

Cantwell-Cruz 6 as modified

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. _____

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Ms. CANTWELL (for herself and Mr. CRUZ)

Viz:

1 Strike section 105.

2 On page 32, line 5, strike “year” and insert “years”.

3 Strike section 303(b)(2) and insert the following:

4 (2) Develop criteria and procedures whereby an
5 Organization Designation Authorization Holder (as
6 defined in section 44736(c)(5) of title 49, United
7 States Code) may provide an ODA Unit recommendation that certain data produced during an
8 applicant’s company flight test program may be ac-

1 cepted by the FAA as final compliance data in ac-
2 cordance with section 21.35(b) of title 14, Code of
3 Federal Regulations, at the sole discretion of the
4 FAA.

5 In the heading of section 310, strike “**REGISTRA-**
6 **TION**” and insert “**REREGISTRATION.**”

7 On page 65, strike “require” on line 12 and all that
8 follows through “operations” on line 17 and insert “re-
9 quire each commercial air tour operator to ensure that the
10 doors of the airplane or helicopter, rotorcraft, or other air-
11 craft used for such tour remain closed during the period
12 of the tour in which the airplane or helicopter is moving
13 on the surface or is airborne and provide an exception for
14 a parachuting flight and operations under section
15 119.1(e)(4) of title 14, Code of Federal Regulations”.

16 On page 102, line 22, strike “security” and insert
17 “safety, security, and efficiency”.

18 On page 105, strike lines 9 through 12 and insert
19 the following:

20 (2) OTHER AMENDMENTS.—Section
21 44912(d)(2)(A)(iii) of title 49, United States Code,

1 is amended by striking “safety” and inserting “secu-
2 rity”.

3 On page 179, line 14, strike “second” and insert
4 “third”.

5 On page 274, strike lines 17 through 20 and insert
6 the following:

7 (A) in paragraph (1)—

8 (i) by striking “The Secretary” and
9 inserting “Except as set forth in the
10 streamlining process described in sub-
11 section (l), the Secretary”; and

12 (ii) by striking “\$1, \$2, or \$3” and
13 inserting “\$1, \$2, \$3, \$4, or \$4.50”;

14 On page 276, line 7, insert “of \$1, \$2, \$3, \$4, or
15 \$4.50” after “passenger facility charge”.

16 Strike section 313 and insert the following:

17 **SEC. 313. CONTINUOUS AIRCRAFT TRACKING AND TRANS-**
18 **MISSION FOR HIGH ALTITUDE BALLOONS.**

19 (a) AVIATION RULEMAKING COMMITTEE.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this section, the Ad-

1 administrator shall establish an Aviation Rulemaking
2 Committee (in this section referred to as the “Com-
3 mittee”) to review and develop findings and rec-
4 ommendations regarding a standard that any high
5 altitude balloon be equipped with a system for con-
6 tinuous aircraft tracking that shall transmit, at a
7 minimum, the altitude, location, and identity of the
8 high altitude balloon in a manner which is accessible
9 to air traffic controllers and ensures the safe inte-
10 gration of high altitude balloons into the national
11 airspace system.

12 (2) COMPOSITION.—The Committee shall con-
13 sist of members appointed by the Administrator, in-
14 cluding the following:

15 (A) Representatives of industry.

16 (B) Aviation safety experts, including ex-
17 perts with specific knowledge—

18 (i) of high altitude balloon operations;

19 or

20 (ii) FAA tracking and surveillance
21 systems.

22 (C) Non-governmental researchers and
23 educators.

24 (D) Representatives of the Department of
25 Defense.

1 (E) Representatives of Federal agencies
2 that conduct high altitude balloon operations.

3 (3) REPORT.—Not later than 18 months after
4 the date of enactment of this section, the Committee
5 shall submit to the Administrator a report detailing
6 the findings and recommendations of the Committee
7 described in paragraph (1). Such report shall include
8 recommendations regarding the following:

9 (A) How to update sections 91.215,
10 91.225, and 99.13 of title 14, Code of Federal
11 Regulations, to require all high altitude balloons
12 (including public aircraft operations) to have a
13 continuous aircraft tracking and transmission
14 system.

15 (B) Any necessary updates to the require-
16 ments for unmanned free balloons under sub-
17 part D of part 101 of title 14, Code of Federal
18 Regulations.

19 (C) Any necessary updates to other FAA
20 regulations or requirements deemed appropriate
21 and necessary by the Administrator to—

22 (i) ensure any high altitude balloon
23 has a continuous aircraft tracking and
24 transmission system

1 (ii) ensure all data relating to the alti-
2 tude, location, and identity of any high al-
3 titude balloon is made available to air traf-
4 fic controllers;

5 (iii) determine criteria and provide ap-
6 proval guidance for new equipment that
7 provides continuous aircraft tracking and
8 transmission for high altitude balloons and
9 meets the performance requirements de-
10 scribed under such section 91.225, includ-
11 ing portable, battery-powered Automatic
12 Dependent Surveillance-Broadcast (ADS-
13 B) Out equipage; and

14 (iv) maintain airspace safety.

15 (4) USE OF PRIOR WORK.—In developing the
16 report under paragraph (3), the Committee may
17 make full use of any research, comments, data, find-
18 ings, or recommendations made by any prior Avia-
19 tion Rulemaking Committee.

20 (5) NEW TECHNOLOGIES AND SOLUTIONS.—
21 Nothing in this subsection shall require the Com-
22 mittee to develop recommendations requiring equi-
23 page of high altitude balloons with an ADS-B or an
24 air traffic control transponder transmission system,
25 or preclude the Committee from making rec-

1 ommendations for the adoption of new systems or
2 solutions which may require that a high altitude bal-
3 loon be equipped with a system which can transmit,
4 at a minimum, the altitude, location, and identity of
5 the high altitude balloon.

6 (b) RULEMAKING AND OTHER REQUIREMENTS.—

7 Not later than 18 months after the date on which the
8 Committee submits the report under subsection (a)(3), the
9 Administrator shall—

10 (1) issue a notice of proposed rulemaking to re-
11 quire a continuous aircraft tracking and trans-
12 mission system for any high altitude balloon, in ac-
13 cordance with the recommendations of the Com-
14 mittee; and

15 (2) coordinate with foreign authorities (includ-
16 ing bilateral partners and the International Civil
17 Aviation Organization (ICAO)) to identify opportu-
18 nities to align continuous aircraft tracking and
19 transmission system standards for any high altitude
20 balloon operating outside of the National Airspace
21 System.

22 (c) INTERIM STANDARD.—During the period begin-
23 ning on the date that is 2 years after the date of enact-
24 ment of this section and ending on the date on which the
25 Administrator issues a notice of proposed rulemaking

1 under subsection (b)(1), a person may only operate a high
2 altitude balloon if such balloon meets the requirements de-
3 scribed in section 91.215(b) of title 14, Code of Federal
4 Regulations, notwithstanding the exemption provided in
5 subsection (e)(1) of such section 91.215 or in subsection
6 (e) of section 91.1 of such title 14.

7 (d) REPORTS TO CONGRESS.—Not later than 6
8 months after the date of enactment of this section, and
9 every 6 months thereafter until the Administrator promul-
10 gates a final rule under subsection (b), the Administrator
11 shall submit to the appropriate committees of Congress
12 a report on the status of the rulemaking and other re-
13 quirements being developed under such subsection.

14 (e) DEFINITIONS.—In this section:

15 (1) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term “appropriate committees of Con-
17 gress” means—

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

20 (B) the Committee on Appropriations of
21 the Senate;

22 (C) the Committee on Transportation and
23 Infrastructure of the House of Representatives;
24 and

1 (D) the Committee on Appropriations of
2 the House of Representatives.

3 (2) HIGH ALTITUDE BALLOON.—The term
4 “high altitude balloon” means a manned or un-
5 manned free balloon operating not less than 18,000
6 feet above mean sea level.

7 In section 402(a)(1), in the matter preceding sub-
8 paragraph (A), strike “air service navigation providers”
9 and insert “air navigation service providers”.

10 Strike section 414 and insert the following:

11 **SEC. 414. AIR TRAFFIC CONTROL FACILITY REALIGNMENT**
12 **STUDY.**

13 (a) EXAMINATION.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment, the Administrator shall
16 contract with a Federally funded research and devel-
17 opment center to conduct an Air Traffic Control Fa-
18 cility Realignment report to examine consolidating or
19 otherwise reorganizing air traffic control work facili-
20 ties and locations and airspace structure manage-
21 ment.

22 (2) CONTENTS.—The examination shall:

1 (A) Evaluate the potential efficiencies that
2 may result from a reorganization.

3 (B) Identify whether certain areas prone to
4 congestion or staff shortages would benefit from
5 enhanced flexibilities.

6 (C) Recommend opportunities for integra-
7 tion of separate facilities to create a more col-
8 laborative and efficient traffic control environ-
9 ment.

10 (3) CONSULTATION.—In carrying out this sec-
11 tion, the Federally funded research and development
12 center shall consult with representatives of labor or-
13 ganizations representing air traffic control system
14 employees of the FAA.

15 (b) REPORTS.—

16 (1) TO THE ADMINISTRATOR.—Not later than
17 September 30, 2025, the Federally funded research
18 and development center shall submit to the Adminis-
19 trator a report regarding the examination under
20 subsection (a), along with recommendations related
21 to consolidation or reorganization of FAA-owned air
22 traffic control work facilities and locations.

23 (2) TO CONGRESS.—

24 (A) BRIEFING.—Not later than 60 days
25 after receiving the recommendations under

1 paragraph (1), the Administrator shall brief the
2 appropriate committees of Congress.

3 (B) REPORT.—Not later than 2 years after
4 the date of enactment of this section, the Ad-
5 ministrator shall submit to the appropriate
6 committees of Congress a report on the results
7 of the study under subsection (a) and any rec-
8 ommendations related to consolidation or reor-
9 ganization of FAA-owned air traffic control
10 work facilities and locations.

11 Strike section 527.

12 On page 304, strike lines 1 through 11.

13 On page 320, strike lines 13 through 15.

14 On page 334, line 18, strike “**ACT**”.

15 On page 340, lines 4 through 5, strike “**ACT OF**
16 **2023**”.

17 On page 343, line 12, insert “, **BONE MARROW,**
18 **AND HUMAN CELLS, TISSUES, OR CELLULAR OR TIS-**
19 **SUE-BASED PRODUCTS (HCT/PS)**” after “**ORGANS**”.

1 On page 343, line 13, insert “, BONE MARROW, AND
2 HCT/PS” after “ORGANS.”

3 On page 343, line 19, insert “, bone marrow, or
4 human cells, tissues, or cellular or tissue-based products
5 (in this section referred to as ‘HCT/Ps’)” after “organ”.

6 On page 343, line 23, insert “, bone marrow, or
7 human cells, tissues, or HCT/Ps” after “organ”.

8 On page 344, line 2, insert “, bone marrow, or HCT/
9 Ps” after “organs”.

10 On page 344, strike lines 5 through 9 and insert the
11 following:

12 (b) DEFINITIONS.—In this section:

13 (1) BONE MARROW.—The term “bone marrow”
14 has the meaning given such term in section
15 274e(c)(1) of title 42, Code of Federal Regulations.

16 (2) HUMAN CELLS, TISSUES, OR CELLULAR OR
17 TISSUE-BASED PRODUCTS.—The term “human cells,
18 tissues, or cellular or tissue-based products” has the
19 meaning given such term in section 1271.3 (d)of
20 title 21, Code of Federal Regulations.

21 (3) ORGAN.—The term “organ”—

1 (A) has the meaning given such term in
2 section 121.2 of title 42, Code of Federal Regu-
3 lations; and

4 (B) includes organ-related tissue.

5 On page 344, line 11, strike “**ACT**”.

6 On page 353, line 14, strike “**ACT**”.

7 On page 361, line 14, strike “**ACT**”.

8 On page 367, strike lines 14 through 17 and insert
9 the following:

10 (A) in subsection (a)—

11 (i) in paragraph (1), by striking “hub
12 airport” and all that follows through “be-
13 yond that airport” and inserting “medium
14 or large hub airport”; and

15 (ii) in paragraph (2), by inserting
16 “medium or large” after “nearest”; and

17 On page 375, after line 21, insert the following:

18 **SEC. ____ . ESSENTIAL AIR SERVICE IN PARTS OF ALASKA.**

19 Not later than September 1, 2024, the Secretary, in
20 consultation with the appropriate State authority of Alas-

1 ka, shall review all domestic points in the State of Alaska
2 that were deleted from carrier certificates between July
3 1, 1968, and October 24, 1978, and that were not subse-
4 quently determined to be an eligible place prior to January
5 1, 1982, as a result of being unpopulated at that time
6 due to destruction during the 1964 earthquake and its re-
7 sultant tidal wave, to determine whether such points have
8 been resettled or relocated and should be designated as
9 an eligible place entitled to receive a determination of the
10 level of essential air service supported, if necessary, with
11 Federal funds.

12 On page 394, line 6, by striking “**UTM IMPLEMEN-**
13 **TATION**” and inserting “**THIRD PARTY SERVICE AP-**
14 **PROVALS**”.

15 On page 394, line 11, by striking “third party service
16 suppliers of UTM” and inserting “third party service sup-
17 pliers, including third party service suppliers of UTM,”.

18 On page 394, strike lines 13 through 21 and insert
19 the following:

20 (b) ACCEPTANCE OF STANDARDS.—In establishing
21 the standard approval process required by subsection (a),
22 the Administrator shall ensure that, to the maximum ex-

1 tent practicable, industry consensus standards, such as
2 ASTM International Standard F3548–21, entitled “UAS
3 Traffic Management (UTM) UAS Service Supplier (USS)
4 Interoperability”, are included as an acceptable means of
5 compliance for third party services.

6 On page 394, line 22, strike “CERTIFICATION” and
7 insert “UTM APPROVAL”.

8 On page 395, line 2, strike “certification” and insert
9 “approval”.

10 On page 395, lines 6 and 7, strike “certification” and
11 insert “approval”.

12 On page 395, lines 17 and 18, strike “national air-
13 space system safety” and insert “safety or efficiency of
14 the national airspace system”.

15 On page 423, beginning on line 23, strike “Such
16 term” and all that follows through line 25.

17 On page 426, beginning on line 1, strike “Such term”
18 and all that follows through line 3.

- 1 On page 447, strike lines 12 through 26.

- 2 Strike section 1001.