or Discharge from Active Duty
18 within 120 days of the announcement
19 closing;

20 “(III) are eligible veterans (as
21 defined in section 4211 of title 38,
22 United States Code) maintaining avia-
23 tion experience obtained in the course
24 of the individual’s military experience;
25 or

1 “(IV) are preference eligible vet-
2 erans (as defined in section 2108 of
3 title 5, United States Code).

4 “(ii) POOL TWO.—Applicants who
5 apply under a vacancy announcement re-
6 cruiting from all United States citizens.

7 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

8 “(A) BIOGRAPHICAL ASSESSMENTS.—The
9 Administration shall not use any biographical
10 assessment when hiring under subparagraph
11 (A) or subparagraph (B)(i) of paragraph (1).

12 “(B) RECONSIDERATION OF APPLICANTS
13 DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL
14 ASSESSMENTS.—

15 “(i) IN GENERAL.—If an individual
16 described in subparagraph (A) or subpara-
17 graph (B)(i) of paragraph (1) who applied
18 for the position of air traffic controller
19 with the Administration in response to Va-
20 cancy Announcement FAA-AMC-14-
21 ALLSRCE-33537 (issued on February 10,
22 2014) and was disqualified from the posi-
23 tion as the result of a biographical assess-
24 ment, the Administrator shall provide the
25 applicant an opportunity to reapply as

1 soon as practicable for the position under
2 the revised hiring practices.

3 “(ii) WAIVER OF AGE RESTRICTION.—

4 The Administrator shall waive any maximum age restriction for the position of air
5 traffic controller with the Administration
6 that would otherwise disqualify an individual from the position if the individual—

7 “(I) is reapplying for the position
8 pursuant to clause (i) on or before
9 December 31, 2017; and

10 “(II) met the maximum age requirement on the date of the individual’s
11 previous application for the position during the interim hiring process.

12 “(3) MAXIMUM ENTRY AGE FOR EXPERIENCED
13 CONTROLLERS.—Notwithstanding section 3307 of
14 title 5, United States Code, the maximum limit of
15 age for an original appointment to a position as an
16 air traffic controller shall be 35 years of age for
17 those maintaining 52 weeks of air traffic control experience involving the full-time active separation of
18 air traffic after receipt of an air traffic certification or air traffic control facility rating in a civilian or
19 military air traffic control facility.”.

1 (b) NOTIFICATION OF VACANCIES.—The Adminis-
2 trator shall consider directly notifying secondary schools
3 and institutes of higher learning, including Historically
4 Black Colleges and Universities, Hispanic-serving institu-
5 tions, Minority Institutions, and Tribal Colleges and Uni-
6 versities, of the vacancy announcement under section
7 44506(f)(1)(B)(ii) of title 49, United States Code.

8 **SEC. 4125. COMPUTATION OF BASIC ANNUITY FOR CERTAIN**
9 **AIR TRAFFIC CONTROLLERS.**

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

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

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

18 “(2) a first level supervisor of an air traffic
19 controller as defined by section 2109(1)(A)(i); or

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

22 so much of the annuity as is computed with respect to
23 such type of service shall be computed by multiplying 1
24 $\frac{7}{10}$ percent of the individual’s average pay by the years
25 of such service.”.

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

4 (c) PROCEDURES REQUIRED.—The Director of the
5 Office of Personnel Management shall establish such pro-
6 cedures as are necessary to provide for—

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

9 (2) recalculation of the benefits of affected an-
10 nuitants;

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

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

19 **TITLE V—MISCELLANEOUS**

20 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
21 **VESTIGATIVE OFFICERS.**

22 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 the enactment of this para-
22 graph to grant a categorical exclusion under
23 this subsection with respect to a procedure to
24 be implemented at an OEP airport that was a
25 material change from procedures previously in
26 effect at the airport to determine if the imple-

1 mentation of the procedure had a significant ef-
2 fect on the human environment in the commu-
3 nity in which the airport is located if the oper-
4 ator of that airport—

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 the 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 develop an Advanced

1 Materials Center of Excellence (referred to in this section
2 as the ‘Center’), which shall focus on applied research and
3 training on the durability and maintainability of advanced
4 materials in transport airframe structures.

5 “(b) RESPONSIBILITIES.—The Center shall—

6 “(1) promote and facilitate collaboration among
7 academia, the Transportation Division of the Fed-
8 eral Aviation Administration, and the commercial
9 aircraft industry, including manufacturers, commer-
10 cial air carriers, and suppliers; and

11 “(2) establish goals set to advance technology,
12 improve engineering practices, and facilitate con-
13 tinuing education in relevant areas of study.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to the Administrator
16 \$500,000 for each of the fiscal years 2016 to 2017 to
17 carry out this section.”.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 chapter 445 is amended by adding at the end the fol-
20 lowing:

“44518. Advanced Materials Center of Excellence.”.

21 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Comptroller General
24 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. TECHNICAL AND CONFORMING AMENDMENTS.**

11 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
12 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
13 by striking “47176” and inserting “47175”.

14 (b) CONSULTATION ON CARRIER RESPONSE NOT
15 COVERED BY PLAN.—Section 41313(c)(16) is amended by
16 striking “the foreign air carrier will consult” and inserting
17 “will consult”.

18 (c) WEIGHING MAIL.—Section 41907 is amended by
19 striking “and –administrative” and inserting “and admin-
20 istrative”.

21 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
22 44728 is amended—

23 (1) in subsection (e), by striking “chapter” and
24 inserting “title”; and

1 (2) in subsection (d)(3), by striking “is” and
2 inserting “be”.

3 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
4 amended by striking “United States government” and in-
5 serting “United States Government”.

6 (f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
7 is amended by striking “(18 U.S.C. App.)” and inserting
8 “(18 U.S.C. App.)”.

9 (g) ALLOWABLE COST STANDARDS.—Section
10 47110(b)(2) is amended—

11 (1) in subparagraph (B), by striking
12 “compatability” and inserting “compatibility”; and

13 (2) in subparagraph (D)(i), by striking “cli-
14 mactic” and inserting “climatic”.

15 (h) DEFINITION OF QUALIFIED HUBZONE SMALL
16 BUSINESS CONCERN.—Section 47113(a)(3) is amended
17 by striking “(15 U.S.C. 632(o))” and inserting “(15
18 U.S.C. 632(p))”.

19 (i) DISCRETIONARY FUND.—Section 47115 is
20 amended—

21 (1) by striking subsection (i); and

22 (2) by redesignating subsection (j) as sub-
23 section (i).

1 (j) SPECIAL APPORTIONMENT CATEGORIES.—Section
2 47117(e)(1)(B) is amended by striking “at least” and in-
3 serting “At least”.

4 (k) SOLICITATION AND CONSIDERATION OF COM-
5 MENTS.—Section 47171(l) is amended by striking “4371”
6 and inserting “4321”.

7 (l) OPERATIONS AND MAINTENANCE.—Section
8 48104 is amended by striking “(a) AUTHORIZATION OF
9 APPROPRIATIONS.—the” and inserting “The”.

10 (m) EXPENDITURES FROM AIRPORT AND AIRWAY
11 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
12 enue Code of 1986 is amended by striking “farms” and
13 inserting “farms)”.