

115TH CONGRESS
1ST SESSION

H. R. 2997

To transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2017

Mr. SHUSTER (for himself, Mr. LoBiondo, Mr. Graves of Missouri, Mr. Mitchell, Ms. Hanabusa, and Ms. Sinema) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “21st Century Aviation Innovation, Reform, and Reau-
6 thorization Act” or the “21st Century AIRR Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
 Sec. 102. Facilities and equipment.
 Sec. 103. FAA operations.
 Sec. 104. Adjustment to AIP program funding.
 Sec. 105. Funding for aviation programs.
 Sec. 106. Applicability.

Subtitle B—Passenger Facility Charges

- Sec. 111. Passenger facility charge modernization.
 Sec. 112. Pilot program for passenger facility charge authorizations.

Subtitle C—Airport Improvement Program Modifications

- Sec. 121. Clarification of airport obligation to provide FAA airport space.
 Sec. 122. Mothers' rooms at airports.
 Sec. 123. Extension of competitive access reports.
 Sec. 124. Grant assurances.
 Sec. 125. Government share of project costs.
 Sec. 126. Updated veterans' preference.
 Sec. 127. Special rule.
 Sec. 128. Marshall Islands, Micronesia, and Palau.
 Sec. 129. Nondiscrimination.
 Sec. 130. State block grant program expansion.
 Sec. 131. Midway Island Airport.
 Sec. 132. Property conveyance releases.
 Sec. 133. Minority and disadvantaged business participation.
 Sec. 134. Contract tower program.
 Sec. 135. Airport access roads in remote locations.

Subtitle D—Airport Noise and Environmental Streamlining

- Sec. 151. Recycling plans for airports.
 Sec. 152. Pilot program sunset.
 Sec. 153. Extension of grant authority for compatible land use planning and projects by State and local governments.
 Sec. 154. Updating airport noise exposure maps.
 Sec. 155. Stage 3 aircraft study.
 Sec. 156. Addressing community noise concerns.
 Sec. 157. Study on potential health impacts of overflight noise.
 Sec. 158. Environmental mitigation pilot program.
 Sec. 159. Aircraft noise exposure.
 Sec. 160. Community involvement in FAA NextGen projects located in metroplexes.
 Sec. 161. Critical habitat on or near airport property.

TITLE II—AMERICAN AIR NAVIGATION SERVICES CORPORATION

Sec. 201. Purposes.

Subtitle A—Establishment of Air Traffic Services Provider

Sec. 211. American Air Navigation Services Corporation.

Subtitle B—Amendments to Federal Aviation Laws

- Sec. 221. Definitions.
- Sec. 222. Sunset of FAA air traffic entities and officers.
- Sec. 223. Role of Administrator.
- Sec. 224. Emergency powers.
- Sec. 225. Presidential transfers in time of war.
- Sec. 226. Airway capital investment plan before date of transfer.
- Sec. 227. Aviation facilities before date of transfer.
- Sec. 228. Judicial review.
- Sec. 229. Civil penalties.

Subtitle C—Other Matters

- Sec. 241. Use of Federal technical facilities.
- Sec. 242. Ensuring progress on NextGen priorities before date of transfer.
- Sec. 243. Severability.

TITLE III—FAA SAFETY CERTIFICATION REFORM

Subtitle A—General Provisions

- Sec. 301. Definitions.
- Sec. 302. Safety Oversight and Certification Advisory Committee.

Subtitle B—Aircraft Certification Reform

- Sec. 311. Aircraft certification performance objectives and metrics.
- Sec. 312. Organization designation authorizations.
- Sec. 313. ODA review.
- Sec. 314. Type certification resolution process.
- Sec. 315. Safety enhancing equipment and systems for small general aviation airplanes.
- Sec. 316. Review of certification process for small general aviation airplanes.

Subtitle C—Flight Standards Reform

- Sec. 331. Flight standards performance objectives and metrics.
- Sec. 332. FAA task force on flight standards reform.
- Sec. 333. Centralized safety guidance database.
- Sec. 334. Regulatory Consistency Communications Board.

Subtitle D—Safety Workforce

- Sec. 341. Safety workforce training strategy.
- Sec. 342. Workforce review.

Subtitle E—International Aviation

- Sec. 351. Promotion of United States aerospace standards, products, and services abroad.

- Sec. 352. Bilateral exchanges of safety oversight responsibilities.
- Sec. 353. FAA leadership abroad.
- Sec. 354. Registration, certification, and related fees.

TITLE IV—SAFETY

Subtitle A—General Provisions

- Sec. 401. FAA technical training.
- Sec. 402. Safety critical staffing.
- Sec. 403. International efforts regarding tracking of civil aircraft.
- Sec. 404. Aircraft data access and retrieval systems.
- Sec. 405. Advanced cockpit displays.
- Sec. 406. Marking of towers.
- Sec. 407. Cabin evacuation.
- Sec. 408. ODA staffing and oversight.
- Sec. 409. Funding for additional safety needs.
- Sec. 410. Funding for additional FAA licensing needs.
- Sec. 411. Emergency medical equipment on passenger aircraft.
- Sec. 412. HIMS program.
- Sec. 413. Acceptance of voluntarily provided safety information.
- Sec. 414. Flight attendant duty period limitations and rest requirements.

Subtitle B—Unmanned Aircraft Systems

- Sec. 431. Definitions.
- Sec. 432. Codification of existing law; additional provisions.
- Sec. 433. Unmanned aircraft test ranges.
- Sec. 434. Sense of Congress regarding unmanned aircraft safety.
- Sec. 435. UAS privacy review.
- Sec. 436. Public UAS operations by Tribal governments.
- Sec. 437. Evaluation of aircraft registration for small unmanned aircraft.
- Sec. 438. Study on roles of governments relating to low-altitude operation of small unmanned aircraft.
- Sec. 439. Study on financing of unmanned aircraft services.
- Sec. 440. Update of FAA comprehensive plan.
- Sec. 441. Cooperation related to certain counter-UAS technology.

TITLE V—AIR SERVICE IMPROVEMENTS

Subtitle A—Airline Customer Service Improvements

- Sec. 501. Reliable air service in American Samoa.
- Sec. 502. Cell phone voice communication ban.
- Sec. 503. Advisory committee for aviation consumer protection.
- Sec. 504. Improved notification of insecticide use.
- Sec. 505. Advertisements and disclosure of fees for passenger air transportation.
- Sec. 506. Involuntarily bumping passengers after aircraft boarded.
- Sec. 507. Availability of consumer rights information.
- Sec. 508. Consumer complaints hotline.
- Sec. 509. Widespread disruptions.
- Sec. 510. Involuntarily denied boarding compensation.

Subtitle B—Aviation Consumers With Disabilities

- Sec. 541. Select subcommittee.

- Sec. 542. Aviation consumers with disabilities study.
- Sec. 543. Feasibility study on in-cabin wheelchair restraint systems.

Subtitle C—Small Community Air Service

- Sec. 551. Essential air service authorization.
- Sec. 552. Extension of final order establishing mileage adjustment eligibility.
- Sec. 553. Study on essential air service reform.
- Sec. 554. Small community air service.
- Sec. 555. Air transportation to noneligible places.

TITLE VI—MISCELLANEOUS

- Sec. 601. Review of FAA strategic cybersecurity plan.
- Sec. 602. Consolidation and realignment of FAA services and facilities.
- Sec. 603. FAA review and reform.
- Sec. 604. Aviation fuel.
- Sec. 605. Right to privacy when using air traffic control system.
- Sec. 606. Air shows.
- Sec. 607. Part 91 review, reform, and streamlining.
- Sec. 608. Aircraft registration.
- Sec. 609. Air transportation of lithium cells and batteries.
- Sec. 610. Remote tower pilot program for rural and small communities.
- Sec. 611. Ensuring FAA readiness to provide seamless oceanic operations.
- Sec. 612. Sense of Congress regarding women in aviation.
- Sec. 613. Obstruction evaluation aeronautical studies.
- Sec. 614. Aircraft leasing.
- Sec. 615. Report on obsolete test equipment.
- Sec. 616. Retired military controllers.
- Sec. 617. Pilots sharing flight expenses with passengers.
- Sec. 618. Aviation rulemaking committee for part 135 pilot rest and duty rules.
- Sec. 619. Metropolitan Washington Airports Authority.
- Sec. 620. Terminal Aerodrome Forecast.
- Sec. 621. Federal Aviation Administration employees stationed on Guam.
- Sec. 622. Technical corrections.

1 SEC. 2. EFFECTIVE DATE.

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

1 **TITLE I—AUTHORIZATIONS**
2 **Subtitle A—Funding of FAA**
3 **Programs**

4 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**
5 **NOISE COMPATIBILITY PLANNING AND PRO-**
6 **GRAMS.**

7 (a) **AUTHORIZATION.**—Section 48103(a) of title 49,
8 United States Code, is amended by striking “section
9 47504(c)” and all that follows through the period at the
10 end and inserting the following: “section 47504(c)—

- 11 “(1) \$3,424,000,000 for fiscal year 2018;
12 “(2) \$3,499,000,000 for fiscal year 2019;
13 “(3) \$3,576,000,000 for fiscal year 2020;
14 “(4) \$3,655,000,000 for fiscal year 2021;
15 “(5) \$3,735,000,000 for fiscal year 2022; and
16 “(6) \$3,817,000,000 for fiscal year 2023.”.

17 (b) **OBLIGATION AUTHORITY.**—Section 47104(c) of
18 title 49, United States Code, is amended in the matter
19 preceding paragraph (1) by striking “September 30,
20 2017,” and inserting “September 30, 2023,”.

21 **SEC. 102. FACILITIES AND EQUIPMENT.**

22 (a) **AUTHORIZATION OF APPROPRIATIONS FROM AIR-**
23 **PORT AND AIRWAY TRUST FUND.**—Section 48101(a) of
24 title 49, United States Code, is amended by striking para-
25 graphs (1) through (5) and inserting the following:

1 “(1) \$2,920,000,000 for fiscal year 2018.

2 “(2) \$2,984,000,000 for fiscal year 2019.

3 “(3) \$3,049,000,000 for fiscal year 2020.”.

4 (b) SET ASIDES.—Section 48101(d) of title 49,
5 United States Code, is amended by inserting “, carried
6 out using amounts appropriated under subsection (a),”
7 after “air traffic control modernization project”.

8 (c) AUTHORIZATION OF APPROPRIATIONS FROM
9 GENERAL FUND.—

10 (1) IN GENERAL.—Title 49, United States
11 Code, is amended by inserting after section 48101
12 the following:

13 **“§ 48101a. Other facilities and equipment**

14 “There is authorized to be appropriated to the Sec-
15 retary of Transportation to acquire, establish, and im-
16 prove facilities and equipment (other than facilities and
17 equipment relating to air traffic services)—

18 “(1) \$189,000,000 for fiscal year 2021;

19 “(2) \$193,000,000 for fiscal year 2022; and

20 “(3) \$198,000,000 for fiscal year 2023.”.

21 (2) CLERICAL AMENDMENT.—The analysis for
22 chapter 481 of title 49, United States Code, is
23 amended by inserting after the item relating to sec-
24 tion 48101 the following:

“48101a. Other facilities and equipment.”.

25 (3) CONFORMING AMENDMENTS.—

1 (A) SUBMISSION OF BUDGET INFORMA-
2 TION AND LEGISLATIVE RECOMMENDATIONS
3 AND COMMENTS.—Section 48109 of title 49,
4 United States Code, is amended by inserting “,
5 48101a,” before “or 48102”.

6 (B) REPROGRAMMING NOTIFICATION RE-
7 QUIREMENT.—Section 48113 of title 49, United
8 States Code, is amended by inserting
9 “48101a,” before “or 48103”.

10 **SEC. 103. FAA OPERATIONS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS FROM
12 GENERAL FUND.—Section 106(k)(1) of title 49, United
13 States Code, is amended—

14 (1) in the paragraph heading by inserting
15 “FROM GENERAL FUND” after “MAINTENANCE”; and

16 (2) by striking subparagraphs (A) through (E)
17 and inserting the following:

18 “(A) \$2,059,000,000 for fiscal year 2018;

19 “(B) \$2,126,000,000 for fiscal year 2019;

20 “(C) \$2,197,000,000 for fiscal year 2020;

21 “(D) \$1,957,000,000 for fiscal year 2021;

22 “(E) \$2,002,000,000 for fiscal year 2022;

23 and

24 “(F) \$2,047,000,000 for fiscal year
25 2023.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS FROM AIR-
2 PORT AND AIRWAY TRUST FUND.—Section 106(k)(2) of
3 title 49, United States Code, is amended to read as fol-
4 lows:

5 “(2) SALARIES, OPERATIONS, AND MAINTEN-
6 NANCE FROM AIRPORT AND AIRWAY TRUST FUND.—
7 There is authorized to be appropriated to the Sec-
8 retary out of the Airport and Airway Trust Fund es-
9 tablished under section 9502 of the Internal Rev-
10 enue Code of 1986 for salaries, operations, and
11 maintenance of the Administration—

12 “(A) \$8,073,000,000 for fiscal year 2018;

13 “(B) \$8,223,000,000 for fiscal year 2019;

14 and

15 “(C) \$8,374,000,000 for fiscal year
16 2020.”.

17 (c) AUTHORITY TO TRANSFER FUNDS.—Section
18 106(k)(3) of title 49, United States Code, is amended—

19 (1) by striking “fiscal years 2012 through
20 2017” and inserting “fiscal years 2018 through
21 2020”; and

22 (2) by striking “paragraph (1)” each place it
23 appears and inserting “paragraphs (1) and (2)”.

1 **SEC. 104. ADJUSTMENT TO AIP PROGRAM FUNDING.**

2 Section 48112 of title 49, United States Code, and
3 the item relating to such section in the analysis for chap-
4 ter 481 of such title, are repealed.

5 **SEC. 105. FUNDING FOR AVIATION PROGRAMS.**

6 Section 48114(a)(1)(A)(ii) of title 49, United States
7 Code, is amended by striking “in fiscal year 2014 and
8 each fiscal year thereafter” and inserting “in fiscal years
9 2014 through 2017”.

10 **SEC. 106. APPLICABILITY.**

11 This subtitle, and the amendments made by this sub-
12 title, shall apply only to fiscal years beginning after Sep-
13 tember 30, 2017.

14 **Subtitle B—Passenger Facility**
15 **Charges**

16 **SEC. 111. PASSENGER FACILITY CHARGE MODERNIZATION.**

17 Section 40117(b) of title 49, United States Code, is
18 amended—

19 (1) in paragraph (1) by striking “or \$3” and
20 inserting “\$3, \$4, or \$4.50”;

21 (2) by repealing paragraph (4);

22 (3) in paragraph (6)—

23 (A) by striking “specified in paragraphs
24 (1) and (4)” and inserting “specified in para-
25 graph (1)”; and

1 (B) by striking “imposed under paragraph
2 (1) or (4)” and inserting “imposed under para-
3 graph (1)”; and
4 (4) in paragraph (7)(A)—

5 (A) by striking “specified in paragraphs
6 (1), (4), and (6)” and inserting “specified in
7 paragraphs (1) and (6)”; and

8 (B) by striking “imposed under paragraph
9 (1) or (4)” and inserting “imposed under para-
10 graph (1)”.

11 **SEC. 112. PILOT PROGRAM FOR PASSENGER FACILITY**
12 **CHARGE AUTHORIZATIONS.**

13 Section 40117(l) of title 49, United States Code, is
14 amended—

15 (1) in the subsection heading by striking “AT
16 NONHUB AIRPORTS”; and

17 (2) in paragraph (1) by striking “nonhub”.

18 **Subtitle C—Airport Improvement**
19 **Program Modifications**

20 **SEC. 121. CLARIFICATION OF AIRPORT OBLIGATION TO**
21 **PROVIDE FAA AIRPORT SPACE.**

22 Section 44502 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(f) AIRPORT SPACE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Administrator of the Federal Aviation
3 Administration may not require an airport owner,
4 operator, or sponsor (as defined in section 47102) to
5 provide building construction, maintenance, utilities,
6 administrative support, or space on airport property
7 to the Federal Aviation Administration without ade-
8 quate compensation.

9 “(2) EXCEPTIONS.—Paragraph (1) does not
10 apply in any case in which an airport owner, oper-
11 ator, or sponsor—

12 “(A) provides land or buildings without
13 compensation prior to the date of transfer (as
14 defined in section 90101(a)) to the Federal
15 Aviation Administration for facilities used to
16 carry out activities related to air traffic control
17 or navigation pursuant to a grant assurance; or

18 “(B) provides goods or services to the Fed-
19 eral Aviation Administration without compensa-
20 tion or at below-market rates pursuant to a ne-
21 gotiated agreement between the owner, oper-
22 ator, or sponsor and the Administrator.”.

23 **SEC. 122. MOTHERS’ ROOMS AT AIRPORTS.**

24 (a) LACTATION AREA DEFINED.—Section 47102 of
25 title 49, United States Code, is amended—

1 (1) by redesignating paragraphs (10) through
2 (28) as paragraphs (11) through (29), respectively;
3 and

4 (2) by inserting after paragraph (9) the fol-
5 lowing:

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

8 “(A) provides a location for members of
9 the public to express breast milk that is shield-
10 ed from view and free from intrusion from the
11 public;

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

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

15 “(D) is readily accessible to and usable by
16 individuals with disabilities, including individ-
17 uals who use wheelchairs; and

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

19 (b) PROJECT GRANT WRITTEN ASSURANCES FOR
20 LARGE AND MEDIUM HUB AIRPORTS.—

21 (1) IN GENERAL.—Section 47107(a) of title 49,
22 United States Code, is amended—

23 (A) in paragraph (20) by striking “and” at
24 the end;

1 (B) in paragraph (21) by striking the pe-
2 riod at the end and inserting “; and”; and

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

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

10 (2) APPLICABILITY.—

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

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

1 tion area to be located in the sterile area of the
2 building.

3 (c) **TERMINAL DEVELOPMENT COSTS.**—Section
4 47119(a) of title 49, United States Code, is amended by
5 adding at the end the following:

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

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

20 **SEC. 123. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

21 Section 47107(r)(3) of title 49, United States Code,
22 is amended by striking “October 1, 2017” and inserting
23 “October 1, 2023”.

1 **SEC. 124. GRANT ASSURANCES.**

2 (a) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—

3 Section 47107 is amended by adding at the end the fol-
4 lowing:

5 “(u) CONSTRUCTION OF RECREATIONAL AIR-
6 CRAFT.—

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

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

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

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

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

20 “(B) constructed or under construction by
21 a private individual at a general aviation air-
22 port.”.

23 (b) COMMUNITY USE OF AIRPORT LAND.—Section
24 47107 of title 49, United States Code, as amended by this
25 section, is further amended by adding at the end the fol-
26 lowing:

1 “(v) COMMUNITY USE OF AIRPORT LAND.—

2 “(1) IN GENERAL.—Notwithstanding subsection
3 (a)(13), and subject to paragraph (2), the sponsor
4 of a public-use airport shall not be considered to be
5 in violation of this subtitle, or to be found in viola-
6 tion of a grant assurance made under this section,
7 or under any other provision of law, as a condition
8 for the receipt of Federal financial assistance for
9 airport development, solely because the sponsor has
10 entered into an agreement, including a revised
11 agreement, with a local government providing for the
12 use of airport property for an interim compatible
13 recreational purpose at below fair market value.

14 “(2) RESTRICTIONS.—This subsection shall
15 apply only—

16 “(A) to an agreement regarding airport
17 property that was initially entered into before
18 the publication of the Federal Aviation Admin-
19 istration’s Policy and Procedures Concerning
20 the Use of Airport Revenue, dated February
21 16, 1999;

22 “(B) if the agreement between the sponsor
23 and the local government is subordinate to any
24 existing or future agreements between the spon-

1 sor and the Secretary, including agreements re-
2 lated to a grant assurance under this section;

3 “(C) to airport property that was acquired
4 under a Federal airport development grant pro-
5 gram;

6 “(D) if the airport sponsor has provided a
7 written statement to the Administrator that the
8 property made available for a recreational pur-
9 pose will not be needed for any aeronautical
10 purpose during the next 10 years;

11 “(E) if the agreement includes a term of
12 not more than 2 years to prepare the airport
13 property for the interim compatible recreational
14 purpose and not more than 10 years of use for
15 that purpose;

16 “(F) if the recreational purpose will not
17 impact the aeronautical use of the airport;

18 “(G) if the airport sponsor provides a cer-
19 tification that the sponsor is not responsible for
20 preparation, start-up, operations, maintenance,
21 or any other costs associated with the rec-
22 reational purpose; and

23 “(H) if the recreational purpose is con-
24 sistent with Federal land use compatibility cri-
25 teria under section 47502.

1 “(3) STATUTORY CONSTRUCTION.—Nothing in
2 this subsection may be construed as permitting a di-
3 version of airport revenue for the capital or oper-
4 ating costs associated with the community use of
5 airport land.”.

6 **SEC. 125. GOVERNMENT SHARE OF PROJECT COSTS.**

7 Section 47109(a) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (1) by striking “primary air-
10 port having at least .25 percent of the total number
11 of passenger boardings each year at all commercial
12 service airports;” and inserting “medium or large
13 hub airport;”; and

14 (2) by striking paragraph (5) and inserting the
15 following:

16 “(5) 95 percent for a project that—

17 “(A) the Administrator determines is a
18 successive phase of a multi-phase construction
19 project for which the sponsor received a grant
20 in fiscal year 2011; and

21 “(B) for which the United States Govern-
22 ment’s share of allowable project costs could
23 otherwise be 90 percent under paragraph (2) or
24 (3).”.

1 **SEC. 126. UPDATED VETERANS' PREFERENCE.**

2 Section 47112(c)(1)(C) of title 49, United States
3 Code, is amended—

4 (1) by striking “or Operation New Dawn for
5 more” and inserting “Operation New Dawn, Oper-
6 ation Inherent Resolve, Operation Freedom’s Sen-
7 tinel, or any successor contingency operation to such
8 operations for more”; and

9 (2) by striking “or Operation New Dawn
10 (whichever is later)” and inserting “Operation New
11 Dawn, Operation Inherent Resolve, Operation Free-
12 dom’s Sentinel, or any successor contingency oper-
13 ation to such operations (whichever is later)”.

14 **SEC. 127. SPECIAL RULE.**

15 Section 47114(d)(3) of title 49, United States Code,
16 is amended by adding at the end the following:

17 “(C) During fiscal years 2018 through
18 2020—

19 “(i) an airport that accrued appor-
20 tionment funds under subparagraph (A) in
21 fiscal year 2013 that is listed as having an
22 unclassified status under the most recent
23 national plan of integrated airport systems
24 shall continue to accrue apportionment
25 funds under subparagraph (A) at the same
26 amount the airport accrued apportionment

1 funds in fiscal year 2013, subject to the
2 conditions of this paragraph;

3 “(ii) notwithstanding the period of
4 availability as described in section
5 47117(b), an amount apportioned to an
6 airport under clause (i) shall be available
7 to the airport only during the fiscal year in
8 which the amount is apportioned; and

9 “(iii) notwithstanding the waiver per-
10 mitted under section 47117(c)(2), an air-
11 port receiving apportionment funds under
12 clause (i) may not waive its claim to any
13 part of the apportioned funds in order to
14 make the funds available for a grant for
15 another public-use airport.

16 “(D) An airport that re-establishes its
17 classified status shall be eligible to accrue ap-
18 portionment funds pursuant to subparagraph
19 (A) so long as such airport retains its classified
20 status.”.

21 **SEC. 128. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

22 Section 47115 of title 49, United States Code, is
23 amended—

24 (1) by striking subsection (i);

1 (2) by redesignating subsection (j) as sub-
2 section (i); and

3 (3) in subsection (i) (as so redesignated) by
4 striking “fiscal years 2012 through 2017” and in-
5 serting “fiscal years 2017 through 2023”.

6 **SEC. 129. NONDISCRIMINATION.**

7 Section 47123 of title 49, United States Code, is
8 amended—

9 (1) by striking “The Secretary of Transpor-
10 tation” and inserting the following:

11 “(a) IN GENERAL.—The Secretary of Transpor-
12 tation”; and

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

14 “(b) INDIAN EMPLOYMENT.—

15 “(1) TRIBAL SPONSOR PREFERENCE.—Con-
16 sistent with section 703(i) of the Civil Rights Act of
17 1964 (42 U.S.C. 2000e–2(i)), nothing in this section
18 shall preclude the preferential employment of Indi-
19 ans living on or near a reservation on a project or
20 contract at—

21 “(A) an airport sponsored by an Indian
22 tribal government; or

23 “(B) an airport located on an Indian res-
24 ervation.

1 “(2) STATE PREFERENCE.—A State may imple-
2 ment a preference for employment of Indians on a
3 project carried out under this subchapter near an
4 Indian reservation.

5 “(3) IMPLEMENTATION.—The Secretary shall
6 cooperate with Indian tribal governments and the
7 States to implement this subsection.

8 “(4) INDIAN TRIBAL GOVERNMENT DEFINED.—
9 In this section, the term ‘Indian tribal government’
10 has the same meaning given that term in section
11 102 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5122).”.

13 **SEC. 130. STATE BLOCK GRANT PROGRAM EXPANSION.**

14 Section 47128(a) of title 49, United States Code, is
15 amended by striking “not more than 9 qualified States
16 for fiscal years 2000 and 2001 and 10 qualified States
17 for each fiscal year thereafter” and inserting “not more
18 than 20 qualified States for each fiscal year”.

19 **SEC. 131. MIDWAY ISLAND AIRPORT.**

20 Section 186(d) of the Vision 100—Century of Avia-
21 tion Reauthorization Act (117 Stat. 2518) is amended in
22 the first sentence by striking “fiscal years 2012 through
23 2017” and inserting “fiscal years 2017 through 2023”.

1 **SEC. 132. PROPERTY CONVEYANCE RELEASES.**

2 Section 817(a) of the FAA Modernization and Re-
3 form Act of 2012 (49 U.S.C. 47125 note) is amended—

4 (1) by striking “or section 23” and inserting “,
5 section 23”; and

6 (2) by inserting “, or section 47125 of title 49,
7 United States Code” before the period at the end.

8 **SEC. 133. MINORITY AND DISADVANTAGED BUSINESS PAR-**
9 **TICIPATION.**

10 Congress finds the following:

11 (1) While significant progress has occurred due
12 to the establishment of the airport disadvantaged
13 business enterprise program (49 U.S.C. 47107(e)
14 and 47113), discrimination and related barriers con-
15 tinue to pose significant obstacles for minority- and
16 women-owned businesses seeking to do business in
17 airport-related markets across the Nation. These
18 continuing barriers merit the continuation of the air-
19 port disadvantaged business enterprise program.

20 (2) Congress has received and reviewed testi-
21 mony and documentation of race and gender dis-
22 crimination from numerous sources, including con-
23 gressional hearings and roundtables, scientific re-
24 ports, reports issued by public and private agencies,
25 news stories, reports of discrimination by organiza-
26 tions and individuals, and discrimination lawsuits.

1 This testimony and documentation shows that race-
2 and gender-neutral efforts alone are insufficient to
3 address the problem.

4 (3) This testimony and documentation dem-
5 onstrates that discrimination across the Nation
6 poses a barrier to full and fair participation in air-
7 port-related businesses of women business owners
8 and minority business owners in the racial groups
9 detailed in parts 23 and 26 of title 49, Code of Fed-
10 eral Regulations, and has impacted firm develop-
11 ment and many aspects of airport-related business
12 in the public and private markets.

13 (4) This testimony and documentation provides
14 a strong basis that there is a compelling need for the
15 continuation of the airport disadvantaged business
16 enterprise program and the airport concessions dis-
17 advantaged business enterprise program to address
18 race and gender discrimination in airport-related
19 business.

20 **SEC. 134. CONTRACT TOWER PROGRAM.**

21 (a) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

22 (1) SPECIAL RULE.—Section 47124(b)(1)(B) of
23 title 49, United States Code, is amended by striking
24 “exceeds the benefit for a period of 18 months after

1 such determination is made” and inserting the fol-
2 lowing: “exceeds the benefit—

3 “(i) for the 1-year period after such
4 determination is made; or

5 “(ii) if an appeal of such determina-
6 tion is requested, for the 1-year period de-
7 scribed in subsection (d)(4)(D).”.

8 (2) FUNDING OF COST-SHARE PROGRAM.—Sec-
9 tion 47124(b)(3)(E) of title 49, United States Code,
10 is amended to read as follows:

11 “(E) FUNDING.—Amounts appropriated
12 pursuant to section 106(k)(1) may be used to
13 carry out this paragraph.”.

14 (3) CONSTRUCTION OF AIR TRAFFIC CONTROL
15 TOWERS.—

16 (A) GRANTS.—Section 47124(b)(4)(A) of
17 title 49, United States Code, is amended in
18 each of clauses (i)(III) and (ii)(III) by inserting
19 “, including remote air traffic control tower
20 equipment certified by the Federal Aviation Ad-
21 ministration” after “1996”.

22 (B) ELIGIBILITY.—Section 47124(b)(4)(B)
23 of title 49, United States Code, is amended to
24 read as follows:

25 “(B) ELIGIBILITY.—

1 “(i) BEFORE DATE OF TRANSFER.—
2 Before the date of transfer (as defined in
3 section 90101(a)), an airport sponsor shall
4 be eligible for a grant under this para-
5 graph only if—

6 “(I)(aa) the sponsor is a partici-
7 pant in the Federal Aviation Adminis-
8 tration contract tower program estab-
9 lished under subsection (a) and con-
10 tinued under paragraph (1) or the
11 pilot program established under para-
12 graph (3); or

13 “(bb) construction of a non-
14 approach control tower would qualify
15 the sponsor to be eligible to partici-
16 pate in such program;

17 “(II) the sponsor certifies that it
18 will pay not less than 10 percent of
19 the cost of the activities for which the
20 sponsor is receiving assistance under
21 this paragraph;

22 “(III) the Secretary affirmatively
23 accepts the proposed contract tower
24 into a contract tower program under
25 this section and certifies that the Sec-

1 retary will seek future appropriations
2 to pay the Federal Aviation Adminis-
3 tration’s cost of the contract to oper-
4 ate the tower to be constructed under
5 this paragraph;

6 “(IV) the sponsor certifies that it
7 will pay its share of the cost of the
8 contract to operate the tower to be
9 constructed under this paragraph; and

10 “(V) in the case of a tower to be
11 constructed under this paragraph
12 from amounts made available under
13 section 47114(d)(2) or
14 47114(d)(3)(B), the Secretary cer-
15 tifies that—

16 “(aa) the Federal Aviation
17 Administration has consulted the
18 State within the borders of which
19 the tower is to be constructed
20 and the State supports the con-
21 struction of the tower as part of
22 its State airport capital plan; and

23 “(bb) the selection of the
24 tower for funding is based on ob-
25 jective criteria.

1 “(ii) ON AND AFTER DATE OF TRANS-
2 FER.—On and after the date of transfer
3 (as defined in section 90101(a)), an air-
4 port sponsor shall be eligible for a grant
5 under this paragraph only if—

6 “(I) the Secretary determines
7 that the tower to be constructed at
8 the sponsor’s airport using the
9 amounts of the grant will be operated
10 pursuant to an agreement entered
11 into by the American Air Navigation
12 Services Corporation and an entity
13 pursuant to section 90302(c)(3);

14 “(II) the sponsor certifies that it
15 will pay not less than 10 percent of
16 the cost of the activities for which the
17 sponsor is receiving assistance under
18 this paragraph; and

19 “(III) in the case of a tower to
20 be constructed under this paragraph
21 from amounts made available under
22 section 47114(d)(2) or
23 47114(d)(3)(B), the Secretary cer-
24 tifies that—

1 “(aa) the Federal Aviation
2 Administration has consulted the
3 State within the borders of which
4 the tower is to be constructed
5 and the State supports the con-
6 struction of the tower as part of
7 its State airport capital plan; and

8 “(bb) the selection of the
9 tower for funding is based on ob-
10 jective criteria.”.

11 (C) LIMITATION ON FEDERAL SHARE.—
12 Section 47124(b)(4) of title 49, United States
13 Code, is amended by striking subparagraph (C).

14 (4) BENEFIT-TO-COST CALCULATION FOR PRO-
15 GRAM APPLICANTS.—Section 47124(b)(3) of title 49,
16 United States Code, is amended by adding at the
17 end the following:

18 “(G) BENEFIT-TO-COST CALCULATION.—
19 Not later than 90 days after receiving an appli-
20 cation to the Contract Tower Program, the Sec-
21 retary shall calculate a benefit-to-cost ratio (as
22 described in subsection (d)) for the applicable
23 air traffic control tower for purposes of select-
24 ing towers for participation in the Contract
25 Tower Program.”.

1 (b) SAFETY AUDITS.—Section 47124(c) of title 49,
2 United States Code, is amended—

3 (1) by striking “The Secretary” and inserting
4 the following:

5 “(1) BEFORE DATE OF TRANSFER.—Before the
6 date of transfer (as defined in section 90101(a)), the
7 Secretary”; and

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

9 “(2) ON AND AFTER DATE OF TRANSFER.—On
10 and after the date of transfer (as defined in section
11 90101(a)), oversight of air traffic control towers
12 that receive funding under this section shall be car-
13 ried out in accordance with performance-based regu-
14 lations and minimum safety standards prescribed
15 under section 90501.”.

16 (c) CRITERIA TO EVALUATE PARTICIPANTS.—Sec-
17 tion 47124 of title 49, United States Code, is amended
18 by adding at the end the following:

19 “(d) CRITERIA TO EVALUATE PARTICIPANTS.—

20 “(1) TIMING OF EVALUATIONS.—

21 “(A) TOWERS PARTICIPATING IN COST-
22 SHARE PROGRAM.—In the case of an air traffic
23 control tower that is operated under the pro-
24 gram established under subsection (b)(3), the

1 Secretary shall annually calculate a benefit-to-
2 cost ratio with respect to the tower.

3 “(B) TOWERS PARTICIPATING IN CON-
4 TRACT TOWER PROGRAM.—In the case of an air
5 traffic control tower that is operated under the
6 program established under subsection (a) and
7 continued under subsection (b)(1), the Sec-
8 retary shall not calculate a benefit-to-cost ratio
9 after the date of enactment of this subsection
10 with respect to the tower unless the Secretary
11 determines that the annual aircraft traffic at
12 the airport where the tower is located has de-
13 creased—

14 “(i) by more than 25 percent from the
15 previous year; or

16 “(ii) by more than 60 percent cumula-
17 tively in the preceding 3-year period.

18 “(2) COSTS TO BE CONSIDERED.—In estab-
19 lishing a benefit-to-cost ratio under this section with
20 respect to an air traffic control tower, the Secretary
21 shall consider only the following costs:

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

1 “(B) The Federal Aviation Administra-
2 tion’s actual telecommunications costs directly
3 associated with the tower.

4 “(C) The Federal Aviation Administra-
5 tion’s costs of purchasing and installing any air
6 traffic control equipment that would not have
7 been purchased or installed except for the oper-
8 ation of the tower.

9 “(D) The Federal Aviation Administra-
10 tion’s actual travel costs associated with main-
11 taining air traffic control equipment that is
12 owned by the Administration and would not be
13 maintained except for the operation of the
14 tower.

15 “(3) OTHER CRITERIA TO BE CONSIDERED.—In
16 establishing a benefit-to-cost ratio under this section
17 with respect to an air traffic control tower, the Sec-
18 retary shall add a 10 percentage point margin of
19 error to the benefit-to-cost ratio determination to ac-
20 knowledge and account for the direct and indirect
21 economic and other benefits that are not included in
22 the criteria the Secretary used in calculating that
23 ratio.

24 “(4) REVIEW OF COST-BENEFIT DETERMINA-
25 TIONS.—In issuing a benefit-to-cost ratio determina-

1 tion under this section with respect to an air traffic
2 control tower located at an airport, the Secretary
3 shall implement the following procedures:

4 “(A) The Secretary shall provide the air-
5 port (or the State or local government having
6 jurisdiction over the airport) at least 90 days
7 following the date of receipt of the determina-
8 tion to submit to the Secretary a request for an
9 appeal of the determination, together with up-
10 dated or additional data in support of the ap-
11 peal.

12 “(B) Upon receipt of a request for an ap-
13 peal submitted pursuant to subparagraph (A),
14 the Secretary shall—

15 “(i) transmit to the Administrator of
16 the Federal Aviation Administration any
17 updated or additional data submitted in
18 support of the appeal; and

19 “(ii) provide the Administrator not
20 more than 90 days to review the data and
21 provide a response to the Secretary based
22 on the review.

23 “(C) After receiving a response from the
24 Administrator pursuant to subparagraph (B),
25 the Secretary shall—

1 “(i) provide the airport, State, or local
2 government that requested the appeal at
3 least 30 days to review the response; and

4 “(ii) withhold from taking further ac-
5 tion in connection with the appeal during
6 that 30-day period.

7 “(D) If, after completion of the appeal pro-
8 cedures with respect to the determination, the
9 Secretary requires the tower to transition into
10 the program established under subsection
11 (b)(3), the Secretary shall not require a cost-
12 share payment from the airport, State, or local
13 government for 1 year following the last day of
14 the 30-day period described in subparagraph
15 (C).”.

16 **SEC. 135. AIRPORT ACCESS ROADS IN REMOTE LOCATIONS.**

17 Notwithstanding section 47102 of title 49, United
18 States Code, for fiscal years 2017 through 2020, the defi-
19 nition of the term “terminal development” under that sec-
20 tion includes the development of an airport access road
21 that—

22 (1) is located in a noncontiguous State;

23 (2) is not more than 3 miles in length;

1 (3) connects to the nearest public roadways of
2 not more than the 2 closest census designated
3 places; and

4 (4) is constructed for the purpose of connecting
5 the census designated places with a planned or
6 newly constructed airport.

7 **Subtitle D—Airport Noise and** 8 **Environmental Streamlining**

9 **SEC. 151. RECYCLING PLANS FOR AIRPORTS.**

10 Section 47106(a)(6) of title 49, United States Code,
11 is amended by inserting “that includes the project” before
12 “, the master plan”.

13 **SEC. 152. PILOT PROGRAM SUNSET.**

14 (a) IN GENERAL.—Section 47140 of title 49, United
15 States Code, is repealed.

16 (b) CONFORMING AMENDMENT.—Section 47140a of
17 title 49, United States Code, is redesignated as section
18 47140.

19 (c) CLERICAL AMENDMENTS.—The analysis for
20 chapter 471 of title 49, United States Code, is amended—

21 (1) by striking the items relating to sections
22 47140 and 47140a; and

23 (2) by inserting after the item relating to sec-
24 tion 47139 the following:

“47140. Increasing the energy efficiency of airport power sources.”.

1 **SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
2 **IBLE LAND USE PLANNING AND PROJECTS**
3 **BY STATE AND LOCAL GOVERNMENTS.**

4 Section 47141(f) of title 49, United States Code, is
5 amended by striking “September 30, 2017” and inserting
6 “September 30, 2023”.

7 **SEC. 154. UPDATING AIRPORT NOISE EXPOSURE MAPS.**

8 Section 47503(b) of title 49, United States Code, is
9 amended to read as follows:

10 “(b) REVISED MAPS.—

11 “(1) IN GENERAL.—An airport operator that
12 submitted a noise exposure map under subsection
13 (a) shall submit a revised map to the Secretary if,
14 in an area surrounding an airport, a change in the
15 operation of the airport would establish a substantial
16 new noncompatible use, or would significantly reduce
17 noise over existing noncompatible uses, that is not
18 reflected in either the existing conditions map or
19 forecast map currently on file with the Federal Avia-
20 tion Administration.

21 “(2) TIMING.—A submission under paragraph
22 (1) shall be required only if the relevant change in
23 the operation of the airport occurs during—

24 “(A) the forecast period of the applicable
25 noise exposure map submitted by an airport op-
26 erator under subsection (a); or

1 “(B) the implementation period of the air-
2 port operator’s noise compatibility program.”.

3 **SEC. 155. STAGE 3 AIRCRAFT STUDY.**

4 (a) STUDY.—Not later than 180 days after the date
5 of enactment of this Act, the Comptroller General of the
6 United States shall initiate a review of the potential bene-
7 fits, costs, and other impacts that would result from a
8 phaseout of covered stage 3 aircraft.

9 (b) CONTENTS.—The review shall include—

10 (1) a determination of the number, types, fre-
11 quency of operations, and owners and operators of
12 covered stage 3 aircraft;

13 (2) an analysis of the potential benefits, costs,
14 and other impacts to air carriers, general aviation
15 operators, airports, communities surrounding air-
16 ports, and the general public associated with phasing
17 out or reducing the operations of covered stage 3
18 aircraft, assuming such a phaseout or reduction is
19 put into effect over a reasonable period of time;

20 (3) a determination of lessons learned from the
21 phaseout of stage 2 aircraft that might be applicable
22 to a phaseout or reduction in the operations of cov-
23 ered stage 3 aircraft, including comparisons between
24 the benefits, costs, and other impacts associated
25 with the phaseout of stage 2 aircraft and the poten-

1 tial benefits, costs, and other impacts determined
2 under paragraph (2);

3 (4) a determination of the costs and logistical
4 challenges associated with recertifying stage 3 air-
5 craft capable of meeting stage 4 noise levels; and

6 (5) a determination of stakeholder views on the
7 feasibility and desirability of phasing out covered
8 stage 3 aircraft, including the views of—

9 (A) air carriers;

10 (B) airports;

11 (C) communities surrounding airports;

12 (D) aircraft and avionics manufacturers;

13 (E) operators of covered stage 3 aircraft
14 other than air carriers; and

15 (F) such other stakeholders and aviation
16 experts as the Comptroller General considers
17 appropriate.

18 (c) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Comptroller General
20 shall submit to the Committee on Transportation and In-
21 frastructure of the House of Representatives and the Com-
22 mittee on Commerce, Science, and Transportation of the
23 Senate a report on the results of the review.

24 (d) COVERED STAGE 3 AIRCRAFT DEFINED.—In this
25 section, the term “covered stage 3 aircraft” means an air-

1 craft weighing more than 75,000 pounds that is not capa-
2 ble of meeting the stage 4 noise levels in part 36 of title
3 14, Code of Federal Regulations.

4 **SEC. 156. ADDRESSING COMMUNITY NOISE CONCERNS.**

5 When proposing a new area navigation departure pro-
6 cedure, or amending an existing procedure that would di-
7 rect aircraft between the surface and 6,000 feet above
8 ground level over noise sensitive areas, the Administrator
9 of the Federal Aviation Administration shall consider the
10 feasibility of dispersal headings or other lateral track vari-
11 ations to address community noise concerns, if—

12 (1) the affected airport operator, in consulta-
13 tion with the affected community, submits a request
14 to the Administrator for such a consideration;

15 (2) the airport operator's request would not, in
16 the judgment of the Administrator, conflict with the
17 safe and efficient operation of the national airspace
18 system; and

19 (3) the effect of a modified departure procedure
20 would not significantly increase noise over noise sen-
21 sitive areas, as determined by the Administrator.

22 **SEC. 157. STUDY ON POTENTIAL HEALTH IMPACTS OF**
23 **OVERFLIGHT NOISE.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this Act, the Administrator of the

1 Federal Aviation Administration shall enter into an agree-
2 ment with an eligible institution of higher education to
3 conduct a study on the health impacts of noise from air-
4 craft flights on residents exposed to a range of noise levels
5 from such flights.

6 (b) SCOPE OF STUDY.—The study shall—

7 (1) include an examination of the incremental
8 health impacts attributable to noise exposure that
9 result from aircraft flights, including sleep disturb-
10 ance and elevated blood pressure;

11 (2) be focused on residents in the metropolitan
12 area of—

13 (A) Boston;

14 (B) Chicago;

15 (C) New York;

16 (D) the Northern California Metroplex;

17 (E) Phoenix; or

18 (F) such other area as may be identified
19 by the Administrator;

20 (3) consider, in particular, the incremental
21 health impacts on residents living partly or wholly
22 underneath flight paths most frequently used by air-
23 craft flying at an altitude lower than 10,000 feet, in-
24 cluding during takeoff or landing; and

1 (4) include an assessment of the relationship
2 between a perceived increase in aircraft noise, in-
3 cluding as a result of a change in flight paths that
4 increases the visibility of aircraft from a certain lo-
5 cation, and an actual increase in aircraft noise, par-
6 ticularly in areas with high or variable levels of non-
7 aircraft-related ambient noise.

8 (c) ELIGIBILITY.—An institution of higher education
9 is eligible to conduct the study if the institution—

10 (1) has—

11 (A) a school of public health that has par-
12 ticipated in the Center of Excellence for Air-
13 craft Noise and Aviation Emissions Mitigation
14 of the Federal Aviation Administration; or

15 (B) a center for environmental health that
16 receives funding from the National Institute of
17 Environmental Health Sciences;

18 (2) is located in one of the areas identified in
19 subsection (b);

20 (3) applies to the Administrator in a timely
21 fashion;

22 (4) demonstrates to the satisfaction of the Ad-
23 ministrator that the institution is qualified to con-
24 duct the study;

1 (5) agrees to submit to the Administrator, not
2 later than 3 years after entering into an agreement
3 under subsection (a), the results of the study, in-
4 cluding any source materials used; and

5 (6) meets such other requirements as the Ad-
6 ministrator determines necessary.

7 (d) REPORT.—Not later than 90 days after the Ad-
8 ministrator receives the results of the study, the Adminis-
9 trator shall submit to the Committee on Transportation
10 and Infrastructure of the House of Representatives and
11 the Committee on Commerce, Science, and Transportation
12 of the Senate a report containing the results.

13 **SEC. 158. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

14 (a) IN GENERAL.—The Secretary of Transportation
15 shall carry out a pilot program involving not more than
16 6 projects at public-use airports in accordance with this
17 section.

18 (b) GRANTS.—In carrying out the program, the Sec-
19 retary may make grants to sponsors of public-use airports
20 from funds apportioned under section 47117(e)(1)(A) of
21 title 49, United States Code.

22 (c) USE OF FUNDS.—Amounts from a grant received
23 by the sponsor of a public-use airport under the program
24 shall be used for environmental mitigation projects that
25 will measurably reduce or mitigate aviation impacts on

1 noise, air quality, or water quality at the airport or within
2 5 miles of the airport.

3 (d) ELIGIBILITY.—Notwithstanding any other provi-
4 sion of chapter 471 of title 49, United States Code, an
5 environmental mitigation project approved under this sec-
6 tion shall be treated as eligible for assistance under that
7 chapter.

8 (e) SELECTION CRITERIA.—In selecting from among
9 applicants for participation in the program, the Secretary
10 may give priority consideration to projects that—

11 (1) will achieve the greatest reductions in air-
12 craft noise, airport emissions, or airport water qual-
13 ity impacts either on an absolute basis or on a per
14 dollar of funds expended basis; and

15 (2) will be implemented by an eligible consor-
16 tium.

17 (f) FEDERAL SHARE.—The Federal share of the cost
18 of a project carried out under the program shall be 50
19 percent.

20 (g) MAXIMUM AMOUNT.—Not more than \$2,500,000
21 may be made available by the Secretary in grants under
22 the program for any single project.

23 (h) IDENTIFYING BEST PRACTICES.—The Secretary
24 may establish and publish information identifying best
25 practices for reducing or mitigating aviation impacts on

1 noise, air quality, and water quality at airports or in the
2 vicinity of airports based on the projects carried out under
3 the program.

4 (i) SUNSET.—The program shall terminate 5 years
5 after the Secretary makes the first grant under the pro-
6 gram.

7 (j) DEFINITIONS.—In this section, the following defi-
8 nitions apply:

9 (1) ELIGIBLE CONSORTIUM.—The term “eligi-
10 ble consortium” means a consortium that is com-
11 prised of 2 or more of the following entities:

12 (A) Businesses incorporated in the United
13 States.

14 (B) Public or private educational or re-
15 search organizations located in the United
16 States.

17 (C) Entities of State or local governments
18 in the United States.

19 (D) Federal laboratories.

20 (2) ENVIRONMENTAL MITIGATION PROJECT.—

21 The term “environmental mitigation project” means
22 a project that—

23 (A) introduces new environmental mitiga-
24 tion techniques or technologies that have been
25 proven in laboratory demonstrations;

1 (B) proposes methods for efficient adapta-
2 tion or integration of new concepts into airport
3 operations; and

4 (C) will demonstrate whether new tech-
5 niques or technologies for environmental mitiga-
6 tion are—

7 (i) practical to implement at or near
8 multiple public-use airports; and

9 (ii) capable of reducing noise, airport
10 emissions, or water quality impacts in
11 measurably significant amounts.

12 **SEC. 159. AIRCRAFT NOISE EXPOSURE.**

13 (a) REVIEW.—The Administrator of the Federal
14 Aviation Administration shall conduct a review of the rela-
15 tionship between aircraft noise exposure and its effects on
16 communities around airports.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Administrator
20 shall submit to Congress a report containing the re-
21 sults of the review.

22 (2) PRELIMINARY RECOMMENDATIONS.—The
23 report shall contain such preliminary recommenda-
24 tions as the Administrator determines appropriate
25 for revising the land use compatibility guidelines in

1 part 150 of title 14, Code of Federal Regulations,
2 based on the results of the review and in coordina-
3 tion with other agencies.

4 **SEC. 160. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**
5 **PROJECTS LOCATED IN METROPLEXES.**

6 (a) **COMMUNITY INVOLVEMENT POLICY.**—Not later
7 than 180 days after the date of enactment of this Act,
8 the Administrator of the Federal Aviation Administration
9 shall complete a review of the Federal Aviation Adminis-
10 tration’s community involvement practices for Next Gen-
11 eration Air Transportation System (NextGen) projects lo-
12 cated in metroplexes identified by the Administration. The
13 review shall include, at a minimum, a determination of
14 how and when to engage airports and communities in per-
15 formance-based navigation proposals.

16 (b) **REPORT.**—Not later than 60 days after comple-
17 tion of the review, the Administrator shall submit to the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate a report
21 on—

22 (1) how the Administration will improve com-
23 munity involvement practices for NextGen projects
24 located in metroplexes;

1 (2) how and when the Administration will en-
2 gage airports and communities in performance-based
3 navigation proposals; and

4 (3) lessons learned from NextGen projects and
5 pilot programs and how those lessons learned are
6 being integrated into community involvement prac-
7 tices for future NextGen projects located in
8 metroplexes.

9 **SEC. 161. CRITICAL HABITAT ON OR NEAR AIRPORT PROP-**
10 **ERTY.**

11 (a) **FEDERAL AGENCY REQUIREMENTS.**—The Sec-
12 retary of Transportation, to the maximum extent prac-
13 ticable, shall work with the heads of appropriate Federal
14 agencies to ensure that designations of critical habitat, as
15 that term is defined in section 3 of the Endangered Spe-
16 cies Act of 1973 (16 U.S.C. 1532), on or near airport
17 property do not—

18 (1) result in conflicting statutory, regulatory, or
19 Federal grant assurance requirements for airports or
20 aircraft operators;

21 (2) interfere with the safe operation of aircraft;
22 or

23 (3) occur on airport-owned lands that have be-
24 come attractive habitat for a threatened or endan-
25 gered species because such lands—

1 (A) have been prepared for future develop-
2 ment;

3 (B) have been designated as noise buffer
4 land; or

5 (C) are held by the airport to prevent en-
6 croachment of uses that are incompatible with
7 airport operations.

8 (b) STATE REQUIREMENTS.—In a State where a
9 State agency is authorized to designate land on or near
10 airport property for the conservation of a threatened or
11 endangered species in the State, the Secretary, to the
12 maximum extent practicable, shall work with the State in
13 the same manner as the Secretary works with the heads
14 of Federal agencies under subsection (a).

15 **TITLE II—AMERICAN AIR NAVI-**
16 **GATION SERVICES CORPORA-**
17 **TION**

18 **SEC. 201. PURPOSES.**

19 It is declared to be the purpose of Congress in this
20 title to transfer operation of air traffic services currently
21 provided by the Federal Aviation Administration to a sep-
22 arate not-for-profit corporate entity to provide for the
23 more efficient operation and improvement of air traffic
24 services.

1 **Subtitle A—Establishment of Air**
 2 **Traffic Services Provider**

3 **SEC. 211. AMERICAN AIR NAVIGATION SERVICES CORPORA-**
 4 **TION.**

5 (a) IN GENERAL.—Title 49, United States Code, is
 6 amended by adding at the end the following:

7 **“Subtitle XI—American Air**
 8 **Navigation Services Corporation**

“Chapter	Sec.
“901. General Provisions	90101
“903. Establishment of Air Traffic Services Provider; Transfer of Air Traffic Services	90301
“905. Regulation of Air Traffic Services Provider	90501
“907. General Rights of Access to Airspace, Airports, and Air Traffic Services Vital for Ensuring Safe Operations for All Users	90701
“909. Continuity of Air Traffic Services to Department of Defense and Other Public Agencies	90901
“911. Employee Management	91101
“913. Other Matters	91301
“915. Congressional Oversight of Air Traffic Services Provider	91501

9 **“CHAPTER 901—GENERAL PROVISIONS**

“Sec.
 “90101. Definitions.

10 **“§ 90101. Definitions**

11 “(a) IN GENERAL.—In this subtitle, the following
 12 definitions apply:

13 “(1) ADMINISTRATOR.—The term ‘Adminis-
 14 trator’ means the Administrator of the FAA.

15 “(2) AIR TRAFFIC SERVICES.—The term ‘air
 16 traffic services’ means services—

1 “(A) used for the monitoring, directing,
2 control, and guidance of aircraft or flows of air-
3 craft and for the safe conduct of flight, includ-
4 ing communications, navigation, and surveil-
5 lance services and provision of aeronautical in-
6 formation; and

7 “(B) provided directly, or contracted for,
8 by the FAA before the date of transfer.

9 “(3) AIR TRAFFIC SERVICES USER.—The term
10 ‘air traffic services user’ means any individual or en-
11 tity using air traffic services provided by the Cor-
12 poration within United States airspace or inter-
13 national airspace delegated to the United States.

14 “(4) BOARD.—The term ‘Board’ means the
15 Board of Directors of the Corporation.

16 “(5) CEO.—The term ‘CEO’ means the Chief
17 Executive Officer of the Corporation.

18 “(6) CHARGE; FEE.—The terms ‘charge’ and
19 ‘fee’ mean any rate, charge, fee, or other service
20 charge for the use of air traffic services.

21 “(7) CORPORATION.—The term ‘Corporation’
22 means the American Air Navigation Services Cor-
23 poration established under this subtitle.

24 “(8) DATE OF TRANSFER.—The term ‘date of
25 transfer’ means the date on which the Corporation

1 assumes operational control of air traffic services
2 from the FAA pursuant to this subtitle, which shall
3 be October 1, 2020.

4 “(9) DIRECTOR.—The term ‘Director’ means a
5 Director of the Board.

6 “(10) FAA.—The term ‘FAA’ means the Fed-
7 eral Aviation Administration.

8 “(11) INTERIM CEO.—The term ‘Interim CEO’
9 means the Interim Chief Executive Officer of the
10 Corporation.

11 “(12) REGIONAL AIR CARRIER.—The term ‘re-
12 gional air carrier’ means an air carrier operating
13 under part 121 of title 14, Code of Federal Regula-
14 tions, that—

15 “(A) exclusively or primarily operates air-
16 craft with a seating capacity of 76 seats or
17 fewer; and

18 “(B) is not majority owned or controlled
19 by any other air carrier or air carrier holding
20 company.

21 “(13) SECRETARY.—The term ‘Secretary’
22 means the Secretary of Transportation.

23 “(b) APPLICABILITY OF OTHER DEFINITIONS.—Ex-
24 cept with respect to the terms specifically defined in this

1 subtitle, the definitions contained in section 40102(a) shall
 2 apply to the terms used in this subtitle.

3 **“CHAPTER 903—ESTABLISHMENT OF AIR**
 4 **TRAFFIC SERVICES PROVIDER;**
 5 **TRANSFER OF AIR TRAFFIC SERVICES**

“Sec.

“90301. Establishment of Corporation.

“90302. Transfer of air traffic services.

“90303. Role of Secretary in transferring air traffic services to Corporation.

“90304. Status and applicable laws.

“90305. Nomination Panels for Board.

“90306. Board of Directors.

“90307. Fiduciary duties and qualifications of Directors.

“90308. Bylaws and duties.

“90309. Committees of Board; independent auditors.

“90310. Advisory Board.

“90311. Officers and their responsibilities.

“90312. Authority of Corporation.

“90313. Charges and fees for air traffic services.

“90314. Preemption of authority over air traffic services.

“90315. Actions by and against Corporation.

“90316. Transfer of Federal personnel to Corporation.

“90317. Transfer of facilities to Corporation.

“90318. Approval of transferred air navigation facilities and other equipment.

“90319. Use of spectrum systems and data.

“90320. Transition plan.

6 **“§ 90301. Establishment of Corporation**

7 “(a) FEDERAL CHARTER.—There is established a
 8 federally chartered, not-for-profit corporation to be known
 9 as the ‘American Air Navigation Services Corporation’,
 10 which shall be incorporated in a State of its choosing.

11 “(b) CORPORATION NAME.—

12 “(1) IN GENERAL.—The Corporation may con-
 13 duct its business and affairs, and otherwise hold
 14 itself out, as the ‘American Air Navigation Services
 15 Corporation’ in any jurisdiction.

1 “(2) EXCLUSIVE RIGHT.—The Corporation
2 shall have the exclusive right to use the name
3 ‘American Air Navigation Services Corporation’.

4 “(3) ALTERNATIVE NAME.—The Corporation
5 may do business under a name other than the
6 ‘American Air Navigation Services Corporation’ at
7 its choosing.

8 **“§ 90302. Transfer of air traffic services**

9 “(a) IN GENERAL.—The Secretary shall transfer
10 operational control over air traffic services within United
11 States airspace and international airspace delegated to the
12 United States to the Corporation on the date of transfer
13 in a systematic and orderly manner that ensures con-
14 tinuity of safe air traffic services.

15 “(b) MANAGEMENT AND OPERATION OF AIR TRAF-
16 FIC SERVICES.—Subject to section 90501, including the
17 performance-based regulations and minimum safety stand-
18 ards prescribed under that section, the Corporation may
19 establish and carry out plans for the management and op-
20 eration of air traffic services within United States airspace
21 and international airspace delegated to the United States.

22 “(c) ENTITIES AUTHORIZED TO PROVIDE AIR TRAF-
23 FIC SERVICES AFTER DATE OF TRANSFER.—After the
24 date of transfer, no entity, other than the Corporation,
25 is authorized or permitted to provide air traffic services

1 within United States airspace or international airspace
2 delegated to the United States, except for—

3 “(1) the Department of Defense, as authorized
4 by chapter 909;

5 “(2) entities to which the United States has
6 delegated certain air traffic services responsibilities;

7 “(3) entities with which the Corporation has
8 contracted for the provision of air traffic services;
9 and

10 “(4) entities authorized to operate an un-
11 manned aircraft traffic management system or serv-
12 ice pursuant to section 45506 or 45507.

13 **“§ 90303. Role of Secretary in transferring air traffic**
14 **services to Corporation**

15 “(a) IN GENERAL.—As appropriate, and except as
16 otherwise provided, the Secretary shall manage and exe-
17 cute the transfer of operational control over air traffic
18 services pursuant to section 90302(a) and any related
19 transition processes and procedures.

20 “(b) NONDELEGATION.—Except as otherwise pro-
21 vided, the Secretary may not delegate any of the authority
22 or requirements under this subtitle to the Administrator.

1 **“§ 90304. Status and applicable laws**

2 “(a) NON-FEDERAL ENTITY.—The Corporation is
3 not a department, agency, or instrumentality of the
4 United States Government, and is not subject to title 31.

5 “(b) LIABILITY.—The United States Government
6 shall not be liable for the actions or inactions of the Cor-
7 poration.

8 “(c) NOT-FOR-PROFIT CORPORATION.—The Cor-
9 poration shall maintain its status as a not-for-profit cor-
10 poration exempt from taxation under the Internal Revenue
11 Code of 1986.

12 “(d) NO FEDERAL GUARANTEE.—Any debt assumed
13 by the Corporation shall not have an implied or explicit
14 Federal guarantee.

15 **“§ 90305. Nomination Panels for Board**

16 “(a) IN GENERAL.—The Nomination Panels de-
17 scribed in subsection (b) shall be responsible for nomi-
18 nating individuals to serve as Directors pursuant to sec-
19 tion 90306.

20 “(b) NOMINATION PANELS.—The Nomination Panels
21 shall be as follows:

22 “(1) PASSENGER AIR CARRIER NOMINATION
23 PANEL.—A Passenger Air Carrier Nomination Panel
24 composed of passenger air carrier representatives,
25 with each air carrier with more than 30,000,000 an-

1 nual passenger enplanements designating 1 rep-
2 resentative to the Panel.

3 “(2) CARGO AIR CARRIER NOMINATION
4 PANEL.—A Cargo Air Carrier Nomination Panel
5 composed of cargo air carrier representatives, with
6 each all-cargo air carrier with more than 1,000,000
7 total annual enplaned cargo revenue tons desig-
8 nating 1 representative to the Panel.

9 “(3) REGIONAL AIR CARRIER NOMINATION
10 PANEL.—A Regional Air Carrier Nomination Panel
11 composed of regional air carrier representatives,
12 with each of the 3 largest regional air carriers, as
13 measured by annual passenger enplanements, desig-
14 nating 1 representative to the Panel.

15 “(4) GENERAL AVIATION NOMINATION
16 PANEL.—A General Aviation Nomination Panel com-
17 posed of 6 representatives designated by the prin-
18 cipal organization representing noncommercial own-
19 ers and recreational operators of general aviation
20 aircraft.

21 “(5) BUSINESS AVIATION NOMINATION
22 PANEL.—A Business Aviation Nomination Panel
23 composed of—

24 “(A) 2 representatives designated by the
25 principal organization representing owners, op-

1 erators, and users of general aviation aircraft
2 used exclusively in furtherance of business en-
3 terprises;

4 “(B) 2 representatives designated by the
5 principal organization representing aviation-re-
6 lated businesses, including fixed-base operators;
7 and

8 “(C) 2 representatives designated by the
9 principal organization representing aerospace
10 manufacturers of general aviation aircraft and
11 equipment.

12 “(6) AIR TRAFFIC CONTROLLER NOMINATION
13 PANEL.—An Air Traffic Controller Nomination
14 Panel composed of 6 representatives designated by
15 the largest organization engaged in collective bar-
16 gaining on behalf of air traffic controllers employed
17 by the Corporation.

18 “(7) AIRPORT NOMINATION PANEL.—An Air-
19 port Nomination Panel composed of—

20 “(A) 3 representatives designated by the
21 principal organization representing commercial
22 service airports; and

23 “(B) 3 representatives designated by the
24 principal organization representing airport ex-
25 ecutives.

1 “(8) COMMERCIAL PILOT NOMINATION
2 PANEL.—A Commercial Pilot Nomination Panel
3 composed of commercial pilot representatives, with
4 each organization engaged in collective bargaining
5 on behalf of air carrier pilots with more than 5,000
6 members designating 1 member to the Panel.

7 “(c) DETERMINATION OF ENTITIES.—

8 “(1) BEFORE DATE OF TRANSFER.—Before the
9 date of transfer, and not later than 30 days after
10 the date of enactment of this subtitle, the Secretary
11 shall determine the entities referred to in subsection
12 (b).

13 “(2) AFTER DATE OF TRANSFER.—On and
14 after the date of transfer, the Board shall determine
15 the entities referred to in subsection (b), in accord-
16 ance with the bylaws of the Corporation.

17 “(3) STATISTICS.—In determining annual sta-
18 tistics for purposes of this subsection, the Secretary
19 and the Board shall utilize data published by the
20 Department of Transportation for the most recent
21 calendar year.

22 “(4) LIMITATIONS.—

23 “(A) SINGLE DESIGNATION.—No entity de-
24 termined under this subsection may designate a

1 representative to more than 1 Nomination
2 Panel.

3 “(B) CARRIERS OWNED OR CONTROLLED
4 BY SAME HOLDING COMPANY.—If 2 or more air
5 carriers determined under this subsection are
6 owned or controlled by the same holding com-
7 pany, only 1 of those air carriers may designate
8 a representative to a Nomination Panel.

9 “(d) TERMS.—An individual on a Nomination Panel
10 shall serve at the pleasure of the entity that the individual
11 is representing.

12 “(e) QUALIFICATIONS.—Only an individual who is a
13 citizen of the United States may be designated to a Nomi-
14 nation Panel.

15 “(f) PROHIBITIONS.—An individual may not serve on
16 a Nomination Panel if the individual is—

17 “(1) an officer or employee of the Corporation;

18 “(2) a Member of Congress or an elected offi-
19 cial serving in a State, local, or Tribal government;
20 or

21 “(3) an officer or employee of the Federal Gov-
22 ernment or any State, local, or Tribal government.

23 “(g) LARGEST ORGANIZATION ENGAGED IN COLLEC-
24 TIVE BARGAINING ON BEHALF OF AIR TRAFFIC CON-
25 TROLLERS EMPLOYED BY THE CORPORATION DE-

1 FINED.—Before the date of transfer, in this section, the
2 term ‘largest organization engaged in collective bargaining
3 on behalf of air traffic controllers employed by the Cor-
4 poration’ means the largest organization engaged in collec-
5 tive bargaining on behalf of air traffic controllers em-
6 ployed by the FAA.

7 **“§ 90306. Board of Directors**

8 “(a) AUTHORITY.—The powers of the Corporation
9 shall be vested in a Board of Directors that governs the
10 Corporation.

11 “(b) COMPOSITION OF BOARD.—The Board shall be
12 composed of the following Directors:

13 “(1) The CEO.

14 “(2) 2 Directors appointed by the Secretary.

15 “(3) 1 Director nominated by the Passenger Air
16 Carrier Nomination Panel.

17 “(4) 1 Director nominated by the Cargo Air
18 Carrier Nomination Panel.

19 “(5) 1 Director nominated by the Regional Air
20 Carrier Nomination Panel.

21 “(6) 1 Director nominated by the General Avia-
22 tion Nomination Panel.

23 “(7) 1 Director nominated by the Business
24 Aviation Nomination Panel.

1 “(8) 1 Director nominated by the Air Traffic
2 Controller Nomination Panel.

3 “(9) 1 Director nominated by the Airport Nom-
4 ination Panel.

5 “(10) 1 Director nominated by the Commercial
6 Pilot Nomination Panel.

7 “(11) 2 Directors nominated and selected by
8 the other Directors.

9 “(c) NOMINATIONS AND APPOINTMENTS.—

10 “(1) PRIOR TO DATE OF TRANSFER.—

11 “(A) SUBMISSION OF NOMINATION
12 LISTS.—Before the date of transfer, and not
13 later than 60 days after the date of enactment
14 of this subtitle, each Nomination Panel shall
15 submit to the Secretary a list, chosen by con-
16 sensus, of 4 individuals nominated to be Direc-
17 tors.

18 “(B) APPOINTMENT AND SELECTION.—

19 Not later than 30 days after the date on which
20 the last nomination list is submitted under sub-
21 paragraph (A), the Secretary shall—

22 “(i) appoint 2 individuals to be Direc-
23 tors under subsection (b)(2); and

1 “(ii) select, pursuant to subsection
2 (b), the appropriate number of individuals
3 to be Directors from each nomination list.

4 “(C) RESUBMISSION.—A Nomination
5 Panel shall resubmit a list submitted under
6 subparagraph (A), not later than 15 days after
7 notification by the Secretary of the need to re-
8 submit the list, if the Secretary determines that
9 an individual on the list is—

10 “(i) not qualified to serve as a Direc-
11 tor under section 90307; or

12 “(ii) otherwise not fit to serve as a
13 Director.

14 “(D) AT-LARGE DIRECTORS.—Not later
15 than 30 days after the Secretary appoints and
16 selects the Directors pursuant to subparagraph
17 (B), the Board shall nominate and select the
18 additional Directors under subsection (b)(11)
19 by a two-thirds vote.

20 “(2) AFTER DATE OF TRANSFER.—

21 “(A) NOMINATION.—As appropriate, a
22 Nomination Panel shall submit to the Board a
23 list, chosen by consensus, of 4 individuals nomi-
24 nated to be Directors.

1 “(B) SELECTION.—The Board shall select,
2 pursuant to subsection (b), the appropriate
3 number of individuals to be Directors from a
4 list submitted by a Nomination Panel.

5 “(C) RESUBMISSION.—A Nomination
6 Panel shall resubmit a list submitted under
7 subparagraph (A), not later than 15 days after
8 notification by the Board of the need to resub-
9 mit the list, if the Board determines that more
10 than 1 individual on the list is—

11 “(i) not qualified to serve as a Direc-
12 tor under section 90307; or

13 “(ii) otherwise not fit to serve as a
14 Director.

15 “(D) AT-LARGE DIRECTORS.—The Board
16 shall nominate and select Directors under sub-
17 section (b)(11) in accordance with the bylaws of
18 the Corporation.

19 “(E) APPOINTED DIRECTORS.—None of
20 the Directors appointed by the Secretary under
21 subsection (b)(2) shall be subject to approval by
22 the Board.

23 “(d) CHAIRPERSON.—The Chairperson of the Board
24 shall—

1 “(1) be selected from among the Directors
2 (other than the CEO) by a majority vote of the Di-
3 rectors; and

4 “(2) subject to subsection (e), serve until re-
5 placed by a majority vote of the Directors.

6 “(e) TERMS.—

7 “(1) INITIAL TERMS.—The term of each Direc-
8 tor appointed, or nominated and selected, before the
9 date of transfer (other than the CEO) shall expire
10 on the date that is 2 years after the date of transfer.

11 “(2) SUBSEQUENT TERMS.—The term of each
12 Director appointed, or nominated and selected, on or
13 after the date of transfer (other than the CEO) shall
14 be 5 years, except as provided by paragraph (3).

15 “(3) STAGGERING.—The Board shall stagger
16 the duration of the terms of the initial Directors ap-
17 pointed, or nominated and selected, after the date of
18 transfer to promote the stability of the Board.

19 “(f) VACANCIES.—

20 “(1) BEFORE DATE OF TRANSFER.—Before the
21 date of transfer, a vacancy on the Board shall be
22 filled in the manner in which the original appoint-
23 ment or selection was made.

24 “(2) AFTER DATE OF TRANSFER.—After the
25 date of transfer, a vacancy on the Board shall be

1 filled in the manner in which the original appoint-
2 ment was made (in the case of Directors appointed
3 under subsection (b)(2)) or in the manner described
4 under subsection (c)(2) (in the case of Directors
5 nominated by Nomination Panels or the Board).

6 “(3) SERVICE UNTIL SUCCESSOR TAKES OF-
7 FICE.—A Director may serve after the expiration of
8 the Director’s term until a successor has been ap-
9 pointed or nominated and selected.

10 “(g) MEETINGS AND QUORUM.—

11 “(1) MEETINGS.—

12 “(A) IN GENERAL.—The Board shall meet
13 at the call of the Chairperson (or as otherwise
14 provided in the bylaws) and, at a minimum, on
15 a quarterly basis.

16 “(B) INITIAL MEETING.—Not later than
17 90 days after the date of enactment of this sub-
18 title, the Board shall hold its initial meeting.

19 “(C) IN-PERSON MEETING.—At least 1
20 meeting of the Board each year shall be con-
21 ducted in person.

22 “(2) QUORUM.—A quorum of the Board, con-
23 sisting of a majority of the Directors then in office,
24 shall be required to conduct any business of the
25 Board.

1 “(3) APPROVAL OF BOARD ACTIONS.—Except
2 as otherwise provided, the threshold for approving
3 Board actions shall be as set forth in the bylaws.

4 “(h) REMOVAL OF DIRECTORS.—A Director may be
5 removed in accordance with section 90307(c) and the by-
6 laws of the Corporation.

7 **“§ 90307. Fiduciary duties and qualifications of Direc-**
8 **tors**

9 “(a) FIDUCIARY DUTIES.—The fiduciary duties of a
10 Director shall be solely and exclusively to the Corporation.

11 “(b) QUALIFICATIONS.—

12 “(1) IN GENERAL.—Only a citizen of the
13 United States may be appointed or nominated as a
14 Director.

15 “(2) PROHIBITIONS.—An individual may not
16 serve as a Director if the individual—

17 “(A) is an officer, agent, or employee of
18 the Corporation (other than the CEO);

19 “(B) is, or has been within the preceding
20 2 years, a Member of Congress;

21 “(C) is an elected official serving in a
22 State, local, or Tribal government;

23 “(D) is an officer or employee of the Fed-
24 eral Government or any State, local, or Tribal
25 government;

1 “(E) is a director, officer, trustee, agent,
2 or employee of—

3 “(i) a bargaining agent that rep-
4 resents employees of the Corporation;

5 “(ii) an entity that has a material in-
6 terest as a supplier, client, or user of the
7 Corporation’s services; or

8 “(iii) any of the entities determined
9 under section 90305(c);

10 “(F) receives any form of compensation or
11 material benefit from an entity that has a ma-
12 terial interest as a supplier, client, or user of
13 the Corporation’s services, excluding compensa-
14 tion from a defined benefit plan resulting from
15 the individual’s past employment; or

16 “(G) has or holds any other fiduciary duty,
17 legal obligation, office, employed position, or
18 material interest that would prevent the indi-
19 vidual from satisfying the requirements of sub-
20 section (a) under the applicable laws of the
21 State in which the Corporation is incorporated.

22 “(3) EXCEPTION.—Subparagraphs (C) and (D)
23 of paragraph (2) shall not apply to an individual
24 solely because the individual is an elected member of
25 a school board or is employed by an institution of

1 higher education (as defined in section 101 of the
2 Higher Education Act of 1965 (20 U.S.C. 1001)).

3 “(c) BREACH OF FIDUCIARY DUTY TO CORPORA-
4 TION.—

5 “(1) IN GENERAL.—The Board shall remove
6 any Director who breaches a fiduciary duty to the
7 Corporation—

8 “(A) pursuant to procedures to be estab-
9 lished in the bylaws of the Corporation; and

10 “(B) not later than 30 days after deter-
11 mining that a breach has occurred.

12 “(2) LIMITED PRIVATE RIGHT OF ACTION.—
13 The Corporation shall have the exclusive right to
14 seek injunctive or monetary relief (or both) against
15 a Director or former Director for a breach of a fidu-
16 ciary duty to the Corporation.

17 “(d) PROHIBITION ON INDEMNIFICATION AND CER-
18 TAIN INSURANCE.—Notwithstanding section 90312 or any
19 other provision of law, the Corporation shall neither in-
20 demnify nor procure insurance to indemnify any Director
21 for liability relating to a breach of a fiduciary duty to the
22 Corporation.

23 **“§ 90308. Bylaws and duties**

24 “(a) IN GENERAL.—The Board shall adopt and
25 amend the bylaws of the Corporation.

1 “(b) BYLAWS.—The bylaws of the Corporation shall
2 include, at a minimum—

3 “(1) the duties and responsibilities of the Board
4 (including those described in subsection (c)), offi-
5 cers, Advisory Board, and committees of the Cor-
6 poration; and

7 “(2) the operational procedures of the Corpora-
8 tion.

9 “(c) DUTIES AND RESPONSIBILITIES OF BOARD.—
10 The Board shall be responsible for actions of the Corpora-
11 tion, including—

12 “(1) adoption of an annual budget;

13 “(2) approval of a strategic plan, including up-
14 dates thereto, and other plans supporting the strat-
15 egy laid out in the strategic plan;

16 “(3) authorization of any form or instrument of
17 indebtedness, including loans and bond issues;

18 “(4) assessment, modification, and collection of
19 charges and fees for air traffic services in accord-
20 ance with the standards described in section 90313;

21 “(5) hiring and supervision of the CEO;

22 “(6) establishment and maintenance of an ap-
23 propriately funded reserve fund;

1 “(7) adoption of a code of conduct and code of
2 ethics for Directors, officers, agents, and employees
3 of the Corporation;

4 “(8) establishment of a process for ensuring
5 that the fiduciary duties of a Director are solely and
6 exclusively to the Corporation;

7 “(9) establishment of a process for the removal
8 of a Director, including the removal of a Director
9 for breach of a fiduciary duty to the Corporation;
10 and

11 “(10) adoption of a process for filling vacancies
12 on the Board.

13 **“§ 90309. Committees of Board; independent auditors**

14 “(a) COMMITTEES OF BOARD.—The Board shall es-
15 tablish and maintain a Safety Committee, a Compensation
16 Committee, a Technology Committee, and such other com-
17 mittees as the Board determines are necessary or appro-
18 priate to carry out the responsibilities of the Board effec-
19 tively. Such committees shall be composed solely of Direc-
20 tors.

21 “(b) INDEPENDENT AUDITORS.—The Board shall re-
22 tain independent auditors to conduct annual audits of the
23 Corporation’s financial statements and internal controls.

1 **“§ 90310. Advisory Board**

2 “(a) ESTABLISHMENT.—There shall be an Advisory
3 Board of the Corporation.

4 “(b) DUTIES.—The Advisory Board—

5 “(1) shall conduct such activities as the Board
6 determines appropriate;

7 “(2) shall submit to the Board recommenda-
8 tions for Directors to be nominated and selected
9 under section 90306(b)(11); and

10 “(3) may, on its own initiative, study, report,
11 and make recommendations to the Board on matters
12 relating to the Corporation’s provision of air traffic
13 services and associated safety considerations.

14 “(c) MEMBERSHIP.—

15 “(1) NUMBER.—The Advisory Board shall con-
16 sist of not more than 15 individuals, who are citi-
17 zens of the United States, representing interested
18 entities.

19 “(2) REPRESENTATIVES.—The members of the
20 Advisory Board shall include, at a minimum, rep-
21 resentatives of the following:

22 “(A) Air carriers.

23 “(B) General aviation.

24 “(C) Business aviation.

25 “(D) Commercial service airports.

1 “(E) Operators and manufacturers of com-
2 mercial unmanned aircraft systems.

3 “(F) Appropriate labor organizations.

4 “(G) The Department of Defense.

5 “(H) Small communities.

6 “(d) STRUCTURE; TERMS.—The membership and
7 structure of the Advisory Board, including the duration
8 that individuals may serve on the Advisory Board, shall
9 be determined by the Board in accordance with the bylaws
10 of the Corporation.

11 **“§ 90311. Officers and their responsibilities**

12 “(a) CHIEF EXECUTIVE OFFICER.—

13 “(1) HIRING.—

14 “(A) IN GENERAL.—The Corporation shall
15 have a Chief Executive Officer, who shall be
16 hired by the Board to manage the Corporation.

17 “(B) QUALIFICATIONS.—The CEO shall be
18 an individual who—

19 “(i) is a citizen of the United States;

20 “(ii) satisfies the qualifications to
21 serve as a Director under section 90307;
22 and

23 “(iii) by reason of professional back-
24 ground and experience, is especially quali-
25 fied to manage the Corporation.

1 “(2) DUTIES.—The CEO shall—

2 “(A) be responsible for the management
3 and direction of the Corporation, including its
4 officers and employees, and for the exercise of
5 all powers and responsibilities of the Corpora-
6 tion;

7 “(B) establish Corporation offices and de-
8 fine the responsibilities and duties of the of-
9 fices, with full authority to organize the Cor-
10 poration as required; and

11 “(C) designate an officer of the Corpora-
12 tion who is vested with the authority to act in
13 the capacity of the CEO if the CEO is absent
14 or incapacitated.

15 “(3) SCOPE OF AUTHORITY.—

16 “(A) IN GENERAL.—The CEO shall be
17 subject to the policy guidance of the Board, re-
18 port to the Board, and serve at the pleasure of
19 the Board.

20 “(B) AUTHORITY OF BOARD.—The Board
21 may modify or revoke actions of the CEO pur-
22 suant to procedures set forth in the bylaws of
23 the Corporation.

24 “(b) OTHER OFFICERS AND EMPLOYEES.—

1 “(1) IN GENERAL.—The CEO shall appoint
2 such other officers and employees of the Corporation
3 as the CEO determines appropriate.

4 “(2) CHIEF OPERATING OFFICER; CHIEF FI-
5 NANCIAL OFFICER.—An appointment of an indi-
6 vidual as chief operating officer or chief financial of-
7 ficer by the CEO shall be subject to the approval of
8 the Board.

9 “(3) DELEGATION OF FUNCTIONS.—The CEO
10 may delegate to the other officers and employees of
11 the Corporation any of the functions of the Corpora-
12 tion.

13 “(4) COMPENSATION.—Compensation for the
14 CEO, chief operating officer, and chief financial offi-
15 cer shall be set by the Board.

16 “(c) INTERIM CEO.—

17 “(1) HIRING.—Not later than 60 days after the
18 date of the Secretary’s appointment and selection of
19 Directors under section 90306(c)(1)(B), the Board
20 shall hire an Interim Chief Executive Officer who
21 meets the qualifications specified in subsection
22 (a)(1)(B).

23 “(2) AUTHORITY AND TERM.—

24 “(A) AUTHORITY.—The Interim CEO
25 shall—

1 “(i) exercise the same authority as the
2 CEO, including serving on the Board;

3 “(ii) carry out the same duties as the
4 CEO; and

5 “(iii) be subject to the same prohibi-
6 tions and limitations as the CEO.

7 “(B) TERM.—The Interim CEO shall serve
8 until the Board hires a CEO.

9 “(3) STATUTORY CONSTRUCTION.—Nothing in
10 this subsection may be construed to restrict the abil-
11 ity of the Board to hire the individual serving as the
12 Interim CEO to be the CEO.

13 **“§ 90312. Authority of Corporation**

14 “(a) GENERAL AUTHORITY.—Except as otherwise
15 provided in this subtitle, the Corporation—

16 “(1) shall have perpetual succession in its cor-
17 porate name unless dissolved by law;

18 “(2) may adopt and use a corporate seal;

19 “(3) may own, lease, use, improve, and dispose
20 of such property as the Corporation considers nec-
21 essary to carry out the purposes of the Corporation;

22 “(4) may contract with other parties;

23 “(5) may sue or be sued;

24 “(6) may be held liable under civil and criminal
25 law;

1 “(7) may indemnify the Directors, including the
2 Interim CEO or CEO, and other officers, agents,
3 and employees of the Corporation; and

4 “(8) shall have such other corporate powers as
5 are necessary or appropriate to carry out the pur-
6 poses of this subtitle and of the Corporation.

7 “(b) LIMITATIONS.—

8 “(1) BUSINESS ACTIVITIES.—The Corporation
9 may only engage in business activities that are—

10 “(A) related to carrying out air traffic
11 services; or

12 “(B) ancillary or incidental to carrying out
13 such services.

14 “(2) EQUITY SHARES.—The Corporation may
15 not issue or sell equity shares in the Corporation.

16 **“§ 90313. Charges and fees for air traffic services**

17 “(a) ASSESSMENT AND COLLECTION OF CHARGES
18 AND FEES.—Beginning on the date of transfer, and sub-
19 ject to this section and section 90502, the Corporation
20 may assess and collect charges and fees from air traffic
21 services users for air traffic services provided by the Cor-
22 poration in United States airspace or international air-
23 space delegated to the United States.

24 “(b) BOARD APPROVAL OF CHARGES AND FEES.—
25 The Board shall—

1 “(1) approve a proposal for—

2 “(A) an initial schedule of charges and fees
3 pursuant to subsection (g); and

4 “(B) any change in the charges or fees;

5 “(2) provide air traffic services users and other
6 interested persons notice of a proposal approved
7 under paragraph (1) in a manner and form pre-
8 scribed by the Secretary; and

9 “(3) submit a proposal approved under para-
10 graph (1) (other than a proposal to decrease a
11 charge or fee) to the Secretary 90 days prior to the
12 effective date of the proposal in a manner and form
13 prescribed by the Secretary.

14 “(c) SECRETARIAL REVIEW.—

15 “(1) PUBLIC COMMENT.—Upon receiving a pro-
16 posal from the Corporation under subsection (b)(3),
17 the Secretary shall solicit public comments on the
18 proposal for a 30-day period.

19 “(2) SECRETARIAL APPROVAL.—

20 “(A) IN GENERAL.—Not later than 15
21 days after the last day of the 30-day public
22 comment period, the Secretary shall—

23 “(i) approve the proposal upon deter-
24 mining that the proposal complies with the
25 standards in subsection (d); or

1 “(ii) disapprove the proposal upon de-
2 termining that the proposal does not com-
3 ply with the standards in subsection (d).

4 “(B) EFFECTIVENESS OF PROPOSAL.—If
5 the Secretary does not issue a timely decision
6 pursuant to subparagraph (A), the proposal
7 shall be deemed approved.

8 “(d) STANDARDS.—The Secretary shall apply the fol-
9 lowing standards in reviewing a proposal from the Cor-
10 poration under subsection (c):

11 “(1) The amount or type of charges and fees
12 paid by an air traffic services user may not—

13 “(A) be determinant of the air traffic serv-
14 ices provided to the user; or

15 “(B) adversely impact the ability of the
16 user to use or access any part of the national
17 airspace system.

18 “(2) Charges and fees shall be consistent with
19 the document titled ‘ICAO’s Policies on Charges for
20 Airports and Air Navigation Services’, Ninth Edi-
21 tion, 2012.

22 “(3) Charges and fees may not be discrimina-
23 tory.

24 “(4) Charges and fees shall be consistent with
25 United States international obligations.

1 “(5) Certain categories of air traffic services
2 users may be charged on a flat fee basis so long as
3 the charge or fee is otherwise consistent with this
4 subsection.

5 “(6) Charges and fees may not be imposed for
6 air traffic services provided with respect to oper-
7 ations of aircraft that qualify as public aircraft
8 under sections 40102(a) and 40125.

9 “(7) Charges and fees may not be imposed for
10 air traffic services provided with respect to aircraft
11 operations conducted pursuant to part 91, 133, 135,
12 136, or 137 of title 14, Code of Federal Regulations.

13 “(8) Charges and fees may not be structured
14 such that air traffic services users have incentives to
15 operate in ways that diminish safety to avoid the
16 charges and fees.

17 “(9) Charges and fees, based on reasonable and
18 financially sound projections, may not generate reve-
19 nues exceeding the Corporation’s current and antici-
20 pated financial requirements in relation to the provi-
21 sion of air traffic services.

22 “(e) CORPORATION’S FINANCIAL REQUIREMENTS.—
23 In determining whether a proposal received from the Cor-
24 poration under subsection (b) would generate revenues in
25 compliance with subsection (d)(9), the Secretary shall con-

1 sider costs and other liabilities of the Corporation, includ-
2 ing—

3 “(1) costs incurred before the date of transfer;

4 “(2) operations and maintenance costs;

5 “(3) management and administrative costs;

6 “(4) depreciation costs;

7 “(5) interest costs and other expenses related to
8 debt servicing;

9 “(6) cash reserves or other requirements needed
10 to maintain credit ratings or comply with debt cov-
11 enants; and

12 “(7) any tax liability.

13 “(f) PAYMENT OF CHARGES AND FEES.—

14 “(1) IN GENERAL.—An air traffic services user
15 shall pay a charge or fee assessed by the Corpora-
16 tion under subsection (a) for services rendered and
17 any interest and penalties assessed under paragraph
18 (2).

19 “(2) LATE PAYMENT OR NONPAYMENT.—The
20 Corporation may assess and collect interest and pen-
21 alties for late payment or nonpayment of a charge
22 or fee assessed by the Corporation under subsection
23 (a).

24 “(3) PRIVATE RIGHT OF ACTION.—The Cor-
25 poration may file suit in any district court of the

1 United States having jurisdiction over the parties,
2 without respect to the amount in controversy and
3 without regard to the citizenship of the parties, to
4 enforce this subsection not later than 2 years after
5 the date on which a claim accrues. A claim accrues,
6 under this paragraph, upon the rendering of the rel-
7 evant air traffic services by the Corporation.

8 “(g) INITIAL SCHEDULE.—Notwithstanding sub-
9 section (b)(3), the Corporation shall propose an initial
10 schedule of charges and fees at least 180 days before the
11 date of transfer.

12 “(h) AIRCRAFT OPERATION DEFINED.—In this sec-
13 tion, the term ‘aircraft operation’ means the movement of
14 an aircraft beginning with the take-off of the aircraft and
15 ending with the landing of the aircraft.

16 **“§ 90314. Preemption of authority over air traffic**
17 **services**

18 “(a) STATE DEFINED.—In this section, the term
19 ‘State’ means a State, the District of Columbia, and a ter-
20 ritory or possession of the United States.

21 “(b) PREEMPTION.—A State, political subdivision of
22 a State, or political authority of at least 2 States may not
23 enact or enforce a law, regulation, or other provision hav-
24 ing the force and effect of law related to air traffic serv-
25 ices.

1 “(c) AIRPORT OWNER OR OPERATOR.—Subsection
2 (b) may not be construed to limit a State, political subdivi-
3 sion of a State, or political authority of at least 2 States
4 that owns or operates a landing area from carrying out
5 its proprietary powers and rights over the landing area.

6 **“§ 90315. Actions by and against Corporation**

7 “(a) JURISDICTION FOR LEGAL ACTIONS GEN-
8 ERALLY.—

9 “(1) JURISDICTION OF UNITED STATES DIS-
10 TRICT COURTS.—The United States district courts
11 shall have original jurisdiction over all actions
12 brought by or against the Corporation, except as
13 otherwise provided in this subtitle.

14 “(2) REMOVAL OF ACTIONS IN STATE
15 COURTS.—Any action brought in a State court to
16 which the Corporation is a party shall be removed
17 to the appropriate United States district court under
18 the provisions of chapter 89 of title 28.

19 “(b) TESTIMONY OF CORPORATION EMPLOYEES.—

20 “(1) IN GENERAL.—Except with the consent of
21 the chief legal officer of the Corporation, employees
22 of the Corporation may not provide expert opinion or
23 expert testimony in civil litigation related to the Cor-
24 poration.

1 “(2) EXCEPTIONS.—The Corporation may pre-
2 scribe the circumstances, if any, under which em-
3 ployees of the Corporation may provide expert opin-
4 ion or expert testimony in civil litigation related to
5 the Corporation.

6 **“§ 90316. Transfer of Federal personnel to Corpora-**
7 **tion**

8 “(a) TRANSFER OF FAA EMPLOYEES TO CORPORA-
9 TION.—

10 “(1) PROCESS.—Not later than 180 days after
11 the date of enactment of this subtitle, the Secretary,
12 after meeting and conferring with the CEO and rep-
13 resentatives of the labor organizations recognized
14 under section 7111 of title 5 as exclusive representa-
15 tives of FAA employees, shall commence a process to
16 determine, consistent with the purposes of this sub-
17 title, which activities and employees, or categories of
18 employees, of the FAA shall be transferred to the
19 Corporation on or before the date of transfer.

20 “(2) DETERMINATION; TRANSFER.—The Sec-
21 retary shall—

22 “(A) not later than 180 days prior to the
23 date of transfer, complete the determination of
24 which activities, employees, or categories of em-

1 employees shall be transferred to the Corporation
2 under paragraph (1);

3 “(B) upon completing the determination,
4 notify the CEO, the labor organizations recog-
5 nized under section 7111 of title 5 as exclusive
6 representatives of FAA employees, and all af-
7 fected employees of such determination; and

8 “(C) on or before the date of transfer,
9 transfer such activities, employees, or categories
10 of employees.

11 “(b) SUBSEQUENT TRANSFER OF EMPLOYEES.—

12 “(1) IN GENERAL.—

13 “(A) TRANSFERS FROM FAA TO CORPORA-
14 TION.—During the 180-day period beginning on
15 the date of transfer, the Secretary, after meet-
16 ing and conferring with the CEO and represent-
17 atives of the certified labor organizations recog-
18 nized under section 91105 and labor organiza-
19 tions recognized under section 7111 of title 5 as
20 exclusive representatives of FAA employees,
21 may transfer an employee from the FAA to the
22 Corporation if the Secretary, after meeting and
23 conferring with the CEO and the representa-
24 tives, finds that the determination with respect

1 to the employee under subsection (a) was incon-
2 sistent with the purposes of this subtitle.

3 “(B) TRANSFERS FROM CORPORATION TO
4 FAA.—During the 180-day period beginning on
5 the date of transfer, the Secretary, after meet-
6 ing and conferring with the CEO and represent-
7 atives of the certified labor organizations recog-
8 nized under section 91105 and labor organiza-
9 tions recognized under section 7111 of title 5 as
10 exclusive representatives of FAA employees,
11 may transfer an employee from the Corporation
12 to the FAA if the Secretary, after the consulta-
13 tion with the CEO and the representatives,
14 finds that the determination with respect to the
15 employee under subsection (a) was inconsistent
16 with the purposes of this subtitle.

17 “(2) REEMPLOYMENT OF FEDERAL EMPLOY-
18 EES.—An employee transferred from the Corpora-
19 tion to the FAA under this subsection shall be enti-
20 tled to the same rights and benefits, and reemploy-
21 ment, in the same manner as if covered by section
22 3582 of title 5 notwithstanding section 8347(o),
23 8713, or 8914 of such title.

24 “(3) ELECTION OF BENEFITS FOR EMPLOYEES
25 SUBJECT TO DELAYED TRANSFER TO CORPORA-

1 TION.—In the case of an employee of the FAA
2 transferred to the Corporation under this subsection,
3 such employee shall be afforded the opportunity to
4 make the election provided under section 91102(b)
5 with respect to benefits.

6 “(c) CORPORATION EMPLOYEE BENEFITS.—At least
7 180 days before the date of transfer, the Corporation shall
8 establish a compensation and benefits program for—

9 “(1) employees hired by the Corporation after
10 the date of transfer; and

11 “(2) employees that make the election under
12 section 91102(b)(1)(A)(ii).

13 “(d) PROTECTIONS FOR EMPLOYEES NOT TRANS-
14 FERRED TO CORPORATION.—For those employees of the
15 FAA directly involved in the operation of air traffic serv-
16 ices who are not transferred to the Corporation pursuant
17 to subsection (a) or who transferred back to the FAA pur-
18 suant to subsection (b), the Secretary shall provide to such
19 employees compensation and benefits consistent with the
20 applicable collective-bargaining agreement that are not
21 less than the level of compensation and benefits provided
22 to such FAA employees prior to the date of transfer unless
23 mutually agreed to by the FAA and representatives of the
24 certified labor organization.

1 “(e) SUTABILITY, CLEARANCES, AND MEDICAL
2 QUALIFICATIONS.—All federally issued or federally re-
3 quired credentials, certificates, clearances, medical quali-
4 fications, access rights, substance testing results, and any
5 other Federal permissions or approvals held by any em-
6 ployee of the FAA in the operation of air traffic services
7 that are valid and effective on the day prior to the date
8 of transfer shall remain valid and effective after the date
9 of transfer—

10 “(1) unless revoked for cause; or

11 “(2) until equivalent or substantially equivalent
12 credentials, certificates, clearances, medical quali-
13 fications, access rights, substance testing results,
14 and any other Federal permissions or approvals have
15 been issued to the employee on or after the date of
16 transfer.

17 “(f) TRANSITION AGREEMENTS.—

18 “(1) BIPARTITE AGREEMENT.—

19 “(A) MEETINGS.—At least 180 days before
20 the date of transfer, the Corporation shall meet
21 with the labor organizations recognized under
22 section 7111 of title 5 as exclusive representa-
23 tives of FAA employees to resolve employment-
24 related transition matters that affect employees
25 represented by those labor organizations and

1 that are not otherwise covered under this sec-
2 tion.

3 “(B) DUTY TO BARGAIN IN GOOD FAITH.—
4 The Corporation and the labor organizations
5 described in subparagraph (A) (in this sub-
6 section referred to as the ‘parties’) shall be sub-
7 ject to the duty to bargain in good faith under
8 chapter 911 in any meetings pursuant to this
9 paragraph.

10 “(C) DISPUTE RESOLUTION PROCE-
11 DURES.—If the parties fail to reach an agree-
12 ment over the initial or subsequent employ-
13 ment-related transition issues not otherwise
14 covered under this section, the matters shall be
15 subject to the dispute resolution procedures es-
16 tablished under subsections (a), (b), and (e) of
17 section 91107.

18 “(2) TRIPARTITE AGREEMENT.—

19 “(A) MEETINGS.—At least 1 year before
20 the date of transfer, the Corporation and the
21 FAA shall meet with the labor organizations
22 recognized under section 7111 of title 5 as ex-
23 clusive representatives of FAA employees to re-
24 solve transition matters related to the separa-
25 tion of air traffic services from the FAA pursu-

1 ant to this subtitle that affect employees rep-
2 resented by those labor organizations and that
3 are not otherwise covered under this section.

4 “(B) DUTY TO BARGAIN IN GOOD FAITH.—
5 To the extent applicable, the Corporation and
6 the labor organizations described in subpara-
7 graph (A) shall be subject to the duty to bar-
8 gain in good faith under chapter 911 in any
9 meetings pursuant to this paragraph.

10 “(C) DISPUTE RESOLUTION PROCE-
11 DURES.—If the Corporation and the certified
12 labor organizations described in subparagraph
13 (A) fail to reach an agreement over the initial
14 or subsequent transition issues related to the
15 separation of air traffic services from the FAA,
16 not otherwise covered under this section, the
17 matters shall be subject to the dispute resolu-
18 tion procedures established under subsections
19 (a), (b), and (e) of section 91107.

20 **“§ 90317. Transfer of facilities to Corporation**

21 “(a) INVENTORY OF FAA PROPERTY AND FACILI-
22 TIES.—At least 1 year before the date of transfer, the Sec-
23 retary, in consultation with the CEO, shall identify the
24 licenses, patents, software rights, and real and personal
25 property, including air navigation facilities (as defined in

1 section 40102(a)) of the United States under FAA juris-
2 diction, that are necessary and appropriate for the Cor-
3 poration to carry out the air traffic services transferred
4 to the Corporation under this subtitle.

5 “(b) TRANSFER OF FEDERAL PROPERTY.—

6 “(1) CONVEYANCE OF PROPERTY TO CORPORA-
7 TION.—On the date of transfer, the Secretary shall
8 convey, without charge, all right, title, and interest
9 of the United States in, and the use, possession, and
10 control of, properties identified under subsection (a).

11 “(2) SALE OF PROPERTY BY CORPORATION
12 AFTER DATE OF TRANSFER.—If the Corporation
13 sells any of the property conveyed to the Corporation
14 under paragraph (1), the Corporation shall use the
15 proceeds received from the sale of such property for
16 the acquisition or improvement of air navigation fa-
17 cilities or other capital assets.

18 “(3) REVERSIONARY INTEREST.—Any convey-
19 ance of real property under this section located at an
20 FAA technical facility shall be subject to the condi-
21 tion that all right, title, and interest in the real
22 property shall revert to the United States and be
23 placed under the administrative control of the Sec-
24 retary if—

1 “(A) the Corporation determines the real
2 property is no longer necessary to carry out the
3 air traffic services transferred to the Corpora-
4 tion under this subtitle; and

5 “(B) the Secretary determines the rever-
6 sion is necessary to protect the interests of the
7 United States.

8 “(4) SAFETY AIR TRAFFIC SERVICES EQUIP-
9 MENT IN REMOTE LOCATIONS.—

10 “(A) MAINTENANCE BY CORPORATION.—
11 Any equipment identified pursuant to sub-
12 section (a) and conveyed to the Corporation
13 pursuant to paragraph (1) that is located in a
14 noncontiguous State of the United States and is
15 critical to the safe provision of air traffic serv-
16 ices in that State may not be sold and shall be
17 maintained and, as determined necessary by the
18 Corporation, upgraded by the Corporation.

19 “(B) EQUIPMENT CRITICAL TO SAFE PRO-
20 VISION OF AIR TRAFFIC SERVICES.—For pur-
21 poses of this paragraph, equipment critical to
22 the safe provision of air traffic services includes
23 GPS receivers, data link transceivers, ADS-B,
24 multi-function displays, flight information serv-

1 ices, moving map displays, terrain databases,
 2 airport lighting, and mountain pass cameras.

3 “(c) CONSOLIDATION AND REALIGNMENT OF TRANS-
 4 FERRED SERVICES AND FACILITIES.—

5 “(1) IN GENERAL.—At least 180 days before
 6 the date of transfer, and subject to section 91107,
 7 the Corporation, in consultation with representatives
 8 of labor organizations representing operations and
 9 maintenance employees of the air traffic control sys-
 10 tem, shall establish a process for the realignment
 11 and consolidation of services and facilities to be
 12 transferred to the Corporation from the FAA.

13 “(2) MORATORIUM.—Except as otherwise pro-
 14 vided, there shall be a moratorium on any effort by
 15 the Administrator or the Corporation to consolidate
 16 or realign air traffic services or facilities until the
 17 process required by paragraph (1) is established.

18 **“§ 90318. Approval of transferred air navigation fa-
 19 cilities and other equipment**

20 “On the date of transfer, the Corporation is author-
 21 ized to operate all air navigation facilities and other equip-
 22 ment conveyed pursuant to section 90317 without addi-
 23 tional approval or certification by the Secretary.

1 **“§ 90319. Use of spectrum systems and data**

2 “Beginning on the date of transfer, the Secretary
3 shall provide the Corporation with such access to the spec-
4 trum systems used by the FAA before the date of transfer
5 to provide air traffic services, and any successor spectrum
6 systems, and to the data from such systems, as is nec-
7 essary to enable the Corporation to provide air traffic serv-
8 ices under this subtitle.

9 **“§ 90320. Transition plan**

10 “(a) TRANSITION TEAM.—Not later than 120 days
11 after the date of enactment of this subtitle, the Secretary,
12 after meeting and conferring with the CEO or Interim
13 CEO, shall establish a transition team to develop, con-
14 sistent with this subtitle, a transition plan to be reviewed
15 by the Secretary and, if approved, utilized by the Depart-
16 ment of Transportation during the period in which air
17 traffic services are transferred from the FAA to the Cor-
18 poration.

19 “(b) MEMBERSHIP.—The transition team shall con-
20 sist of 12 individuals, who are citizens of the United
21 States, as follows:

22 “(1) 5 representatives appointed by the Sec-
23 retary, including—

24 “(A) the Deputy Administrator of the
25 FAA;

1 “(B) the Director of the FAA Mike
2 Monroney Aeronautical Center;

3 “(C) the Director of the FAA William J.
4 Hughes Technical Center; and

5 “(D) 2 representatives from the Office of
6 Management and Budget, appointed with the
7 concurrence of the Director of the Office of
8 Management and Budget.

9 “(2) 1 representative appointed by the exclusive
10 bargaining representative of air traffic controllers
11 certified under section 7111 of title 5.

12 “(3) 1 representative appointed by the exclusive
13 bargaining representative for airway transportation
14 systems specialists in the Air Traffic Organization
15 technical operations services certified under section
16 7111 of title 5.

17 “(4) 5 representatives appointed by the CEO.

18 “(c) TRANSITION PLAN.—

19 “(1) IN GENERAL.—Not later than 45 days
20 after the establishment of the transition team, the
21 transition team shall develop and submit to the Sec-
22 retary an executable transition plan.

23 “(2) CONTENTS.—The transition plan shall set
24 forth a plan for the Secretary, in consultation with
25 the CEO or Interim CEO, to—

1 “(A) identify property, facilities, equip-
2 ment, and obligations, contractual or otherwise,
3 related to the provision of air traffic services;
4 and

5 “(B) safely and efficiently transfer Federal
6 personnel, property, facilities, equipment, and
7 obligations, contractual and otherwise, related
8 to the provision of air traffic services to the
9 Corporation on or before the date of transfer.

10 “(d) SECRETARIAL REVIEW.—

11 “(1) IN GENERAL.—Not later than 30 days
12 after receipt of the transition plan, the Secretary
13 shall review and, if appropriate, approve the plan.

14 “(2) DISAPPROVAL.—If the Secretary does not
15 approve a submitted transition plan, the transition
16 team shall revise the plan and resubmit it to the
17 Secretary not later than 30 days after receiving no-
18 tice of the disapproval by the Secretary.

19 “(e) TERMINATION.—The transition team shall ter-
20 minate upon approval of a transition plan by the Sec-
21 retary.

22 **“CHAPTER 905—REGULATION OF AIR**
23 **TRAFFIC SERVICES PROVIDER**

“Sec.

“90501. Safety oversight and regulation of Corporation.

“90502. Resolution of disputes concerning air traffic services charges and fees.

“90503. International agreements and activities.

“90504. Availability of safety information.

“90505. Reporting of safety violations to FAA.

“90506. Insurance requirements.

1 **“§ 90501. Safety oversight and regulation of Corpora-**
2 **tion**

3 “(a) PERFORMANCE-BASED REGULATIONS AND MIN-
4 IMUM SAFETY STANDARDS.—After consultation with the
5 Corporation and the FAA’s certified bargaining represent-
6 atives and before the date of transfer, the Secretary
7 shall—

8 “(1) prescribe performance-based regulations
9 and minimum safety standards for the operation of
10 air traffic services by the Corporation;

11 “(2) prescribe performance-based regulations
12 and minimum safety standards for the certification
13 and operation of air navigation facilities (other than
14 facilities that may be operated without additional
15 approval or certification pursuant to section 90318);
16 and

17 “(3) identify policies and other administrative
18 materials of the FAA in effect before the date of
19 transfer for providing air traffic services that will
20 apply to the Corporation.

21 “(b) SAFETY MANAGEMENT SYSTEM.—

22 “(1) IN GENERAL.—The regulations and stand-
23 ards prescribed pursuant to subsection (a) shall in-

1 clude a safety management system for air traffic
2 services provided by the Corporation.

3 “(2) FOUNDATION.—The safety management
4 system shall be based on the safety management
5 system used by the Air Traffic Organization of the
6 FAA before the date of transfer.

7 “(3) USE BY CORPORATION.—Beginning on the
8 date of transfer, the Corporation shall use the safety
9 management system, including any changes thereto,
10 when assessing and managing risks in all proce-
11 dures, processes, and practices necessary to provide
12 air traffic services.

13 “(4) FAA OVERSIGHT.—To the maximum ex-
14 tent practicable, for at least 2 years after the date
15 of transfer, the Air Traffic Safety Oversight Service
16 of the FAA shall employ the same oversight proc-
17 esses and procedures in use before the date of trans-
18 fer.

19 “(c) PROPOSALS TO MODIFY AIR TRAFFIC MANAGE-
20 MENT PROCEDURES, ASSIGNMENTS, AND CLASSIFICA-
21 TIONS OF AIRSPACE.—

22 “(1) SUBMISSION OF PROPOSALS TO SEC-
23 RETARY.—The Corporation or another interested
24 party may submit to the Secretary a proposal to
25 modify—

1 “(A) air traffic management procedures,
2 assignments, classifications of airspace, or other
3 actions affecting airspace access that are devel-
4 oped pursuant to the safety management sys-
5 tem; and

6 “(B) FAA policies and other administra-
7 tive materials identified under subsection
8 (a)(2).

9 “(2) REVIEW AND APPROVAL OF PROPOSALS.—
10 The regulations and standards prescribed under sub-
11 section (a)(1) shall include a process for expedited
12 review and approval of a proposal received under
13 paragraph (1).

14 “(3) STANDARD FOR APPROVAL.—The Sec-
15 retary shall approve a proposal received under para-
16 graph (1) if the Secretary determines that the pro-
17 posal complies with the regulations and standards
18 prescribed under subsection (a)(1) and is otherwise
19 consistent with the public interest, including that the
20 proposal would not materially reduce access to a
21 public-use airport.

22 “(4) APPROVALS AND DISAPPROVALS.—

23 “(A) IN GENERAL.—During the 45-day pe-
24 riod beginning on the date of receipt of a pro-

1 proposal under paragraph (1), the Secretary shall
2 approve or disapprove the proposal.

3 “(B) WRITTEN EXPLANATION.—If the
4 Secretary disapproves the proposal, the Sec-
5 retary shall provide—

6 “(i) a written explanation of the Sec-
7 retary’s decision, including—

8 “(I) any instances of inconsist-
9 ency with the regulations and stand-
10 ards prescribed under subsection
11 (a)(1); and

12 “(II) any other information that
13 formed the basis for the Secretary’s
14 decision; and

15 “(ii) a description of any modifica-
16 tions to the proposal that are necessary to
17 obtain approval.

18 “(5) FAILURE TO ACT.—If the Secretary fails
19 to act on a proposal received under paragraph (1)
20 during the 45-day period described in paragraph
21 (4)(A), the Corporation or other party making the
22 proposal shall be entitled to a writ of mandamus in
23 a Federal district court with venue.

24 “(d) JUDICIAL REVIEW.—

1 “(1) IN GENERAL.—Any decision made by the
2 Secretary to approve or disapprove a proposal re-
3 ceived under subsection (c)(1) shall be subject to ju-
4 dicial review pursuant to subsections (a), (b), (d),
5 and (e) of section 46110.

6 “(2) STANDARD OF REVIEW.—

7 “(A) DISAPPROVALS.—In the case of a pe-
8 tition filed under section 46110(a) to review a
9 decision of the Secretary that disapproves a
10 proposal received from the Corporation under
11 subsection (c)(1), the court shall, without def-
12 erence to the Secretary’s determination, review
13 de novo the record to determine if the Sec-
14 retary’s determination is consistent with the
15 regulations and standards prescribed under
16 subsection (a)(1).

17 “(B) APPROVALS.—In the case of a peti-
18 tion filed under section 46110(a) to review a
19 decision of the Secretary that approves a pro-
20 posal received from the Corporation under sub-
21 section (c)(1), the court may overturn the ap-
22 proval only upon a finding of clear error or an
23 abuse of discretion.

24 “(e) COMPILATION.—

1 “(1) ESTABLISHMENT.—The Corporation shall
2 establish and maintain a compilation of the policies
3 and other materials identified under subsection
4 (a)(2).

5 “(2) UPDATES.—The Corporation shall update
6 the compilation each time a proposal described in
7 subsection (c)(1)(B) is approved.

8 “(3) PUBLICATION.—The Corporation shall
9 make the compilation available to the public.

10 “(f) SPECIAL RULES FOR PROPOSALS AFFECTING
11 CERTAIN AIRSPACE.—The regulations and standards pre-
12 scribed under subsection (a)(1) shall include procedures
13 (including advance submission of necessary supporting
14 data, analysis, and documentation) for the Secretary to
15 evaluate, at least 180 days before its submission under
16 subsection (c)(1), a proposal for an airspace change that
17 would affect airspace that is—

18 “(1) within an area designated as a ‘Metroplex’
19 by the FAA as of March 30, 2017;

20 “(2) within an area subject to a major, large-
21 scale airspace redesign project; or

22 “(3) adjacent to or containing special use air-
23 space.

24 “(g) EXEMPTED AIRSPACE ACTIONS.—The require-
25 ments of this section shall not apply to—

1 “(1) temporary airspace actions directed by the
2 Administrator or Secretary;

3 “(2) airspace actions as described in section
4 90904; or

5 “(3) certain emergency circumstances, as de-
6 fined by the Secretary by regulation.

7 “(h) DELEGATION.—Notwithstanding section
8 90303(b), and except for the process and procedures re-
9 quired by section 90703(b), the Secretary may delegate
10 safety oversight functions to the Administrator.

11 **“§ 90502. Resolution of disputes concerning air traffic**
12 **services charges and fees**

13 “(a) AUTHORITY TO REQUEST SECRETARY’S DETER-
14 MINATION.—

15 “(1) IN GENERAL.—The Secretary shall issue a
16 determination as to whether a charge or fee assessed
17 by the Corporation for the use of air traffic services
18 in United States airspace or international airspace
19 delegated to the United States is correct if a written
20 complaint for such determination is filed with the
21 Secretary by an air traffic services user not later
22 than 60 days after the air traffic services user re-
23 ceives an assessment or invoice from the Corpora-
24 tion.

1 “(2) TREATMENT OF INTEREST AND PEN-
2 ALTIES.—In this section, the terms ‘charge’ and
3 ‘fee’ include any interest and penalty relating there-
4 to.

5 “(b) PROCEDURAL REGULATIONS.—At least 270
6 days before the date of transfer, the Secretary shall pub-
7 lish in the Federal Register final regulations, policy state-
8 ments, or guidelines establishing the procedures for acting
9 upon written complaints filed under subsection (a)(1) and
10 requests of the Corporation pursuant to subsection (e)(3).

11 “(c) DETERMINATION OF CORRECTNESS.—In deter-
12 mining under subsection (a)(1) whether a charge or fee
13 is correct, the Secretary shall determine only if the charge
14 or fee is consistent with approved charges or fees pursuant
15 to section 90313.

16 “(d) DECISIONS BY SECRETARY.—The final regula-
17 tions, policy statements, or guidelines required in sub-
18 section (b) shall provide for the following:

19 “(1) Not later than 90 days after an air traffic
20 services user files with the Secretary a written com-
21 plaint relating to an assessed or invoiced air traffic
22 services charge or fee, the Secretary shall issue a
23 final order determining whether the charge or fee is
24 correct.

1 “(2) Not later than 30 days after such com-
2 plaint is filed with the Secretary, the Secretary shall
3 dismiss the complaint if no significant dispute exists
4 or shall assign the matter to an administrative law
5 judge. Thereafter, the matter shall be handled in ac-
6 cordance with part 302 of title 14, Code of Federal
7 Regulations, or as modified by the Secretary, to en-
8 sure an orderly disposition of the matter within the
9 90-day period referred to in paragraph (1) and any
10 specifically applicable provisions of this section.

11 “(3) The administrative law judge shall issue a
12 recommended decision not later than 45 days after
13 the complaint is assigned or within such shorter pe-
14 riod as the Secretary may specify.

15 “(4) If the Secretary, upon the expiration of 90
16 days after the filing of the complaint, has not issued
17 a final order, the decision of the administrative law
18 judge shall be deemed to be the final order of the
19 Secretary.

20 “(5) Any party to the dispute may seek review
21 of a final order of the Secretary under this sub-
22 section in the Circuit Court of Appeals for the Dis-
23 trict of Columbia Circuit or the court of appeals in
24 the circuit with venue.

1 “(6) Any findings of fact in a final order of the
2 Secretary under this subsection, if supported by sub-
3 stantial evidence, shall be conclusive if challenged in
4 a court pursuant to this subsection. No objection to
5 such a final order may be considered by the court
6 unless objection was urged before an administrative
7 law judge or the Secretary at a proceeding under
8 this subsection or, if not so urged, unless there were
9 reasonable grounds for failure to do so.

10 “(e) PAYMENT UNDER PROTEST; GUARANTEE OF
11 AIR TRAFFIC SERVICES USER ACCESS.—

12 “(1) PAYMENT UNDER PROTEST.—

13 “(A) IN GENERAL.—Any charge or fee
14 that is the subject of a complaint that is not
15 dismissed by the Secretary shall be paid by the
16 complainant air traffic services user to the Cor-
17 poration under protest.

18 “(B) REFERRAL OR CREDIT.—Any
19 amounts paid under this subsection by a com-
20 plainant air traffic services user to the Corpora-
21 tion under protest shall be subject to refund or
22 credit to the air traffic services user in accord-
23 ance with directions in the final order of the
24 Secretary within 30 days of such order.

1 “(C) **TIMELY REPAYMENT.**—In order to
2 ensure the timely repayment, with interest, of
3 amounts in dispute determined not to be correct
4 by the Secretary, the Corporation shall obtain a
5 letter of credit, or surety bond, or other suitable
6 credit facility, equal to the amount in dispute
7 that is due during the 90-day period referred to
8 in subsection (d)(1), plus interest, unless the
9 Corporation and the air traffic services user
10 agree otherwise.

11 “(D) **DEADLINE.**—The letter of credit, or
12 surety bond, or other suitable credit facility
13 shall be provided to the Secretary not later than
14 20 days after the filing of the complaint and
15 shall remain in effect for 30 days after the
16 issuance of a timely final order by the Secretary
17 determining whether such charge or fee is cor-
18 rect.

19 “(2) **GUARANTEE OF AIR TRAFFIC SERVICES**
20 **USER ACCESS.**—Contingent upon an air traffic serv-
21 ices user’s compliance with the requirements of
22 paragraph (1) and pending the issuance of a final
23 order by the Secretary determining the correctness
24 of a charge or fee that is the subject of a complaint
25 filed under subsection (a)(1), the Corporation may

1 not withhold air traffic services as a means of en-
2 forcing the charge or fee.

3 “(3) NONCOMPLIANCE.—Prior to the issuance
4 of a final order by the Secretary determining the
5 correctness of a charge or fee that is the subject of
6 a complaint filed under subsection (a)(1), if an air
7 traffic services user does not comply with the re-
8 quirements of paragraph (1), the Corporation shall
9 withhold air traffic services from the user if the Cor-
10 poration requests and receives approval from the
11 Secretary to withhold air traffic services.

12 **“§ 90503. International agreements and activities**

13 “(a) CONSISTENCY WITH INTERNATIONAL OBLIGA-
14 TIONS AND LAWS OF OTHER COUNTRIES.—The Corpora-
15 tion shall provide air traffic services under this subtitle
16 in a manner that is consistent with any obligation as-
17 sumed by the United States in a treaty, convention, or
18 agreement that may be in force between the United States
19 and a foreign country or foreign countries or between the
20 United States and an international organization, and shall
21 take into consideration any applicable laws and require-
22 ments of foreign countries.

23 “(b) PROHIBITION.—The Corporation may not nego-
24 tiate on behalf of or otherwise represent the United States

1 before any foreign government or international organiza-
2 tion.

3 **“§ 90504. Availability of safety information**

4 “(a) SAFETY INFORMATION.—The Corporation shall
5 make available to air traffic services users and the pub-
6 lic—

7 “(1) the same type of safety information made
8 available by the FAA before the date of transfer;

9 “(2) any additional safety information needed
10 by air traffic services users to operate safely; and

11 “(3) any updates or revisions to the safety in-
12 formation referred to in paragraphs (1) and (2).

13 “(b) METEOROLOGICAL SERVICES; AERONAUTICAL
14 CHARTS.—The Corporation may provide for the dissemi-
15 nation of available aviation-related meteorological infor-
16 mation and aeronautical charts to air traffic services
17 users.

18 **“§ 90505. Reporting of safety violations to FAA**

19 “(a) IN GENERAL.—In a manner, form, and process
20 prescribed by the Administrator, the Corporation shall re-
21 port to the Administrator complaints or instances of—

22 “(1) noncompliance with or deviations from air
23 traffic control clearances or instructions;

24 “(2) noncompliant operations in controlled air-
25 space or special use airspace; and

1 “(3) any other observed activities endangering
2 persons or property in the air or on the ground.

3 “(b) ASSISTANCE IN ENFORCEMENT ACTIONS.—The
4 Corporation shall provide necessary assistance in any en-
5 forcement action taken by the Administrator resulting
6 from a report of the Corporation or another person or en-
7 tity.

8 “(c) STATUTORY CONSTRUCTION.—This section may
9 not be construed to limit the authority of the Adminis-
10 trator to undertake enforcement actions upon the Admin-
11 istrator’s initiative.

12 **“§ 90506. Insurance requirements**

13 “The Corporation shall maintain adequate liability
14 insurance policies and coverages, as determined by the
15 Secretary, including complete indemnification of employ-
16 ees of the Corporation for acts within the scope of employ-
17 ment.

18 **“CHAPTER 907—GENERAL RIGHTS OF AC-
19 CESS TO AIRSPACE, AIRPORTS, AND
20 AIR TRAFFIC SERVICES VITAL FOR EN-
21 SURING SAFE OPERATIONS FOR ALL
22 USERS**

“Sec.

“90701. Access to airspace.

“90702. Access to airports.

“90703. Contract tower service after date of transfer.

“90704. Availability of safety information to general aviation operators.

“90705. Special rules and appeals process for air traffic management procedures, assignments, and classifications of airspace.

“90706. Definitions.

1 **“§ 90701. Access to airspace**

2 “The Secretary shall take such actions as are nec-
3 essary to ensure that an air traffic services user is not
4 denied access to airspace or air traffic services on the basis
5 that the user is exempt from charges and fees under sec-
6 tion 90313.

7 **“§ 90702. Access to airports**

8 “In carrying out section 90501(c)(3), the Secretary
9 shall determine whether a proposal would materially re-
10 duce access to a public-use airport, including a general
11 aviation or rural airport.

12 **“§ 90703. Contract tower service after date of transfer**

13 “(a) TRANSFER OF CONTRACT TOWER AGREEMENTS
14 TO CORPORATION.—In carrying out section 91302(e), the
15 Secretary shall take such actions as are necessary to en-
16 sure that the Corporation assumes the contract and other
17 obligations associated with the operation of an air traffic
18 control tower that, prior to the date of transfer, was oper-
19 ated under a contract pursuant to section 47124.

20 “(b) SPECIAL RULES FOR PROPOSALS RELATING TO
21 OPERATION OF CONTRACT TOWERS.—

22 “(1) IN GENERAL.—The regulations and stand-
23 ards prescribed under section 90501(a)(1) shall in-
24 clude procedures for the Secretary to evaluate, under

1 section 90501(c), a proposal for an airspace change,
2 including an airspace reclassification, that results
3 from the proposed closure of a tower that is oper-
4 ating under a contract with the Corporation and
5 that, prior to the date of transfer, was operated
6 under a contract with the Secretary pursuant to sec-
7 tion 47124.

8 “(2) PROCEDURES.—The procedures required
9 pursuant to paragraph (1) shall include—

10 “(A) the advance submission by the Cor-
11 poration of necessary supporting data, analysis,
12 and documentation related to—

13 “(i) the safety risk management as-
14 sessment of the proposed contract tower
15 closure;

16 “(ii) an assessment of the impact of
17 the proposed closure on the operation of
18 the national airspace system;

19 “(iii) an assessment of the impact of
20 the proposed closure on local communities,
21 including with respect to air service;

22 “(iv) an assessment, in consultation
23 with the Secretary of Defense and the Sec-
24 retary of Homeland Security, as appro-
25 priate, of any impact of the proposed clo-

1 sure on military aviation readiness and
2 training, homeland security aviation oper-
3 ations, emergency management and dis-
4 aster aviation operations, and law enforce-
5 ment aviation operations; and

6 “(v) any other safety or operational
7 information the Secretary determines to be
8 necessary to understand the safety impact
9 of the proposed closure; and

10 “(B) a process to receive input from the
11 public, impacted air traffic services users, local
12 communities, and the airport operator of the
13 airport where the contract tower proposed to be
14 closed is located.

15 **“§ 90704. Availability of safety information to general**
16 **aviation operators**

17 “In carrying out section 90504, the Corporation shall
18 ensure that the safety information referenced in that sec-
19 tion is made available to general aviation operators.

20 **“§ 90705. Special rules and appeals process for air**
21 **traffic management procedures, assign-**
22 **ments, and classifications of airspace**

23 “(a) IN GENERAL.—If the Corporation proposes to
24 modify, reduce, decommission, or eliminate an air traffic
25 service or air navigation facility that would result in the

1 loss of or material reduction in access to a public-use air-
2 port or adjacent airspace for any class, category, or type
3 of aircraft or aircraft operation, as determined by the Sec-
4 retary, the Secretary shall designate an officer to issue
5 a notice in the Federal Register and establish a docket
6 that includes—

7 “(1) a copy of the Corporation’s proposal;

8 “(2) available data on the usage of the affected
9 air traffic service or air navigation facility;

10 “(3) an assessment of the designated officer on
11 the effects of the proposal; and

12 “(4) an assessment of the designated officer on
13 any proposed action to mitigate the loss of or mate-
14 rial reduction in access to the public-use airport or
15 adjacent airspace.

16 “(b) PROCEEDING.—The designated officer shall pro-
17 vide an opportunity for public comment on the proposal
18 for a period of at least 60 days.

19 “(c) DECISION.—Not later than 30 days after the
20 last day of the public comment period, the designated offi-
21 cer shall—

22 “(1) determine whether the proposal is in the
23 public interest, including whether any material re-
24 duction in access to a public-use airport or adjacent

1 airspace has been mitigated to the maximum extent
2 practicable; and

3 “(2) approve or disapprove the proposal on that
4 basis.

5 “(d) RELATIONSHIP TO OTHER REQUIREMENTS.—
6 Notwithstanding section 90501(c), a proposal described in
7 subsection (a)—

8 “(1) shall be subject to the process established
9 in this section; and

10 “(2) may not be implemented unless approved
11 under this section.

12 “(e) APPEALS AND SECRETARIAL REVIEW.—

13 “(1) WRITTEN PETITION FOR REVIEW.—A peti-
14 tion for an appeal of a decision of the designated of-
15 ficer under subsection (c) shall be submitted in writ-
16 ing to the Secretary not later than 30 days after the
17 date of the decision.

18 “(2) SECRETARIAL REVIEW.—The Secretary
19 shall review and make a determination with respect
20 to a timely filed petition under paragraph (1) not
21 later than 30 days after the date of receipt of the
22 petition.

23 “(f) DECISIONAL STANDARDS.—In making a deter-
24 mination under this section, neither the Secretary nor the

1 designated officer may consider any factor not directly
2 germane to—

3 “(1) the safe operation or navigation of an air-
4 craft; or

5 “(2) the sufficiency of mitigation efforts related
6 to a material reduction in access to a public-use air-
7 port or adjacent airspace.

8 “(g) JUDICIAL REVIEW.—

9 “(1) IN GENERAL.—Any determination made by
10 the Secretary under subsection (e)(2) shall be sub-
11 ject to judicial review pursuant to subsections (a),
12 (b), (d), and (e) of section 46110.

13 “(2) STANDARD OF REVIEW.—

14 “(A) DISAPPROVALS.—In the case of a pe-
15 tition filed under section 46110(a) to review a
16 determination of the Secretary that disapproves
17 a proposal, the court shall, without deference to
18 the Secretary’s determination, review de novo
19 the record to determine if the Secretary’s deter-
20 mination is in the public interest.

21 “(B) APPROVALS.—In the case of a peti-
22 tion filed under section 46110(a) to review a
23 determination of the Secretary that approves a
24 proposal, the court may overturn the approval

1 only upon a finding of clear error or an abuse
2 of discretion.

3 **“§ 90706. Definitions**

4 “In this chapter, the following definitions apply:

5 “(1) MATERIAL REDUCTION.—The term ‘mate-
6 rial reduction’ means, with respect to access to a
7 public-use airport, including a general aviation or
8 rural airport, a materially diminished ability to safe-
9 ly operate or navigate to or from the airport or adja-
10 cent airspace during a time of day, weather condi-
11 tion, or season of the year.

12 “(2) RURAL AIRPORT.—The term ‘rural airport’
13 means a public-use airport located in a rural area
14 (as that term is defined in section 520 of the Hous-
15 ing Act of 1949 (42 U.S.C. 1490)).

16 **“CHAPTER 909—CONTINUITY OF AIR**
17 **TRAFFIC SERVICES TO DEPARTMENT**
18 **OF DEFENSE AND OTHER PUBLIC**
19 **AGENCIES**

“Sec.

“90901. Continuity of air traffic services provided by Department of Defense.

“90902. Military and other public aircraft exempt from user fees.

“90903. Air traffic services for Federal agencies.

“90904. Emergency powers of Armed Forces.

“90905. Adherence to international agreements related to operations of Armed
Forces.

“90906. Primacy of Armed Forces in times of war.

“90907. Cooperation with Department of Defense and other Federal agencies
after date of transfer.

1 **“§ 90901. Continuity of air traffic services provided**
2 **by Department of Defense**

3 “After the date of transfer, the Department of De-
4 fense, as directed by the President, is authorized and per-
5 mitted to provide air traffic services within United States
6 airspace and international airspace delegated to the
7 United States.

8 **“§ 90902. Military and other public aircraft exempt**
9 **from user fees**

10 “The Corporation may not impose charges or fees for
11 operations of aircraft owned or operated by the Armed
12 Forces or other aircraft that qualify as public aircraft
13 under sections 40102(a) and 40125.

14 **“§ 90903. Air traffic services for Federal agencies**

15 “Before the date of transfer, the Secretary shall es-
16 tablish processes, requirements, procedures, and regula-
17 tions and take any other measure necessary, consistent
18 with the purposes of this subtitle, to ensure that all United
19 States Government activities supported by the FAA’s op-
20 eration of air traffic services as of the date of transfer
21 receive support from the Corporation after the date of
22 transfer and on an ongoing basis.

23 **“§ 90904. Emergency powers of Armed Forces**

24 “The requirements of section 90501 shall not apply
25 to airspace actions necessitated by an exercise of authority
26 under section 40106.

1 **“§ 90905. Adherence to international agreements re-**
2 **lated to operations of Armed Forces**

3 “In carrying out section 90503, the Corporation shall
4 ensure that the obligations described in that section in-
5 clude obligations related to operations of the Armed
6 Forces.

7 **“§ 90906. Primacy of Armed Forces in times of war**

8 “The President may make temporary transfers to the
9 Secretary of Defense pursuant to section 40107(b).

10 **“§ 90907. Cooperation with Department of Defense**
11 **and other Federal agencies after date of**
12 **transfer**

13 “At least 1 year prior to the date of transfer, the
14 Corporation, the Department of Transportation, and each
15 Federal department or agency supported by the FAA’s op-
16 eration of air traffic services, including the Armed Forces,
17 shall enter into a tripartite agreement to—

18 “(1) ensure cooperation between the Corpora-
19 tion and the department or agency on the delivery
20 of air traffic services;

21 “(2) facilitate the safe provision of air traffic
22 services to the department or agency; and

23 “(3) address how the Corporation and the de-
24 partment or agency will coordinate and communicate
25 on the day-to-day operations of the national airspace
26 system.

1 **“CHAPTER 911—EMPLOYEE MANAGEMENT**

“Sec.

“91101. Definitions.

“91102. Employee management and benefits election.

“91103. Labor and employment policy.

“91104. Bargaining units.

“91105. Recognition of labor organizations.

“91106. Collective-bargaining agreements.

“91107. Collective-bargaining dispute resolution.

“91108. Potential and pending grievances, arbitrations, and settlements.

“91109. Prohibition on striking and other activities.

“91110. Legal action.

2 **“§ 91101. Definitions**

3 “In this chapter, the following definitions apply:

4 “(1) AGENCY.—The term ‘Agency’ means, as
5 the context requires, the Department of Transpor-
6 tation or the FAA.

7 “(2) AIR TRAFFIC CONTROLLER.—

8 “(A) IN GENERAL.—The term ‘air traffic
9 controller’ means an employee of the Corpora-
10 tion who, in an air traffic control facility or
11 flight service station facility—

12 “(i) is actively engaged—

13 “(I) in the separation and control
14 of air traffic; or

15 “(II) in providing preflight,
16 inflight, or airport advisory service to
17 aircraft operators; or

18 “(ii) is the immediate supervisor of
19 any employee described in clause (i).

1 “(B) LIMITATION.—Notwithstanding sub-
2 paragraph (A), the definition of ‘air traffic con-
3 troller’ for purposes of section 8336(e) of chap-
4 ter 83 of title 5 and section 8412(e) of chapter
5 84 of such title shall mean only employees ac-
6 tively engaged in the separation of air traffic
7 and the immediate supervisors of such employ-
8 ees, as set forth in section 8331(30) of such
9 title, and section 8401(35) of such title.

10 “(3) AUTHORITY.—The term ‘Authority’ means
11 the Federal Labor Relations Authority, as described
12 in section 7104(a) of title 5.

13 “(4) SERVICE.—The term ‘Service’ means the
14 Federal Mediation and Conciliation Service estab-
15 lished by section 202 of the Labor Management Re-
16 lations Act, 1947 (29 U.S.C. 172).

17 **“§91102. Employee management and benefits elec-**
18 **tion**

19 “(a) AUTHORITY OF CEO.—

20 “(1) IN GENERAL.—Except as otherwise pro-
21 vided by law, the CEO shall classify and fix the com-
22 pensation and benefits of employees in the Corpora-
23 tion.

24 “(2) NEGOTIATIONS.—In developing, making
25 changes to, and implementing wages, hours, and

1 other terms and conditions of employment, including
2 when establishing the compensation and benefits
3 program under section 90316(c), the Corporation
4 shall negotiate with exclusive representatives recog-
5 nized under section 91105.

6 “(3) BEFORE DATE OF TRANSFER.—For pur-
7 poses of paragraph (2), before the date of transfer,
8 the term ‘exclusive representatives recognized under
9 section 91105’ shall refer to labor organizations rec-
10 ognized under section 7111 of title 5 as exclusive
11 representatives of FAA employees.

12 “(b) FORMER FEDERAL EMPLOYEES.—

13 “(1) FEDERAL RETIREMENT BENEFITS.—

14 “(A) ELECTION OF RETIREMENT BENE-
15 FITS.—At least 90 days before the date of
16 transfer, an employee transferring to the Cor-
17 poration who will be subject to either the Civil
18 Service Retirement System under chapter 83 of
19 title 5 (in this section referred to as ‘CSRS’) or
20 the Federal Employees Retirement System
21 under chapter 84 of title 5 (in this section re-
22 ferred to as ‘FERS’) on the day immediately
23 preceding the date of transfer shall elect either
24 to—

1 “(i) retain the employee’s coverage
2 under either CSRS or FERS, as applica-
3 ble, in lieu of coverage by the Corpora-
4 tion’s employee benefits system established
5 under section 90316(c); or

6 “(ii) receive a deferred annuity, lump-
7 sum benefit, or any other benefit available
8 to the employee under CSRS or FERS, in
9 the same manner that would have been
10 available to the employee if the employee
11 had voluntarily separated from Federal
12 employment on the day before the date of
13 transfer.

14 “(B) THRIFT SAVINGS PLAN ACCOUNTS.—

15 An employee who makes the election under sub-
16 paragraph (A)(ii) shall have the option to trans-
17 fer the balance in the employee’s Thrift Savings
18 Plan account to the plan under the Corpora-
19 tion’s retirement system, consistent with appli-
20 cable law and the terms of the Corporation’s
21 plan.

22 “(C) PERIODIC ELECTION.—The Corpora-
23 tion shall provide for periodic election seasons
24 during which an employee who transferred to
25 the Corporation on the date of transfer may be-

1 come eligible for retirement benefits under the
2 Corporation’s employee benefits system estab-
3 lished under section 90316(c) by making an
4 election under subparagraph (A)(ii).

5 “(D) CONTINUITY OF ANNUITANT BENE-
6 FITS.—Notwithstanding any other provision of
7 law, any individual who is receiving an annuity
8 under chapter 83 or chapter 84 of title 5 may
9 continue to receive such annuity while employed
10 by the Corporation.

11 “(E) HIGH-3 DETERMINATION.—With re-
12 spect to any employee who retains CSRS or
13 FERS coverage pursuant to subparagraph (A),
14 such employee’s basic pay while with the Cor-
15 poration shall be included in any determination
16 of such employee’s average pay under section
17 8331(4) or 8401(3), as the case may be, of title
18 5 when calculating the annuity (if any) of such
19 employee. For purposes of this section, an em-
20 ployee’s basic pay shall be defined as such em-
21 ployee’s total annual salary or wages from the
22 Corporation, including any location-based ad-
23 justment.

24 “(2) PAYMENTS TO CIVIL SERVICE RETIRE-
25 MENT AND DISABILITY FUND.—For employees of the

1 Corporation who elect to retain their coverage under
2 either CSRS or FERS pursuant to paragraph (1),
3 the Corporation shall only be required to pay to the
4 Civil Service Retirement and Disability Fund—

5 “(A) such employee deductions and agency
6 contributions as are required by sections 8334,
7 8422, and 8423 of title 5; and

8 “(B) such additional amounts, not to ex-
9 ceed 2 percent of the amounts under subpara-
10 graph (A), as are determined necessary by the
11 Office of Personnel Management to pay the cost
12 of administering retirement benefits for employ-
13 ees who retire from the Corporation after the
14 date of transfer under either CSRS or FERS,
15 for their survivors, and for survivors of employ-
16 ees of the Corporation who die after the date of
17 transfer (which amounts shall be available to
18 the Office of Personnel Management as pro-
19 vided in section 8348(a)(1)(B) of title 5).

20 “(3) THRIFT SAVINGS FUND.—The Corporation
21 shall pay to the Thrift Savings Fund such employee
22 and agency contributions as are required by section
23 8432 of title 5 for employees who elect to retain
24 their coverage under FERS pursuant to paragraph
25 (1).

1 “(4) HEALTH BENEFITS PLAN ELECTION.—Any
2 employee of the Corporation who was subject to the
3 Federal Employees Health Benefits Program under
4 chapter 89 of title 5 (in this section referred to as
5 ‘FEHBP’) on the day immediately preceding the
6 date of transfer shall have the option to receive
7 health benefits from a health benefit plan estab-
8 lished by the Corporation under section 90316(e) or
9 to continue coverage under FEHBP without inter-
10 ruption.

11 “(5) PAYMENTS TO EMPLOYEES HEALTH BENE-
12 FITS FUND.—For employees of the Corporation who
13 elect to retain their coverage under FEHBP pursu-
14 ant to paragraph (4), the Corporation shall pay to
15 the Employees Health Benefits Fund—

16 “(A) such employee deductions and agency
17 contributions as are required by subsections (a)
18 through (f) of section 8906 of title 5; and

19 “(B) such amounts as are determined nec-
20 essary by the Office of Personnel Management
21 under paragraph (6) to reimburse the Office of
22 Personnel Management for contributions under
23 section 8906(g)(1) of title 5.

24 “(6) REIMBURSEMENT AMOUNTS.—The
25 amounts required to be paid by the Corporation

1 under paragraph (5)(B) shall be equal to the
2 amount of Government contributions for retired em-
3 ployees who retire from the Corporation after the
4 date of transfer under either CSRS or FERS, for
5 survivors of such retired employees, and for sur-
6 vivors of employees of the Corporation who die after
7 the date of transfer, with said amounts prorated to
8 reflect only that portion of the total service of such
9 employees and retired persons that was performed
10 for the Corporation after the date of transfer.

11 “(7) ADDITIONAL BENEFITS.—Subject to the
12 provisions of this chapter, any employee of the Cor-
13 poration who was subject to the provisions of sub-
14 chapter I of chapter 85 (concerning unemployment
15 compensation) and chapters 87 (concerning life in-
16 surance), 89A (concerning enhanced dental bene-
17 fits), and 89B (concerning enhanced vision benefits)
18 of title 5 shall have the option to continue coverage
19 under such provisions without interruption in lieu of
20 applicable coverage by the Corporation’s employee
21 benefits system established under section 90316(c).
22 The Corporation shall withhold from pay, and shall
23 make contributions, under the provisions of title 5
24 referred to in this subsection at the same rates ap-

1 applicable to agencies of the Federal Government for
2 such employees.

3 “(8) WORKERS COMPENSATION.—Officers and
4 employees of the Corporation shall be covered by,
5 and shall be considered employees for purposes of,
6 subchapter I of chapter 81 of title 5 (concerning
7 compensation for work injuries). The Corporation
8 shall make contributions to the Employees’ Com-
9 pensation Fund under the provisions of section 8147
10 of title 5 at the same rates applicable to agencies of
11 the Federal Government.

12 “(9) NON-FOREIGN AREA.—To the extent con-
13 sistent with law, the Non-Foreign Area Retirement
14 Equity Assurance Act of 2009 shall apply to officers
15 and employees of the Corporation transferred under
16 section 90316.

17 “(10) TRANSFER OF LEAVE.—Sick and annual
18 leave, credit hours, and compensatory time of offi-
19 cers and employees of the Corporation, whether ac-
20 crued before or after the date of transfer, shall be
21 obligations of the Corporation under the provisions
22 of this chapter.

23 “(11) WHISTLEBLOWER PROTECTION.—Neither
24 the Corporation, nor any officer or employee of the
25 Corporation, may take any action described in sub-

1 section (b)(8), (b)(9), or (b)(13), or the final para-
2 graph of subsection (b), of section 2302 of title 5
3 (relating to whistleblower protection).

4 **“§ 91103. Labor and employment policy**

5 “(a) APPLICATION OF CHAPTER 71 OF TITLE 5.—
6 To the extent not inconsistent with this chapter, labor-
7 management relations shall be subject to the provisions
8 of chapter 71 of title 5, provided that the obligation of
9 the Corporation and an exclusive bargaining representa-
10 tive recognized under section 91105 to bargain collectively
11 in good faith over conditions of employment shall mean
12 to bargain over the same wages, hours, and other terms
13 and conditions of employment as are negotiable under sec-
14 tion 8(d) of the Act of July 5, 1935, as amended (29
15 U.S.C. 158(d)), and without application of section
16 7103(a)(14) of title 5 and section 7117 of title 5, which
17 shall not apply.

18 “(b) APPLICABILITY.—To the limited extent nec-
19 essary for the implementation of this chapter, the Cor-
20 poration shall have the rights and obligations of an agency
21 under chapter 71 of title 5.

22 “(c) APPLICATION OF FAIR LABOR STANDARDS
23 ACT.—The provisions of the Fair Labor Standards Act
24 of 1938 (29 U.S.C. 201 et seq.) shall apply to the Cor-
25 poration and to its officers and employees.

1 “(d) REPORTING AND DISCLOSURE.—The provisions
2 of the Labor-Management Reporting and Disclosure Act
3 of 1959 (29 U.S.C. 401 et seq.) shall be applicable to labor
4 organizations that have or are seeking to attain recogni-
5 tion under section 91105, and to such organizations’ offi-
6 cers, agents, shop stewards, other representatives, and
7 members.

8 “(e) RIGHT TO COLLECTIVELY BARGAIN.—Each em-
9 ployee of the Corporation shall have the right, freely and
10 without fear of penalty or reprisal, to form, join, and assist
11 a labor organization or to refrain from any such activity,
12 and each employee shall be protected in the exercise of
13 this right. Such right shall include the right to engage in
14 collective bargaining with respect to the same wages,
15 hours, and other terms and conditions of employment as
16 are negotiable under section 8(d) of the Act of July 5,
17 1935, as amended (29 U.S.C. 158(d)).

18 **“§ 91104. Bargaining units**

19 “(a) IN GENERAL.—Pursuant to section 7112 of title
20 5 and subject to the requirements of this chapter, the Au-
21 thority shall decide in each case the unit appropriate for
22 collective bargaining with the Corporation.

23 “(b) PREVIOUSLY CERTIFIED UNITS.—Notwith-
24 standing subsection (a), the Authority may not adopt, cer-
25 tify, or decide upon bargaining units that include employ-

1 ees in bargaining units previously certified by the Author-
2 ity that are smaller in geographic scope than such pre-
3 viously certified bargaining units, unless the Authority
4 finds by compelling evidence that such previously certified
5 units would not, absent modification, remain units appro-
6 priate for collective bargaining with the Corporation.

7 “(c) OTHER UNITS.—

8 “(1) PREVIOUS CERTIFICATIONS.—Notwith-
9 standing subsection (a) or (b), the Authority shall
10 not recognize or certify any bargaining unit different
11 than the bargaining units previously certified by the
12 Authority prior to the date described in section
13 91105(g).

14 “(2) SUPERVISORS AND MANAGEMENT OFFI-
15 CIALS.—Notwithstanding section 7135(a)(2) of title
16 5, a bargaining unit may not include, or be modified
17 to include, any supervisor or management official, as
18 those terms are defined in section 7103(a) of title 5.

19 **“§ 91105. Recognition of labor organizations**

20 “(a) APPLICATION OF CHAPTER 71 OF TITLE 5.—
21 To the extent not inconsistent with this chapter, section
22 7111 of title 5 shall apply to the recognition and certifi-
23 cation of labor organizations for the employees of the Cor-
24 poration and the Corporation shall accord exclusive rec-
25 ognition to and bargain collectively with a labor organiza-

1 tion when the organization has been selected by a majority
2 of the employees in an appropriate unit as their represent-
3 ative.

4 “(b) RECOGNITION OF EXCLUSIVE REPRESENTA-
5 TIVE.—Notwithstanding subsection (a), each labor organi-
6 zation that, immediately before the date of transfer, was
7 recognized as the exclusive representative for a bargaining
8 unit of employees of the Agency shall be deemed to be
9 recognized on the date of transfer or thereafter as the ex-
10 clusive representative for those employees of the Corpora-
11 tion in the same or similar bargaining unit unless another
12 representative for a bargaining unit of employees is cer-
13 tified pursuant to section 7111 of title 5 and this section.

14 “(c) EXPIRATION OF TERM.—Every collective-bar-
15 gaining agreement or arbitration award that applies to an
16 employee of the Agency and that is in force immediately
17 before the date of transfer continues in force until its term
18 expires. To the extent that the Corporation assumes the
19 functions and responsibilities that, prior to the date of
20 transfer, were conducted by the Agency, agreements and
21 supplements (including any arbitration award, as applica-
22 ble) covering employees of the Agency that are in effect
23 on the date of transfer shall continue to be recognized by
24 and binding on the Corporation, the bargaining represent-
25 ative, and all covered employees until altered or amended

1 pursuant to law. Any agreement, supplement, or arbitra-
2 tion award continued by this section is deemed to be an
3 agreement, supplement, or arbitration award binding on
4 the Corporation, the bargaining representative, and all
5 covered employees for purposes of this chapter and title
6 5.

7 “(d) LIMITATION ON APPLICATION.—Notwith-
8 standing section 91103, sections 7106 and 7113 of title
9 5 shall not apply to this chapter.

10 “(e) CONTINUATION OF BARGAINING.—If an exclu-
11 sive representative and the Agency are engaged in bar-
12 gaining (whether concerning a collective-bargaining agree-
13 ment, issues related to the transfer of functions and re-
14 sponsibilities from the Agency to the Corporation, or oth-
15 erwise) prior to the date of transfer, such bargaining shall
16 continue between the exclusive representative and the Cor-
17 poration, and the Corporation shall be bound by any com-
18 mitments made during bargaining by the Agency.

19 “(f) STATUTORY CONSTRUCTION.—Nothing in this
20 section may be construed to prohibit the waiving of hear-
21 ings by stipulation for the purpose of a consent election
22 in conformity with regulations and rules of decision of the
23 Authority.

24 “(g) LIMITATION.—Notwithstanding any other provi-
25 sion of this chapter or any provision of title 5, no bar-

1 gaining unit or part of a bargaining unit consisting of em-
2 ployees of the Corporation represented by a labor organi-
3 zation pursuant to subsection (b) may be reviewed, re-
4 scinded, amended, altered, or varied, other than—

5 “(1) to include in the unit any employees who
6 are not represented by a labor organization, or

7 “(2) to merge bargaining units that are rep-
8 resented by the same labor organization,
9 before the first day of the last 3 months of the first collec-
10 tive agreement entered into after the date of transfer that
11 applies to those employees and that has resulted from col-
12 lective bargaining between such labor organization and the
13 Corporation.

14 “(h) DEDUCTION.—

15 “(1) IN GENERAL.—Notwithstanding section
16 91103, section 7115 of title 5 shall not apply to this
17 chapter.

18 “(2) DUES.—When a labor organization holds
19 exclusive recognition, the Corporation shall deduct
20 the regular and periodic dues, initiation fees, and as-
21 sessments (not including fines and penalties) of the
22 organization from the pay of all members of the or-
23 ganization in the unit of recognition if the Corpora-
24 tion (or, before the date of transfer, the Agency) has
25 received from each employee, on whose account such

1 deductions are made, a written assignment which
2 shall be irrevocable for a period of not more than 1
3 year.

4 “(3) CONTINUATION.—Any agreement de-
5 scribed in subsection (c) that provides for deduction
6 by the Agency of the regular and periodic dues, initi-
7 ation fees, and assessments (not including fines and
8 penalties) of the labor organization from the pay of
9 its members shall continue in full force and effect
10 and the obligation for such deductions shall be as-
11 sumed by the Corporation. No such deduction may
12 be made from the pay of any employee except on the
13 employee’s written assignment, which shall be irrev-
14 ocable for a period of not more than 1 year.

15 **“§ 91106. Collective-bargaining agreements**

16 “(a) IN GENERAL.—Except as provided under section
17 91105(c), collective-bargaining agreements between the
18 Corporation and bargaining representatives shall be effec-
19 tive for not less than 2 years.

20 “(b) PROCEDURES.—Collective-bargaining agree-
21 ments between the Corporation and bargaining represent-
22 atives recognized under section 91105 may include proce-
23 dures for resolution by the parties of grievances and ad-
24 verse actions arising under the agreement, including pro-
25 cedures culminating in binding third-party arbitration, or

1 the parties may adopt such procedures by mutual agree-
2 ment in the event of a dispute. Such procedures shall be
3 applicable to disputes arising under section 91109.

4 “(c) LIMITATION ON APPLICATION.—Notwith-
5 standing section 91103, section 7121(c) of title 5 shall not
6 apply to this chapter.

7 “(d) DISPUTE RESOLUTION PROCEDURES.—The
8 Corporation and bargaining representatives recognized
9 under section 91105 may by mutual agreement adopt pro-
10 cedures for the resolution of disputes or impasses arising
11 in the negotiation of a collective-bargaining agreement.

12 **“§ 91107. Collective-bargaining dispute resolution**

13 “(a) RESOLUTION OF DISPUTES.—

14 “(1) IN GENERAL.—If, prior to 90 days after
15 the expiration of the term collective-bargaining
16 agreement or 90 days after the parties begin mid-
17 term negotiations, the Corporation and the exclusive
18 bargaining representative of the employees of the
19 Corporation (in this section referred to collectively
20 as the ‘parties’) do not reach an agreement under
21 sections 7114(a)(1), 7114(a)(4), and 7114(b) of title
22 5 (as such sections apply to the Corporation under
23 this chapter), or section 91106(d) of this chapter,
24 the Corporation and the bargaining representative
25 shall use the mediation services of the Service to at-

1 tempt to reach such agreement in accordance with
2 part 1425 of title 29, Code of Federal Regulations
3 (as in effect on the date of enactment of this sub-
4 title).

5 “(2) MEDIATION PERIOD.—The mediation pe-
6 riod under paragraph (1) may not exceed 60 days
7 unless extended by written agreement of the parties.

8 “(b) BINDING ARBITRATION FOR TERM BAR-
9 GAINING.—

10 “(1) THREE MEMBER PRIVATE ARBITRATION
11 BOARD.—If the mediation services of the Service
12 under subsection (a)(1) do not lead to the resolution
13 of issues in controversy arising from the negotiation
14 of a term collective-bargaining agreement, the par-
15 ties shall submit their issues in controversy to a pri-
16 vate arbitration board consisting of 3 members.

17 “(2) APPOINTMENT OF ARBITRATION BOARD.—

18 “(A) PREPARATION OF LIST OF ARBITRA-
19 TORS.—The Director of the Service shall pro-
20 vide for the appointment of the 3 members of
21 an arbitration board by—

22 “(i) preparing a list of not fewer than
23 15 names of arbitrators of nationwide rep-
24 utation and professional stature with at
25 least 20 years of experience in labor-man-

1 agement arbitration and considerable expe-
2 rience in interest arbitration in major in-
3 dustries; and

4 “(ii) providing the list to the parties.

5 “(B) SELECTION OF ARBITRATORS BY
6 PARTIES.—Not later than 10 days after receiv-
7 ing a list of names under subparagraph (A), the
8 parties shall each select one arbitrator. The ar-
9 bitrators selected by the parties do not need to
10 be arbitrators whose names appear on the list.

11 “(C) SELECTION OF THIRD ARBI-
12 TRATOR.—Not later than 7 days after the date
13 on which the 2 arbitrators are selected by the
14 parties under subparagraph (B), the 2 arbitra-
15 tors, acting jointly, shall select a third person
16 from the list prepared under subparagraph (A).

17 “(D) FAILURE TO ACT.—If either of the
18 parties fails to select a person or if the 2 arbi-
19 trators are unable to agree on the third person
20 in 7 days, the parties shall make the selection
21 by alternately striking names on the list pre-
22 pared under subparagraph (A), beginning with
23 the party chosen on a random basis, until one
24 arbitrator remains.

1 “(3) FRAMING ISSUES IN CONTROVERSY.—If
2 the parties do not agree on the framing of the issues
3 to be submitted for arbitration, the arbitration board
4 shall frame the issues.

5 “(4) HEARINGS.—The arbitration board shall
6 give the parties a full and fair hearing, including an
7 opportunity to present evidence and witnesses in
8 support of their claims and an opportunity to
9 present their case in person, by counsel, or by other
10 representative as they may elect.

11 “(5) DECISIONS.—The arbitration board shall
12 render its written decision not later than 90 days
13 after the date of its appointment. Decisions of the
14 arbitration board shall be conclusive and binding
15 upon the parties.

16 “(6) EVIDENCE.—The arbitration board shall
17 consider and afford the proper weight to all of the
18 evidence presented by the parties.

19 “(7) COSTS.—The parties shall share costs of
20 the arbitration equally.

21 “(c) RATIFICATION OF AGREEMENTS.—Upon reach-
22 ing a voluntary agreement or at the conclusion of the bind-
23 ing arbitration under subsection (b), the final agreement,
24 except for those matters decided by a private arbitration
25 board, shall be—

1 “(1) subject to ratification by the exclusive bar-
2 gaining representative of the employees, if so re-
3 quested by the bargaining representative; and

4 “(2) subject to approval by the head of the Cor-
5 poration in accordance with section 7114(c) of title
6 5.

7 “(d) MID-TERM BARGAINING.—

8 “(1) PREPARATION OF LIST OF ARBITRA-
9 TORS.—If the mediation services of the Service
10 under subsection (a) do not lead to the resolution of
11 issues in controversy arising from the negotiation of
12 a mid-term collective-bargaining agreement, the Di-
13 rector shall provide the parties a list of not fewer
14 than 10 names of arbitrators of nationwide reputa-
15 tion and professional stature with at least 20 years
16 of experience in labor-management arbitration and
17 considerable experience in interest arbitration in
18 major industries.

19 “(2) SELECTION OF ARBITRATOR.—The parties
20 shall alternately strike names on the list, beginning
21 with the party chosen on a random basis, until one
22 arbitrator remains.

23 “(3) DECISION.—The arbitrator shall hold a
24 hearing, and not later than 90 days after date of the
25 appointment of the arbitrator, issue a written deci-

1 sion resolving the issues in controversy. The decision
2 shall be conclusive and binding upon the parties.

3 “(e) ENFORCEMENT.—To enforce this section, either
4 party may bring suit in the United States District Court
5 for the District of Columbia, which shall hear and resolve
6 the enforcement action on an expedited basis.

7 “(f) APPLICATION.—Notwithstanding section
8 91103(a), section 7119 of title 5 shall not apply to this
9 chapter.

10 **“§ 91108. Potential and pending grievances, arbitra-**
11 **tions, and settlements**

12 “(a) IN GENERAL.—The Corporation is deemed to be
13 the employer referred to in any agreement or supplement
14 referred to in section 91105(e) for the purpose of any arbi-
15 tration proceeding or arbitration award. Any agreement
16 concerning any employee that resolves a potential or filed
17 grievance that is binding on the Agency shall, to the extent
18 that the employee becomes an employee of the Corpora-
19 tion, become binding on the Corporation.

20 “(b) EXISTING BINDING AGREEMENTS.—Any agree-
21 ment or supplement referred to in section 91105(e) is
22 binding on—

23 “(1) the Corporation as if it were the employer
24 referred to in such agreement or supplement;

1 “(2) the bargaining representative that is a
2 party to the agreement or supplement; and

3 “(3) the employees of the Corporation in the
4 bargaining unit with respect to whom that bar-
5 gaining representative has been certified.

6 “(c) JURISDICTION.—Subject to section 91103, the
7 Authority shall retain jurisdiction over all matters arising
8 before the date of transfer in relation to the interpretation
9 and application of any agreement or supplement referred
10 to in section 91105(c), whether or not such agreement or
11 supplement has expired.

12 “(d) EXISTING GRIEVANCES OR ARBITRATIONS.—
13 Grievances or arbitrations that were filed or commenced
14 before the date of transfer with respect to any agreement
15 or supplement referred to in section 91105(c) shall be con-
16 tinued as though the Corporation were the employer re-
17 ferred to in the agreement or supplement.

18 “(e) PROCEEDINGS AFTER DATE OF TRANSFER.—
19 Where events giving rise to a grievance under any agree-
20 ment or supplement referred to in section 91105(c) oc-
21 curred before the date of transfer but the proceedings had
22 not commenced before that date, the proceedings may be
23 commenced on or after the date of transfer in accordance
24 with such agreement or supplement as though the Cor-

1 poration were the employer referred to in such agreement
2 or supplement.

3 “(f) ACTIONS DEEMED TO BE BY CORPORATION.—
4 For the purposes of subsections (c), (d), and (e), anything
5 done, or not done, by the Agency is deemed to have been
6 done, or to have not been done, as the case may be, by
7 the Corporation.

8 “(g) EXCEPTIONS TO ARBITRAL AWARDS.—

9 “(1) IN GENERAL.—Notwithstanding section
10 91103, section 7122 of title 5 shall not apply to this
11 chapter.

12 “(2) ACTIONS TO VACATE.—Either party to
13 grievance arbitration under this chapter may file an
14 action pursuant to section 91110(a) to enforce the
15 arbitration process or to vacate or enforce an arbi-
16 tration award. An arbitration award may only be va-
17 cated on the grounds, and pursuant to the stand-
18 ards, that would be applicable to an action to vacate
19 an arbitration award brought in the Federal courts
20 under section 301 of the Labor Management Rela-
21 tions Act, 1947 (29 U.S.C. 185).

22 **“§ 91109. Prohibition on striking and other activities**

23 “(a) IN GENERAL.—Employees of the Corporation
24 are prohibited from—

1 “(1) participating in a strike, work stoppage, or
2 slowdown against the Corporation; or

3 “(2) picketing the Corporation in a labor-man-
4 agement dispute if such picketing interferes with the
5 Corporation’s operations.

6 “(b) TERMINATION.—An employee who participates
7 in an activity described in subsection (a) shall be termi-
8 nated from employment with the Corporation.

9 **“§ 91110. Legal action**

10 “(a) IN GENERAL.—Consistent with the require-
11 ments of section 90315, actions to enforce the arbitration
12 process or vacate or enforce an arbitral award under sec-
13 tion 91108(g)(2) between the Corporation and a labor or-
14 ganization representing Corporation employees, or be-
15 tween any such labor organizations, may be brought in
16 any district court of the United States having jurisdiction
17 of the parties, without respect to the amount in con-
18 troversy.

19 “(b) AUTHORIZED ACTS.—A labor organization rec-
20 ognized under section 91105 and the Corporation shall be
21 bound by the authorized acts of their agents. Any labor
22 organization may sue or be sued as an entity and on behalf
23 of the employees whom it represents in the courts of the
24 United States. Any money judgment against a labor orga-
25 nization in a district court of the United States shall be

1 enforceable only against the organization as an entity and
 2 against its assets, and shall not be enforceable against any
 3 individual member or his assets.

4 “(c) JURISDICTION.—Under this subtitle, for the
 5 purposes of actions and proceedings by or against labor
 6 organizations in the district courts of the United States,
 7 district courts shall be deemed to have jurisdiction of a
 8 labor organization—

9 “(1) in the district in which such organization
 10 maintains its principal offices; or

11 “(2) in any district in which its duly authorized
 12 officers or agents are engaged in representing or
 13 acting for employee members.

14 “(d) SUMMONS OR SUBPOENA.—The service of sum-
 15 mons, subpoena, or other legal process of any court of the
 16 United States upon an officer or agent of a labor organiza-
 17 tion, in his capacity as such, shall constitute service upon
 18 the labor organization.

19 **“CHAPTER 913—OTHER MATTERS**

“Sec.

“91301. Termination of Government functions.

“91302. Savings provisions.

20 **“§ 91301. Termination of Government functions**

21 “Except as otherwise provided in this subtitle, when-
 22 ever any function vested by law in the Secretary, Adminis-
 23 trator, Department of Transportation, or FAA has been

1 transferred to the Corporation pursuant to this subtitle,
2 it shall no longer be a function of the Government.

3 **“§ 91302. Savings provisions**

4 “(a) COMPLETED ADMINISTRATIVE ACTIONS.—

5 “(1) IN GENERAL.—Completed administrative
6 actions of the Department of Transportation or the
7 FAA shall not be affected by the enactment of this
8 subtitle, but shall continue in effect according to
9 their terms until amended, modified, superseded,
10 terminated, set aside, or revoked in accordance with
11 law.

12 “(2) COMPLETED ADMINISTRATIVE ACTION DE-
13 FINED.—In paragraph (1), the term ‘completed ad-
14 ministrative action’ includes orders, determinations,
15 rules, regulations, personnel actions, permits, agree-
16 ments, grants, contracts, certificates, licenses, reg-
17 istrations, and privileges.

18 “(b) CONTINUED EFFECTIVENESS OF PENDING AC-
19 TIONS.—

20 “(1) PENDING ACTIONS AND PROCEEDINGS.—

21 The provisions of this subtitle shall not affect any
22 proceedings of the Department of Transportation or
23 the FAA pending on the date of transfer, includ-
24 ing—

1 “(A) notices of proposed rulemaking re-
2 lated to activities of the FAA, without regard to
3 whether the activities are transferred to the
4 Corporation; and

5 “(B) an application for a license, a permit,
6 a certificate, or financial assistance pending on
7 the date of transfer before the Department of
8 Transportation or the FAA, or any officer
9 thereof, with respect to activities of the Depart-
10 ment or the FAA, without regard to whether
11 the activities are transferred to the Corpora-
12 tion.

13 “(2) EFFECT OF ORDERS.—Orders issued in
14 any proceedings referred to in paragraph (1) shall
15 continue in effect until modified, terminated, super-
16 seded, or revoked in accordance with law. Nothing in
17 this subsection prohibits the discontinuance or modi-
18 fication of any such proceeding under the same
19 terms and conditions and to the same extent that
20 such proceeding could have been discontinued or
21 modified if this subtitle had not been enacted.

22 “(c) CONTINUED EFFECTIVENESS OF ADMINISTRA-
23 TIVE AND JUDICIAL ACTIONS.—No causes of action or ac-
24 tions by or against the Department of Transportation or
25 the FAA arising from acts or omissions occurring before

1 the date of transfer shall abate by reason of the enactment
2 of this subtitle.

3 “(d) SUBSTITUTION OR ADDITION OF PARTIES TO
4 JUDICIAL ACTIONS.—Except as provided by subsection
5 (e)(2), if, on the date of transfer, the Department of
6 Transportation or the FAA, or any officer thereof in the
7 officer’s capacity, is a party to an action and, under this
8 subtitle, the performance of that activity of the Depart-
9 ment, FAA, or officer is transferred to the Corporation,
10 such action shall be continued with the CEO substituted
11 or added as a party.

12 “(e) AIR TRAFFIC SERVICES LIABILITIES AND OBLI-
13 GATIONS.—

14 “(1) ASSUMPTION OF OBLIGATIONS.—Except as
15 provided in paragraph (2), the Corporation shall as-
16 sume—

17 “(A) all obligations (tangible and incorpo-
18 real, present, and executory) associated with the
19 air traffic services transferred under this sub-
20 title on the date of transfer, including leases,
21 permits, licenses, contracts, agreements, ac-
22 counts receivable, and accounts payable; and

23 “(B) all claims and liabilities associated
24 with the air traffic services transferred under
25 this subtitle pending on the date of transfer.

1 “(2) CLAIMS AND ACTIONS THAT REMAIN LI-
2 ABILITIES OF UNITED STATES.—

3 “(A) CLAIMS AND ACTIONS ARISING IN
4 TORT.—All claims and actions arising in tort
5 pending on the date of transfer and arising out
6 of the alleged acts or omissions of employees of
7 the FAA who transfer to the Corporation shall
8 remain liabilities of the United States.

9 “(B) CONTINGENT LIABILITIES.—All con-
10 tingent liabilities existing on the date of trans-
11 fer shall remain with the United States, includ-
12 ing (without limitation) environmental and in-
13 tellectual property infringement claims.

14 “(C) OTHER CLAIMS AND LIABILITIES.—
15 All other claims and liabilities arising out of the
16 alleged acts or omissions of the United States
17 before the date of transfer (including those aris-
18 ing under an agreement referred to in section
19 91105(c)) whose remedy is financial or mone-
20 tary in nature shall remain liabilities of the
21 United States.

22 “(D) ACCESS OF FEDERAL REPRESENTA-
23 TIVES TO EMPLOYEES AND RECORDS.—The
24 Secretary shall ensure that, before the date of
25 transfer, the Corporation has agreed to allow

1 representatives of the Secretary and the Attor-
 2 ney General such access as they may require to
 3 employees and records of the Corporation for
 4 all purposes relating to the handling of such
 5 claims under this paragraph.

6 **“CHAPTER 915—CONGRESSIONAL OVER-**
 7 **SIGHT OF AIR TRAFFIC SERVICES**
 8 **PROVIDER**

“Sec.

“91501. Inspector General reports to Congress on transition.

“91502. State of air traffic services.

“91503. Submission of annual financial report.

“91504. Submission of strategic plan.

9 **“§ 91501. Inspector General reports to Congress on**
 10 **transition**

11 “(a) IN GENERAL.—Before the date of transfer, the
 12 Inspector General of the Department of Transportation
 13 shall submit regular reports to Congress on the progress
 14 of the preparation of the Department of Transportation
 15 and of the Corporation for the transfer of operational con-
 16 trol of air traffic services under this subtitle.

17 “(b) TIMING.—The reports described in subsection
 18 (a) shall be submitted, at a minimum, on a quarterly basis
 19 until the date of transfer.

20 “(c) SUNSET.—This section shall expire on the date
 21 of transfer.

22 “(d) STATUTORY CONSTRUCTION.—Nothing in this
 23 section may be construed to limit the authority of the In-

1 spector General of the Department of Transportation to
2 conduct oversight of the Department of Transportation’s
3 interactions with the Corporation after the date of trans-
4 fer.

5 **“§ 91502. State of air traffic services**

6 “(a) REPORT.—Not later than 2 years after the date
7 of transfer, and every 2 years thereafter—

8 “(1) the Corporation shall submit to the Sec-
9 retary a report on the state of air traffic services;
10 and

11 “(2) the Secretary shall submit the report to
12 Congress.

13 “(b) CONTENTS.—The report shall include, as appro-
14 priate, information on—

15 “(1) access to airports and services for all
16 users, including access with respect to rural areas;

17 “(2) charges and fees, safety, and areas in
18 which the Corporation has identified efficiencies in
19 the system, including staffing and facilities realign-
20 ment or consolidation;

21 “(3) the safe, fair, and timely provision of air
22 traffic services by the Corporation;

23 “(4) the sound operation of the Corporation
24 and the impact of any activities of the Corporation
25 on United States airspace;

1 “(5) the cooperation and interaction of the Cor-
2 poration with the Department of Defense, the De-
3 partment of Transportation, the FAA, and other
4 Federal departments and agencies, including any
5 agreements between the Corporation and those de-
6 partments and agencies;

7 “(6) compliance of the Corporation with United
8 States obligations under international treaties and
9 agreements;

10 “(7) compliance of the Corporation with Fed-
11 eral safety, environmental, corporate, and tax laws
12 and regulations;

13 “(8) compliance of the Corporation with Fed-
14 eral laws related to employees of the Corporation;

15 “(9) follow-up on Inspector General and Gov-
16 ernment Accountability Office audits, investigations,
17 and reports involving the Corporation, including any
18 recommendations included in such reports;

19 “(10) compliance of the Corporation with other
20 Federal requirements, including requirements relat-
21 ing to public disclosure, publication of fees, annual
22 reporting, and establishment of the Advisory Board
23 and other committees;

1 “(11) actions and activities of the CEO and
2 Board and their adherence to their duties and re-
3 sponsibilities;

4 “(12) compliance of the Corporation with re-
5 quirements related to rural, remote, and small com-
6 munity air traffic services;

7 “(13) compliance of the Corporation with re-
8 quirements related to claims of incorrect fees and
9 resolution of fee disputes;

10 “(14) compliance of the Corporation with re-
11 quirements to report safety violations to the FAA,
12 cooperate with FAA investigations, and assist in
13 FAA enforcement actions;

14 “(15) actions in times of emergencies and times
15 of war; and

16 “(16) such other matters as the Secretary, in
17 consultation with the Administrator, determines ap-
18 propriate.

19 **“§ 91503. Submission of annual financial report**

20 “(a) ANNUAL FINANCIAL REPORT.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of transfer, and annually thereafter, the
23 Corporation shall publish a report on the activities
24 of the Corporation during the prior year.

1 “(2) CONTENTS; AVAILABILITY.—The annual
2 report shall contain financial and operational per-
3 formance information regarding the Corporation, as
4 well as information on the compensation (including
5 bonuses and other financial incentives) of each Di-
6 rector, the CEO, and officers of the Corporation,
7 and shall be made publicly available.

8 “(3) PROPRIETY INFORMATION.—The Corpora-
9 tion shall ensure that any propriety information that
10 may be contained in the annual report is not made
11 public.

12 “(b) SUBMISSION.—Each year, on the date the an-
13 nual report required pursuant to subsection (a) is pub-
14 lished—

15 “(1) the Corporation shall submit the report to
16 the Secretary; and

17 “(2) the Secretary shall submit the report to
18 Congress.

19 **“§ 91504. Submission of strategic plan**

20 “(a) SUBMISSION OF STRATEGIC PLAN.—Not later
21 than 15 days after the initial strategic plan is approved
22 by the Board pursuant to section 90308(c)—

23 “(1) the Corporation shall submit the strategic
24 plan to the Secretary; and

1 “(2) the Secretary shall submit the strategic
2 plan to Congress.

3 “(b) UPDATES TO STRATEGIC PLAN.—Not later than
4 15 days after an update to the strategic plan is approved
5 by the Board pursuant to section 90308(c)—

6 “(1) the Corporation shall submit the updated
7 strategic plan to the Secretary; and

8 “(2) the Secretary shall submit the updated
9 strategic plan to Congress.”.

10 (b) ANALYSIS FOR TITLE 49.—The analysis for title
11 49, United States Code, is amended by adding at the end
12 the following:

“XI. American Air Navigation Services Corporation90101”.

13 **Subtitle B—Amendments to**
14 **Federal Aviation Laws**

15 **SEC. 221. DEFINITIONS.**

16 Section 40102(a) of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(48) ‘American Air Navigation Services Cor-
19 poration’ means the American Air Navigation Serv-
20 ices Corporation established by subtitle XI.”.

21 **SEC. 222. SUNSET OF FAA AIR TRAFFIC ENTITIES AND OFFI-
22 CERS.**

23 (a) AIR TRAFFIC SERVICES COMMITTEE.—Section
24 106(p) of title 49, United States Code, is amended—

1 (1) in paragraph (7) by adding at the end the
2 following:

3 “(I) SUNSET.—The Committee shall termi-
4 nate and this paragraph shall cease to be effec-
5 tive beginning on the date of transfer (as de-
6 fined in section 90101(a)).”; and

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

8 “(9) SUNSET OF AIR TRAFFIC ADVISORY
9 ROLE.—Beginning on the date of transfer (as de-
10 fined in section 90101(a)), the Council shall not de-
11 velop or submit comments, recommended modifica-
12 tions, or dissenting views directly regarding the
13 American Air Navigation Services Corporation or air
14 traffic services.”.

15 (b) CHIEF OPERATING OFFICER.—Section 106(r) of
16 title 49, United States Code, is amended by adding at the
17 end the following:

18 “(6) SUNSET.—The position of Chief Operating
19 Officer shall terminate and this subsection shall
20 cease to be effective beginning on the date of trans-
21 fer (as defined in section 90101(a)).”.

22 (c) CHIEF NEXTGEN OFFICER.—Section 106(s) of
23 title 49, United States Code, is amended by adding at the
24 end the following:

1 “(8) SUNSET.—The position of Chief NextGen
2 Officer shall terminate and this subsection shall
3 cease to be effective beginning on the date of trans-
4 fer (as defined in section 90101(a)).”.

5 **SEC. 223. ROLE OF ADMINISTRATOR.**

6 Section 40103(b) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (1) by striking “The Adminis-
9 trator” each place it appears and inserting “Before
10 the date of transfer (as defined in section 90101(a)),
11 the Administrator”;

12 (2) by striking paragraph (2) and inserting the
13 following:

14 “(2) The Administrator shall—

15 “(A) before the date of transfer (as defined in
16 section 90101(a)), prescribe air traffic regulations
17 on the flight of aircraft (including regulations on
18 safe altitudes) for—

19 “(i) navigating, protecting, and identifying
20 aircraft;

21 “(ii) protecting individuals and property on
22 the ground;

23 “(iii) using the navigable airspace effi-
24 ciently; and

1 “(iv) preventing collisions between aircraft,
2 between aircraft and land or water vehicles, and
3 between aircraft and airborne objects; and

4 “(B) on and after the date of transfer (as de-
5 fined in section 90101(a)), prescribe safety regula-
6 tions on the flight of aircraft (including regulations
7 on safe altitudes) for—

8 “(i) navigating, protecting, and identifying
9 aircraft;

10 “(ii) protecting individuals and property on
11 the ground;

12 “(iii) ensuring equitable access to and use
13 of airspace; and

14 “(iv) preventing collisions between aircraft,
15 between aircraft and land or water vehicles, and
16 between aircraft and airborne objects.”; and

17 (3) in paragraph (3) by striking “Adminis-
18 trator” each place it appears and inserting “Sec-
19 retary”.

20 **SEC. 224. EMERGENCY POWERS.**

21 Section 40106(a) of title 49, United States Code, is
22 amended—

23 (1) in the matter preceding paragraph (1) by
24 striking “air traffic”;

1 (2) in paragraph (1) by inserting “and the
2 American Air Navigation Services Corporation”
3 after “Administration”; and

4 (3) in paragraph (2) by inserting “and the
5 American Air Navigation Services Corporation”
6 after “Administrator”.

7 **SEC. 225. PRESIDENTIAL TRANSFERS IN TIME OF WAR.**

8 Section 40107(b) of title 49, United States Code, is
9 amended to read as follows:

10 “(b) DURING WAR.—If war occurs, the President by
11 Executive order may temporarily transfer to the Secretary
12 of Defense a duty, power, activity, or facility of the Ad-
13 ministrator or the American Air Navigation Services Cor-
14 poration. In making the transfer, the President may tem-
15 porarily transfer records, property, officers, and employees
16 of the Administration or the American Air Navigation
17 Services Corporation to the Department of Defense.”.

18 **SEC. 226. AIRWAY CAPITAL INVESTMENT PLAN BEFORE**
19 **DATE OF TRANSFER.**

20 Section 44501(b) of title 49, United States Code, is
21 amended—

22 (1) in the first sentence by striking “The Ad-
23 ministrator” and inserting “Before the date of
24 transfer (as defined in section 90101(a)), the Ad-
25 ministrator”;

1 (2) in paragraph (4)(B) by striking “and” at
2 the end;

3 (3) in paragraph (5) by striking the period at
4 the end and inserting “; and”; and

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

6 “(6) for fiscal years 2017 through 2020, a
7 process under which the Administrator shall con-
8 tinue to comply with the requirements of this section
9 before the date of transfer (as defined in section
10 90101(a)).”.

11 **SEC. 227. AVIATION FACILITIES BEFORE DATE OF TRANS-**

12 **FER.**

13 (a) GENERAL AUTHORITY.—Section 44502(a) of title
14 49, United States Code, is amended—

15 (1) in paragraph (1) by striking “The Adminis-
16 trator of the Federal Aviation Administration may”
17 and inserting “Before the date of transfer (as de-
18 fined in section 90101(a)), the Secretary of Trans-
19 portation may”;

20 (2) in paragraph (2) by striking “The cost”
21 and inserting “Before the date of transfer (as de-
22 fined in section 90101(a)), the cost”;

23 (3) in paragraph (3) by striking “The Sec-
24 retary” and inserting “Before the date of transfer
25 (as defined in section 90101(a)), the Secretary”;

1 (4) by striking paragraph (4);

2 (5) by redesignating paragraph (5) as para-
3 graph (4); and

4 (6) in paragraph (4) (as so redesignated) by
5 striking “The Administrator” and inserting “Before
6 the date of transfer (as defined in section 90101(a)),
7 the Secretary of Transportation”.

8 (b) CERTIFICATION OF NECESSITY.—Section
9 44502(b) of title 49, United States Code, is amended—

10 (1) by striking “Except” and inserting “Before
11 the date of transfer (as defined in section 90101(a)),
12 except”; and

13 (2) by striking “the Administrator of the Fed-
14 eral Aviation Administration” and inserting “the
15 Secretary of Transportation”.

16 (c) ENSURING CONFORMITY WITH PLANS AND POLI-
17 CIES.—Section 44502(c) of title 49, United States Code,
18 is amended—

19 (1) in paragraph (1)—

20 (A) by striking “Administrator of the Fed-
21 eral Aviation Administration” the second, third,
22 and fourth places it appears and inserting “Sec-
23 retary of Transportation”;

1 (B) by striking “by the Administrator of
2 the Federal Aviation Administration under sec-
3 tion 40103(b)(1) of this title”; and

4 (C) by striking “Congress” and inserting
5 “Congress, the American Air Navigation Serv-
6 ices Corporation,”; and

7 (2) in paragraph (2)—

8 (A) by striking “Administrator of the Fed-
9 eral Aviation Administration” and inserting
10 “Secretary of Transportation”; and

11 (B) by striking “that the Administrator”
12 and inserting “that the Secretary”.

13 (d) TRANSFERS OF INSTRUMENT LANDING SYS-
14 TEMS.—Section 44502(e) of title 49, United States Code,
15 is amended by striking “An airport may transfer” and in-
16 serting “Before the date of transfer (as defined in section
17 90101(a)), an airport may transfer”.

18 **SEC. 228. JUDICIAL REVIEW.**

19 Section 46110(a) of title 49, United States Code, is
20 amended by striking “or subsection (l) or (s) of section
21 114” and inserting “subsection (l) or (s) of section 114,
22 or section 90501”.

1 **SEC. 229. CIVIL PENALTIES.**

2 Section 46301(a)(1)(A) of title 49, United States
3 Code, is amended by striking “or section 47133” and in-
4 serting “section 47133, or section 90501(b)(3)”.

5 **Subtitle C—Other Matters**

6 **SEC. 241. USE OF FEDERAL TECHNICAL FACILITIES.**

7 (a) IN GENERAL.—The Administrator of the Federal
8 Aviation Administration shall make Administration tech-
9 nical facilities available to the American Air Navigation
10 Services Corporation for air traffic control research and
11 development projects.

12 (b) COOPERATIVE AGREEMENT.—

13 (1) IN GENERAL.—To ensure the safe transi-
14 tion of air traffic services, not later than 180 days
15 prior to the date of transfer (as defined in section
16 90101(a) of title 49, United States Code, as added
17 by this Act), the Administrator shall enter into an
18 agreement with the American Air Navigation Serv-
19 ices Corporation, for a period of not less than 5
20 years, concerning services that could be provided at
21 the Federal Aviation Administration technical cen-
22 ter, including the integrated air traffic control lab-
23 oratories.

24 (2) SERVICES DEFINED.—In this subsection,
25 the term “services” includes—

1 (A) activities associated with the approval
2 of a safety management system under chapter
3 905 of title 49, United States Code, as added
4 by this Act; and

5 (B) any other activity the Secretary con-
6 siders necessary to promote safety in air traffic
7 services, including verification of the safety
8 functions of new air traffic control technologies.

9 (c) **STATUTORY CONSTRUCTION.**—Nothing in this
10 title, or the amendments made by this title, may be con-
11 strued to limit the safety regulatory authority of the De-
12 partment of Transportation, including the research and
13 development functions of the Department.

14 (d) **SAFETY.**—Before the date of transfer (as defined
15 by section 90101(a) of title 49, United States Code, as
16 added by this Act) all operational testing and integration
17 of air traffic control systems conducted by the Administra-
18 tion shall continue.

19 **SEC. 242. ENSURING PROGRESS ON NEXTGEN PRIORITIES**
20 **BEFORE DATE OF TRANSFER.**

21 (a) **NEAR-TERM NEXTGEN PRIORITIES.**—Prior to
22 the date of transfer (as defined by section 90101(a) of
23 title 49, United States Code, as added by this Act), the
24 Administrator of the Federal Aviation Administration, in

1 consultation with the NextGen Advisory Committee, shall
2 prioritize the implementation of the following programs:

- 3 (1) Multiple runway operations.
- 4 (2) Performance-based navigation.
- 5 (3) Surface operations and data sharing.
- 6 (4) Data communications.

7 (b) NEAR-TERM NEXTGEN PERFORMANCE GOALS.—

8 (1) IN GENERAL.—The Administrator, in con-
9 sultation with the NextGen Advisory Committee,
10 shall establish quantifiable near-term NextGen per-
11 formance goals for each of the programs prioritized
12 under subsection (a).

13 (2) TRACKING.—The Administrator shall track
14 the performance goals in a publicly available and
15 transparent manner.

16 (3) MEASURING BENEFITS.—The Administrator
17 shall establish the performance goals in a manner
18 that allows Congress, stakeholders, and the public to
19 clearly measure the delivery of NextGen benefits be-
20 tween 2018 and 2020, including with respect to—

- 21 (A) increasing safety;
- 22 (B) reducing aviation’s impact on the envi-
23 ronment;
- 24 (C) enhancing controller productivity; and

1 (D) increasing predictability, airspace ca-
2 pacity, and efficiency.

3 (c) NEXTGEN METRICS REPORT.—Section 106(s)(5)
4 of title 49, United States Code, is amended by adding at
5 the end the following:

6 “(I) Developing, as part of the annual re-
7 port required under paragraph (4), a descrip-
8 tion of the progress made in meeting the near-
9 term NextGen performance goals required pur-
10 suant to section 242 of the 21st Century AIRR
11 Act and delivering near-term NextGen bene-
12 fits.”.

13 (d) CHIEF NEXTGEN OFFICER RESPONSIBILITY FOR
14 MEETING NEAR-TERM NEXTGEN GOALS.—Section
15 106(s)(3) of title 49, United States Code, is amended by
16 adding at the end the following: “In evaluating the per-
17 formance of the Chief NextGen Officer, the Administrator
18 shall consider the progress made in meeting the near-term
19 NextGen performance goals required pursuant to section
20 242 of the 21st Century AIRR Act and delivering near-
21 term NextGen benefits.”.

22 **SEC. 243. SEVERABILITY.**

23 If a provision of this title (including any amendment
24 made by this title) or its application to any person or cir-
25 cumstance is held invalid, neither the remainder of this

1 title nor the application of the provision to other persons
2 or circumstances shall be affected.

3 **TITLE III—FAA SAFETY**
4 **CERTIFICATION REFORM**
5 **Subtitle A—General Provisions**

6 **SEC. 301. DEFINITIONS.**

7 In this title, the following definitions apply:

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

10 (2) SAFETY OVERSIGHT AND CERTIFICATION
11 ADVISORY COMMITTEE.—The term “Safety Over-
12 sight and Certification Advisory Committee” means
13 the Safety Oversight and Certification Advisory
14 Committee established under section 302.

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

21 **SEC. 302. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
22 **SORY COMMITTEE.**

23 (a) IN GENERAL.—Not later than 60 days after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall establish a Safety Oversight and Certification

1 Advisory Committee (in this section referred to as the
2 “Advisory Committee”).

3 (b) DUTIES.—The Advisory Committee shall provide
4 advice to the Secretary on policy-level issues facing the
5 aviation community that are related to FAA certification
6 and safety oversight programs and activities, including, at
7 a minimum, the following:

8 (1) Aircraft and flight standards certification
9 processes, including efforts to streamline those proc-
10 esses.

11 (2) Implementation and oversight of safety
12 management systems.

13 (3) Risk-based oversight efforts.

14 (4) Utilization of delegation and designation au-
15 thorities.

16 (5) Regulatory interpretation standardization
17 efforts.

18 (6) Training programs.

19 (7) Expediting the rulemaking process and giv-
20 ing priority to rules related to safety.

21 (c) FUNCTIONS.—The Advisory Committee shall
22 carry out the following functions (as the functions relate
23 to FAA certification and safety oversight programs and
24 activities):

1 (1) Foster industry collaboration in an open
2 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;

11 (v) unmanned aircraft systems opera-
12 tors and manufacturers; and

13 (vi) the commercial space transpor-
14 tation industry;

15 (B) members of the public; and

16 (C) other interested parties.

17 (3) Establish consensus national goals, strategic
18 objectives, and priorities for the most efficient,
19 streamlined, and cost-effective certification and over-
20 sight processes in order to maintain the safety of the
21 aviation system and, at the same time, allow the
22 FAA to meet future needs and ensure that aviation
23 stakeholders remain competitive in the global mar-
24 ketplace.

1 (4) Provide policy guidance for the FAA’s cer-
2 tification and safety oversight efforts.

3 (5) Provide ongoing policy reviews of the FAA’s
4 certification and safety oversight efforts.

5 (6) Make appropriate legislative, regulatory,
6 and guidance recommendations for the air transpor-
7 tation system and the aviation safety regulatory en-
8 vironment.

9 (7) Establish performance objectives for the
10 FAA and industry.

11 (8) Establish performance metrics and goals for
12 the FAA and the regulated aviation industry to be
13 tracked and reviewed as streamlining and certifi-
14 cation reform and regulation standardization efforts
15 progress.

16 (9) Provide a venue for tracking progress to-
17 ward national goals and sustaining joint commit-
18 ments.

19 (10) Develop recruiting, hiring, training, and
20 continuing education objectives for FAA aviation
21 safety engineers and aviation safety inspectors.

22 (11) Provide advice and recommendations to
23 the FAA on how to prioritize safety rulemaking
24 projects.

1 (12) Improve the development of FAA regula-
2 tions by providing information, advice, and rec-
3 ommendations related to aviation issues.

4 (13) Facilitate the validation of United States
5 products abroad.

6 (d) MEMBERSHIP.—

7 (1) IN GENERAL.—The Advisory Committee
8 shall be composed of the following members:

9 (A) The Administrator of the FAA (or the
10 Administrator’s designee).

11 (B) Individuals appointed by the Secretary
12 to represent the following interests:

13 (i) Aircraft and engine manufacturers.

14 (ii) Avionics and equipment manufac-
15 turers.

16 (iii) Labor organizations, including
17 collective bargaining representatives of
18 FAA aviation safety inspectors and avia-
19 tion safety engineers.

20 (iv) General aviation operators.

21 (v) Air carriers.

22 (vi) Business aviation operators.

23 (vii) Unmanned aircraft systems man-
24 ufacturers and operators.

1 (viii) Aviation safety management ex-
2 pertise.

3 (2) NONVOTING MEMBERS.—

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

10 (B) DUTIES.—The nonvoting members
11 shall—

12 (i) take part in deliberations of the
13 Advisory Committee; and

14 (ii) provide input with respect to any
15 final reports or recommendations of the
16 Advisory Committee.

17 (C) LIMITATION.—The nonvoting members
18 may not represent any stakeholder interest
19 other than FAA safety oversight program of-
20 fices.

21 (3) TERMS.—Each member and nonvoting
22 member of the Advisory Committee appointed by the
23 Secretary shall be appointed for a term of 2 years.

1 (4) COMMITTEE CHARACTERISTICS.—The Advi-
2 sory Committee shall have the following characteris-
3 tics:

4 (A) An executive-level membership, with
5 members who can represent and enter into com-
6 mitments for their organizations.

7 (B) The ability to obtain necessary infor-
8 mation from experts in the aviation and aero-
9 space communities.

10 (C) A membership size that enables the
11 Committee to have substantive discussions and
12 reach consensus on issues in a timely manner.

13 (D) Appropriate expertise, including exper-
14 tise in certification and risked-based safety
15 oversight processes, operations, policy, tech-
16 nology, labor relations, training, and finance.

17 (5) LIMITATION ON STATUTORY CONSTRUC-
18 TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)
19 may not be construed to prohibit or otherwise limit
20 the appointment of any individual as a member of
21 the Advisory Committee.

22 (e) CHAIRPERSON.—

23 (1) IN GENERAL.—The Chairperson of the Ad-
24 visory Committee shall be appointed by the Sec-
25 retary from among those members of the Advisory

1 Committee that are executive-level members of the
2 aviation industry.

3 (2) TERM.—Each member appointed under
4 paragraph (1) shall serve a term of 1 year as Chair-
5 person.

6 (f) MEETINGS.—

7 (1) FREQUENCY.—The Advisory Committee
8 shall meet at least twice each year at the call of the
9 Chairperson.

10 (2) PUBLIC ATTENDANCE.—The meetings of
11 the Advisory Committee shall be open to the public.

12 (g) SPECIAL COMMITTEES.—

13 (1) ESTABLISHMENT.—The Advisory Com-
14 mittee may establish special committees composed of
15 private sector representatives, members of the pub-
16 lic, labor representatives, and other interested par-
17 ties in complying with consultation and participation
18 requirements under this section.

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

21 (A) provide rulemaking advice and rec-
22 ommendations to the Administrator with re-
23 spect to aviation-related issues;

24 (B) afford the FAA additional opportuni-
25 ties to obtain firsthand information and insight

1 from those parties that are most affected by ex-
2 isting and proposed regulations; and

3 (C) expedite the development, revision, or
4 elimination of rules without circumventing pub-
5 lic rulemaking processes and procedures.

6 (3) APPLICABLE LAW.—Public Law 92–463
7 shall not apply to a special committee established by
8 the Advisory Committee.

9 (h) SUNSET.—The Advisory Committee shall termi-
10 nate on the last day of the 6-year period beginning on
11 the date of the initial appointment of the members of the
12 Advisory Committee.

13 (i) TERMINATION OF AIR TRAFFIC PROCEDURES AD-
14 VISORY COMMITTEE.—The Air Traffic Procedures Advi-
15 sory Committee established by the FAA shall terminate
16 on the date of the initial appointment of the members of
17 the Advisory Committee.

18 **Subtitle B—Aircraft Certification** 19 **Reform**

20 **SEC. 311. AIRCRAFT CERTIFICATION PERFORMANCE OB-** 21 **JECTIVES AND METRICS.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date on which the Safety Oversight and Certification Advi-
24 sory Committee is established under section 302, the Ad-
25 ministrator of the FAA shall establish performance objec-

1 tives and apply and track metrics for the FAA and the
2 aviation industry relating to aircraft certification in ac-
3 cordance with this section.

4 (b) COLLABORATION.—The Administrator shall carry
5 out this section in collaboration with the Safety Oversight
6 and Certification Advisory Committee.

7 (c) PERFORMANCE OBJECTIVES.—In carrying out
8 subsection (a), the Administrator shall establish perform-
9 ance objectives for the FAA and the aviation industry to
10 ensure that, with respect to aircraft certification, progress
11 is made toward, at a minimum—

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

14 (2) increasing accountability for both FAA and
15 industry entities;

16 (3) achieving full utilization of FAA delegation
17 and designation authorities;

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

20 (5) reducing duplication of effort;

21 (6) increasing transparency;

22 (7) establishing and providing training, includ-
23 ing recurrent training, in auditing and a systems
24 safety approach to certification oversight;

1 (8) improving the process for approving or ac-
2 cepting certification actions between the FAA and
3 bilateral partners;

4 (9) maintaining and improving safety;

5 (10) streamlining the hiring process for—

6 (A) qualified systems safety engineers to
7 support FAA efforts to implement a systems
8 safety approach; and

9 (B) qualified systems engineers to guide
10 the engineering of complex systems within the
11 FAA; and

12 (11) maintaining the leadership of the United
13 States in international aviation and aerospace.

14 (d) PERFORMANCE METRICS.—In carrying out sub-
15 section (a), the Administrator shall apply and track per-
16 formance metrics for the FAA and the regulated aviation
17 industry established by the Safety Oversight and Certifi-
18 cation Advisory Committee.

19 (e) DATA GENERATION.—

20 (1) BASELINES.—Not later than 1 year after
21 the date on which the Safety Oversight and Certifi-
22 cation Advisory Committee establishes initial per-
23 formance metrics for the FAA and the regulated
24 aviation industry under section 302, the Adminis-
25 trator shall generate initial data with respect to each

1 of the metrics applied and tracked under this sec-
2 tion.

3 (2) MEASURING PROGRESS TOWARD GOALS.—

4 The Administrator shall use the metrics applied and
5 tracked under this section to generate data on an
6 ongoing basis and to measure progress toward the
7 achievement of national goals established by the
8 Safety Oversight and Certification Advisory Com-
9 mittee.

10 (f) PUBLICATION.—The Administrator shall make
11 data generated using the metrics applied and tracked
12 under this section available to the public in a searchable,
13 sortable, and downloadable format through the internet
14 website of the FAA and other appropriate methods and
15 shall ensure that the data is made available in a manner
16 that—

17 (1) does not provide identifying information re-
18 garding an individual or entity; and

19 (2) protects proprietary information.

20 **SEC. 312. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

21 (a) IN GENERAL.—Chapter 447 of title 49, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

24 **“§ 44736. Organization designation authorizations**

25 **“(a) DELEGATIONS OF FUNCTIONS.—**

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (3), when overseeing an ODA holder, the Ad-
3 ministrator of the FAA shall—

4 “(A) require, based on an application sub-
5 mitted by the ODA holder and approved by the
6 Administrator (or the Administrator’s des-
7 ignee), a procedures manual that addresses all
8 procedures and limitations regarding the func-
9 tions to be performed by the ODA holder;

10 “(B) delegate fully to the ODA holder each
11 of the functions to be performed as specified in
12 the procedures manual, unless the Adminis-
13 trator determines, after the date of the delega-
14 tion and as a result of an inspection or other
15 investigation, that the public interest and safety
16 of air commerce requires a limitation with re-
17 spect to 1 or more of the functions; and

18 “(C) conduct regular oversight activities by
19 inspecting the ODA holder’s delegated functions
20 and taking action based on validated inspection
21 findings.

22 “(2) DUTIES OF ODA HOLDERS.—An ODA
23 holder shall—

1 “(A) perform each function delegated to
2 the ODA holder in accordance with the ap-
3 proved procedures manual for the delegation;

4 “(B) make the procedures manual avail-
5 able to each member of the appropriate ODA
6 unit; and

7 “(C) cooperate fully with oversight activi-
8 ties conducted by the Administrator in connec-
9 tion with the delegation.

10 “(3) EXISTING ODA HOLDERS.—With regard to
11 an ODA holder operating under a procedures man-
12 ual approved by the Administrator before the date of
13 enactment of this section, the Administrator shall—

14 “(A) at the request of the ODA holder and
15 in an expeditious manner, approve revisions to
16 the ODA holder’s procedures manual;

17 “(B) delegate fully to the ODA holder each
18 of the functions to be performed as specified in
19 the procedures manual, unless the Adminis-
20 trator determines, after the date of the delega-
21 tion and as a result of an inspection or other
22 investigation, that the public interest and safety
23 of air commerce requires a limitation with re-
24 spect to one or more of the functions; and

1 “(C) conduct regular oversight activities by
2 inspecting the ODA holder delegated functions
3 and taking action based on validated inspection
4 findings.

5 “(b) ODA OFFICE.—

6 “(1) ESTABLISHMENT.—Not later than 90 days
7 after the date of enactment of this section, the Ad-
8 ministrator of the FAA shall identify, within the
9 FAA Office of Aviation Safety, a centralized policy
10 office to be known as the Organization Designation
11 Authorization Office or the ODA Office.

12 “(2) PURPOSE.—The purpose of the ODA Of-
13 fice shall be to oversee and ensure the consistency of
14 the FAA’s audit functions under the ODA program
15 across the FAA.

16 “(3) FUNCTIONS.—The ODA Office shall—

17 “(A) improve performance and ensure full
18 utilization of the authorities delegated under
19 the ODA program;

20 “(B) create a more consistent approach to
21 audit priorities, procedures, and training under
22 the ODA program;

23 “(C) review, in a timely fashion, a random
24 sample of limitations on delegated authorities

1 under the ODA program to determine if the
2 limitations are appropriate;

3 “(D) ensure national consistency in the in-
4 terpretation and application of the requirements
5 of the ODA program, including any limitations,
6 and in the performance of the ODA program;
7 and

8 “(E) at the request of an ODA holder, re-
9 view and approve new limitations to ODA func-
10 tions.

11 “(c) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) FAA.—The term ‘FAA’ means the Fed-
14 eral Aviation Administration.

15 “(2) ODA HOLDER.—The term ‘ODA holder’
16 means an entity authorized to perform functions
17 pursuant to a delegation made by the Administrator
18 of the FAA under section 44702(d).

19 “(3) ODA UNIT.—The term “ODA unit”
20 means a group of 2 or more individuals who per-
21 form, under the supervision of an ODA holder, au-
22 thorized functions under an ODA.

23 “(4) ORGANIZATION.—The term “organization”
24 means a firm, partnership, corporation, company,

1 association, joint-stock association, or governmental
2 entity.

3 “(5) ORGANIZATION DESIGNATION AUTHORIZA-
4 TION; ODA.—The term ‘Organization Designation
5 Authorization’ or ‘ODA’ means an authorization by
6 the FAA under section 44702(d) for an organization
7 comprised of 1 or more ODA units to perform ap-
8 proved functions on behalf of the FAA.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 447 of title 49, United States Code, is amended by
11 adding at the end the following:

“44736. Organization designation authorizations.”.

12 **SEC. 313. ODA REVIEW.**

13 (a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

14 (1) EXPERT PANEL.—Not later than 60 days
15 after the date of enactment of this Act, the Adminis-
16 trator of the FAA shall convene a multidisciplinary
17 expert review panel (in this section referred to as the
18 “Panel”).

19 (2) COMPOSITION OF PANEL.—

20 (A) APPOINTMENT OF MEMBERS.—The
21 Panel shall be composed of not more than 20
22 members appointed by the Administrator.

23 (B) QUALIFICATIONS.—The members ap-
24 pointed to the Panel shall—

1 (i) each have a minimum of 5 years of
2 experience in processes and procedures
3 under the ODA program; and

4 (ii) represent, at a minimum, ODA
5 holders, aviation manufacturers, safety ex-
6 perts, and FAA labor organizations, in-
7 cluding labor representatives of FAA avia-
8 tion safety inspectors and aviation safety
9 engineers.

10 (b) SURVEY.—The Panel shall conduct a survey of
11 ODA holders and ODA program applicants to document
12 and assess FAA certification and oversight activities, in-
13 cluding use of the ODA program and the timeliness and
14 efficiency of the certification process.

15 (c) ASSESSMENT AND RECOMMENDATIONS.—The
16 Panel shall assess and make recommendations con-
17 cerning—

18 (1) the FAA's processes and procedures under
19 the ODA program and whether the processes and
20 procedures function as intended;

21 (2) the best practices of and lessons learned by
22 ODA holders and individuals who provide oversight
23 of ODA holders;

24 (3) performance incentive policies related to the
25 ODA program for FAA personnel;

1 (4) training activities related to the ODA pro-
2 gram for FAA personnel and ODA holders;

3 (5) the impact, if any, that oversight of the
4 ODA program has on FAA resources and the FAA's
5 ability to process applications for certifications out-
6 side of the ODA program; and

7 (6) the results of the survey conducted under
8 subsection (b).

9 (d) REPORT.—Not later than 180 days after the date
10 the Panel is convened under subsection (a), the Panel shall
11 submit to the Administrator, the Safety Oversight and
12 Certification Advisory Committee, the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives, and the Committee on Commerce, Science,
15 and Transportation of the Senate a report on the findings
16 and recommendations of the Panel.

17 (e) DEFINITIONS.—The definitions contained in sec-
18 tion 44736 of title 49, United States Code, as added by
19 this Act, apply to this section.

20 (f) APPLICABLE LAW.—Public Law 92–463 shall not
21 apply to the Panel.

22 (g) SUNSET.—The Panel shall terminate on the date
23 of submission of the report under subsection (d), or on
24 the date that is 1 year after the Panel is convened under
25 subsection (a), whichever occurs first.

1 **SEC. 314. TYPE CERTIFICATION RESOLUTION PROCESS.**

2 (a) IN GENERAL.—Section 44704(a) of title 49,
3 United States Code, is amended by adding at the end the
4 following:

5 “(6) TYPE CERTIFICATION RESOLUTION PROC-
6 ESS.—

7 “(A) IN GENERAL.—Not later than 15
8 months after the date of enactment of this
9 paragraph, the Administrator shall establish an
10 effective, timely, and milestone-based issue reso-
11 lution process for type certification activities
12 under this subsection.

13 “(B) PROCESS REQUIREMENTS.—The res-
14 olution process shall provide for—

15 “(i) resolution of technical issues at
16 pre-established stages of the certification
17 process, as agreed to by the Administrator
18 and the type certificate applicant;

19 “(ii) automatic elevation to appro-
20 priate management personnel of the Fed-
21 eral Aviation Administration and the type
22 certificate applicant of any major certifi-
23 cation process milestone that is not com-
24 pleted or resolved within a specific period
25 of time agreed to by the Administrator and
26 the type certificate applicant; and

1 “(iii) resolution of a major certifi-
2 cation process milestone elevated pursuant
3 to clause (ii) within a specific period of
4 time agreed to by the Administrator and
5 the type certificate applicant.

6 “(C) MAJOR CERTIFICATION PROCESS
7 MILESTONE DEFINED.—In this paragraph, the
8 term ‘major certification process milestone’
9 means a milestone related to a type certification
10 basis, type certification plan, type inspection
11 authorization, issue paper, or other major type
12 certification activity agreed to by the Adminis-
13 trator and the type certificate applicant.”.

14 (b) TECHNICAL AMENDMENT.—Section 44704 of
15 title 49, United States Code, is amended in the section
16 heading by striking “**airworthiness certificates,**”
17 and inserting “**airworthiness certificates,**”.

18 **SEC. 315. SAFETY ENHANCING EQUIPMENT AND SYSTEMS**
19 **FOR SMALL GENERAL AVIATION AIRPLANES.**

20 (a) POLICY.—Not later than 180 days after the date
21 of enactment of this Act, the Administrator of the FAA
22 shall establish and begin implementation of a risk-based
23 policy that streamlines the installation of safety enhancing
24 equipment and systems for small general aviation air-

1 planes in a manner that reduces regulatory delays and sig-
2 nificantly improves safety.

3 (b) INCLUSION OF CERTAIN EQUIPMENT AND SYS-
4 TEMS.—The safety enhancing equipment and systems for
5 small general aviation airplanes referred to in subsection
6 (a) shall include, at a minimum, the replacement or ret-
7 rofit of primary flight displays, auto pilots, engine mon-
8 itors, and navigation equipment.

9 (c) COLLABORATION.—In carrying out this section,
10 the Administrator shall collaborate with general aviation
11 operators, general aviation manufacturers, and appro-
12 priate FAA labor groups, including representatives of
13 FAA aviation safety inspectors and aviation safety engi-
14 neers certified under section 7111 of title 5, United States
15 Code.

16 (d) SMALL GENERAL AVIATION AIRPLANE DE-
17 FINED.—In this section, the term “small general aviation
18 airplane” means an airplane that—

19 (1) is certified to the standards of part 23 of
20 title 14, Code of Federal Regulations;

21 (2) has a seating capacity of fewer than 9 pas-
22 sengers; and

23 (3) is not used in scheduled passenger-carrying
24 operations under part 121 or 135 of title 14, Code
25 of Federal Regulations.

1 **SEC. 316. REVIEW OF CERTIFICATION PROCESS FOR SMALL**
2 **GENERAL AVIATION AIRPLANES.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Inspector General of
5 the Department of Transportation shall initiate a review
6 of the Federal Aviation Administration’s implementation
7 of the final rule titled “Revision of Airworthiness Stand-
8 ards for Normal, Utility, Acrobatic, and Commuter Cat-
9 egory Airplanes” (81 Fed. Reg. 96572).

10 (b) CONSIDERATIONS.—In carrying out the review,
11 the Inspector General shall assess—

12 (1) how the rule puts into practice the Adminis-
13 tration’s efforts to implement performance and risk-
14 based safety standards;

15 (2) whether the Administration’s implementa-
16 tion of the rule has improved safety and reduced the
17 regulatory cost burden for the Administration and
18 the aviation industry; and

19 (3) if there are lessons learned from, and best
20 practices developed as a result of, the rule that could
21 be applied to airworthiness standards for other cat-
22 egories of aircraft.

23 (c) REPORT.—Not later than 180 days after the date
24 of initiation of the review, the Inspector General shall sub-
25 mit to the Committee on Transportation and Infrastruc-
26 ture of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the Senate
2 a report on the results of the review, including findings
3 and recommendations.

4 **Subtitle C—Flight Standards**
5 **Reform**

6 **SEC. 331. FLIGHT STANDARDS PERFORMANCE OBJECTIVES**
7 **AND METRICS.**

8 (a) **IN GENERAL.**—Not later than 120 days after the
9 date on which the Safety Oversight and Certification Advi-
10 sory Committee is established under section 302, the Ad-
11 ministrator of the FAA shall establish performance objec-
12 tives and apply and track metrics for the FAA and the
13 aviation industry relating to flight standards activities in
14 accordance with this section.

15 (b) **COLLABORATION.**—The Administrator shall carry
16 out this section in collaboration with the Safety Oversight
17 and Certification Advisory Committee.

18 (c) **PERFORMANCE OBJECTIVES.**—In carrying out
19 subsection (a), the Administrator shall establish perform-
20 ance objectives for the FAA and the aviation industry to
21 ensure that, with respect to flight standards activities,
22 progress is made toward, at a minimum—

23 (1) eliminating delays with respect to such ac-
24 tivities;

1 (2) increasing accountability for both FAA and
2 industry entities;

3 (3) achieving full utilization of FAA delegation
4 and designation authorities;

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

7 (5) reducing duplication of effort;

8 (6) eliminating inconsistent regulatory interpre-
9 tations and inconsistent enforcement activities;

10 (7) improving and providing greater opportuni-
11 ties for training, including recurrent training, in au-
12 diting and a systems safety approach to oversight;

13 (8) developing and allowing utilization of a sin-
14 gle master source for guidance;

15 (9) providing and utilizing a streamlined appeal
16 process for the resolution of regulatory interpreta-
17 tion questions;

18 (10) maintaining and improving safety; and

19 (11) increasing transparency.

20 (d) METRICS.—In carrying out subsection (a), the
21 Administrator shall apply and track performance metrics
22 for the FAA and the regulated aviation industry estab-
23 lished by the Safety Oversight and Certification Advisory
24 Committee.

25 (e) DATA GENERATION.—

1 (1) BASELINES.—Not later than 1 year after
2 the date on which the Safety Oversight and Certifi-
3 cation Advisory Committee establishes initial per-
4 formance metrics for the FAA and the regulated
5 aviation industry under section 302, the Adminis-
6 trator shall generate initial data with respect to each
7 of the metrics applied and tracked under this sec-
8 tion.

9 (2) MEASURING PROGRESS TOWARD GOALS.—
10 The Administrator shall use the metrics applied and
11 tracked under this section to generate data on an
12 ongoing basis and to measure progress toward the
13 achievement of national goals established by the
14 Safety Oversight and Certification Advisory Com-
15 mittee.

16 (f) PUBLICATION.—The Administrator shall make
17 data generated using the metrics applied and tracked
18 under this section available to the public in a searchable,
19 sortable, and downloadable format through the internet
20 website of the FAA and other appropriate methods and
21 shall ensure that the data is made available in a manner
22 that—

23 (1) does not provide identifying information re-
24 garding an individual or entity; and

25 (2) protects proprietary information.

1 **SEC. 332. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
2 **FORM.**

3 (a) **ESTABLISHMENT.**—Not later than 90 days after
4 the date of enactment of this Act, the Administrator of
5 the FAA shall establish the FAA Task Force on Flight
6 Standards Reform (in this section referred to as the “Task
7 Force”).

8 (b) **MEMBERSHIP.**—

9 (1) **APPOINTMENT.**—The membership of the
10 Task Force shall be appointed by the Administrator.

11 (2) **NUMBER.**—The Task Force shall be com-
12 posed of not more than 20 members.

13 (3) **REPRESENTATION REQUIREMENTS.**—The
14 membership of the Task Force shall include rep-
15 resentatives, with knowledge of flight standards reg-
16 ulatory processes and requirements, of—

17 (A) air carriers;

18 (B) general aviation;

19 (C) business aviation;

20 (D) repair stations;

21 (E) unmanned aircraft systems operators;

22 (F) flight schools;

23 (G) labor unions, including those rep-
24 resenting FAA aviation safety inspectors; and

25 (H) aviation safety experts.

1 (c) DUTIES.—The duties of the Task Force shall in-
2 clude, at a minimum, identifying best practices and pro-
3 viding recommendations, for current and anticipated
4 budgetary environments, with respect to—

5 (1) simplifying and streamlining flight stand-
6 ards regulatory processes;

7 (2) reorganizing Flight Standards Services to
8 establish an entity organized by function rather than
9 geographic region, if appropriate;

10 (3) FAA aviation safety inspector training op-
11 portunities;

12 (4) FAA aviation safety inspector standards
13 and performance; and

14 (5) achieving, across the FAA, consistent—

15 (A) regulatory interpretations; and

16 (B) application of oversight activities.

17 (d) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Task Force shall submit to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate a report
22 detailing—

23 (1) the best practices identified and rec-
24 ommendations provided by the Task Force under
25 subsection (c); and

1 (2) any recommendations of the Task Force for
2 additional regulatory action or cost-effective legisla-
3 tive action.

4 (e) **APPLICABLE LAW.**—Public Law 92–463 shall not
5 apply to the Task Force.

6 (f) **TERMINATION.**—The Task Force shall terminate
7 on the earlier of—

8 (1) the date on which the Task Force submits
9 the report required under subsection (d); or

10 (2) the date that is 18 months after the date
11 on which the Task Force is established under sub-
12 section (a).

13 **SEC. 333. CENTRALIZED SAFETY GUIDANCE DATABASE.**

14 (a) **ESTABLISHMENT.**—Not later than 1 year after
15 the date of enactment of this Act, the Administrator of
16 the FAA shall establish a centralized safety guidance data-
17 base that will—

18 (1) encompass all of the regulatory guidance
19 documents of the FAA Office of Aviation Safety;

20 (2) contain, for each such guidance document,
21 a link to the Code of Federal Regulations provision
22 to which the document relates; and

23 (3) be publicly available in a manner that—

24 (A) does not provide identifying informa-
25 tion regarding an individual or entity; and

1 (B) protects proprietary information.

2 (b) DATA ENTRY TIMING.—

3 (1) EXISTING DOCUMENTS.—Not later than 14
4 months after the date of enactment of this Act, the
5 Administrator shall begin entering into the database
6 established under subsection (a) all of the regulatory
7 guidance documents of the Office of Aviation Safety
8 that are in effect and were issued before the date on
9 which the Administrator begins such entry process.

10 (2) NEW DOCUMENTS AND CHANGES.—On and
11 after the date on which the Administrator begins the
12 document entry process under paragraph (1), the
13 Administrator shall ensure that all new regulatory
14 guidance documents of the Office of Aviation Safety
15 and any changes to existing documents are included
16 in the database established under subsection (a).

17 (c) CONSULTATION REQUIREMENT.—In establishing
18 the database under subsection (a), the Administrator shall
19 consult and collaborate with appropriate stakeholders, in-
20 cluding labor organizations (including those representing
21 aviation workers and FAA aviation safety inspectors) and
22 industry stakeholders.

23 (d) REGULATORY GUIDANCE DOCUMENTS DE-
24 FINED.—In this section, the term “regulatory guidance
25 documents” means all forms of written information issued

1 by the FAA that an individual or entity may use to inter-
2 pret or apply FAA regulations and requirements, includ-
3 ing information an individual or entity may use to deter-
4 mine acceptable means of compliance with such regula-
5 tions and requirements.

6 **SEC. 334. REGULATORY CONSISTENCY COMMUNICATIONS**
7 **BOARD.**

8 (a) ESTABLISHMENT.—Not later than 180 days after
9 the date of enactment of this Act, the Administrator of
10 the FAA shall establish a Regulatory Consistency Commu-
11 nications Board (in this section referred to as the
12 “Board”).

13 (b) CONSULTATION REQUIREMENT.—In establishing
14 the Board, the Administrator shall consult and collaborate
15 with appropriate stakeholders, including FAA labor orga-
16 nizations (including labor organizations representing FAA
17 aviation safety inspectors) and industry stakeholders.

18 (c) MEMBERSHIP.—The Board shall be composed of
19 FAA representatives, appointed by the Administrator,
20 from—

- 21 (1) the Flight Standards Service;
- 22 (2) the Aircraft Certification Service; and
- 23 (3) the Office of the Chief Counsel.

24 (d) FUNCTIONS.—The Board shall carry out the fol-
25 lowing functions:

1 (1) Establish, at a minimum, processes by
2 which—

3 (A) FAA personnel and regulated entities
4 may submit anonymous regulatory interpreta-
5 tion questions without fear of retaliation; and

6 (B) FAA personnel may submit written
7 questions, and receive written responses, as to
8 whether a previous approval or regulatory inter-
9 pretation issued by FAA personnel in another
10 office or region is correct or incorrect.

11 (2) Meet on a regular basis to discuss and re-
12 solve questions submitted pursuant to paragraph (1)
13 and the appropriate application of regulations and
14 policy with respect to each question.

15 (3) Provide to an individual or entity that sub-
16 mitted a question pursuant to paragraph (1) a time-
17 ly response to the question.

18 (4) Establish a process to make resolutions of
19 common regulatory interpretation questions publicly
20 available to FAA personnel and regulated entities
21 without providing any identifying data of the indi-
22 viduals or entities that submitted the questions and
23 in a manner that protects any proprietary informa-
24 tion.

1 (5) Ensure the incorporation of resolutions of
2 questions submitted pursuant to paragraph (1) into
3 regulatory guidance documents.

4 (e) PERFORMANCE METRICS, TIMELINES, AND
5 GOALS.—Not later than 180 days after the date on which
6 the Safety Oversight and Certification Advisory Com-
7 mittee establishes performance metrics for the FAA and
8 the regulated aviation industry under section 302, the Ad-
9 ministrator, in collaboration with the Advisory Committee,
10 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 pursuant to subsection (d)(1); and

15 (2) implement a process for tracking the
16 progress of the Board in meeting the metrics,
17 timelines, and goals established under paragraph
18 (1).

19 **Subtitle D—Safety Workforce**

20 **SEC. 341. SAFETY WORKFORCE TRAINING STRATEGY.**

21 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
22 Not later than 60 days after the date of enactment of this
23 Act, the Administrator of the FAA shall establish a safety
24 workforce training strategy that—

1 (1) allows employees participating in organiza-
2 tion management teams or conducting ODA pro-
3 gram audits to complete, in a timely fashion, appro-
4 priate training, including recurrent training, in au-
5 diting and a systems safety approach to oversight;

6 (2) seeks knowledge-sharing opportunities be-
7 tween the FAA and the aviation industry regarding
8 new equipment and systems, best practices, and
9 other areas of interest;

10 (3) functions within the current and anticipated
11 budgetary environments; and

12 (4) includes milestones and metrics for meeting
13 the requirements of paragraphs (1), (2), and (3).

14 (b) REPORT.—Not later than 270 days after the date
15 of establishment of the strategy required under subsection
16 (a), the Administrator shall submit to the Committee on
17 Transportation and Infrastructure of the House of Rep-
18 resentatives and the Committee on Commerce, Science,
19 and Transportation of the Senate a report on the imple-
20 mentation of the strategy and progress in meeting any
21 milestones and metrics included in the strategy.

22 (c) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 (1) ODA; ODA HOLDER.—The terms “ODA”
25 and “ODA holder” have the meanings given those

1 terms in section 44736 of title 49, United States
2 Code, as added by this Act.

3 (2) ORGANIZATION MANAGEMENT TEAM.—The
4 term “organization management team” means a
5 team consisting of FAA aviation safety engineers,
6 flight test pilots, and aviation safety inspectors over-
7 seeing an ODA holder and its certification activity.

8 **SEC. 342. WORKFORCE REVIEW.**

9 (a) WORKFORCE REVIEW.—Not later than 90 days
10 after the date of enactment of this Act, the Comptroller
11 General of the United States shall conduct a review to as-
12 sess the workforce and training needs of the FAA Office
13 of Aviation Safety in the anticipated budgetary environ-
14 ment.

15 (b) CONTENTS.—The review required under sub-
16 section (a) shall include—

17 (1) a review of current aviation safety inspector
18 and aviation safety engineer hiring, training, and re-
19 current training requirements;

20 (2) an analysis of the skills and qualifications
21 required of aviation safety inspectors and aviation
22 safety engineers for successful performance in the
23 current and future projected aviation safety regu-
24 latory environment, including the need for a systems
25 engineering discipline within the FAA to guide the

1 engineering of complex systems, with an emphasis
2 on auditing designated authorities;

3 (3) a review of current performance incentive
4 policies of the FAA, as applied to the Office of Avia-
5 tion Safety, including awards for performance;

6 (4) an analysis of ways the FAA can work with
7 industry and labor, including labor groups rep-
8 resenting FAA aviation safety inspectors and avia-
9 tion safety engineers, to establish knowledge-sharing
10 opportunities between the FAA and the aviation in-
11 dustry regarding new equipment and systems, best
12 practices, and other areas of interest; and

13 (5) recommendations on the most effective
14 qualifications, training programs (including e-learn-
15 ing training), and performance incentive approaches
16 to address the needs of the future projected aviation
17 safety regulatory system in the anticipated budg-
18 etary environment.

19 (c) REPORT.—Not later than 270 days after the date
20 of enactment of this Act, the Comptroller General shall
21 submit to the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate a report on the results of the review required under
25 subsection (a).

1 **Subtitle E—International Aviation**

2 **SEC. 351. PROMOTION OF UNITED STATES AEROSPACE** 3 **STANDARDS, PRODUCTS, AND SERVICES** 4 **ABROAD.**

5 Section 40104 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(d) PROMOTION OF UNITED STATES AEROSPACE
8 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
9 Administrator shall take appropriate actions to—

10 “(1) promote United States aerospace safety
11 standards abroad;

12 “(2) facilitate and vigorously defend approvals
13 of United States aerospace products and services
14 abroad;

15 “(3) with respect to bilateral partners, utilize
16 bilateral safety agreements and other mechanisms to
17 improve validation of United States type certificated
18 aeronautical products and appliances and enhance
19 mutual acceptance in order to eliminate
20 redundancies and unnecessary costs; and

21 “(4) with respect to foreign safety authorities,
22 streamline validation and coordination processes.”.

1 **SEC. 352. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
2 **RESPONSIBILITIES.**

3 Section 44701(e) of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

6 “(A) ACCEPTANCE.—The Administrator
7 may accept an airworthiness directive issued by
8 an aeronautical safety authority of a foreign
9 country, and leverage that authority’s regu-
10 latory process, if—

11 “(i) the country is the state of design
12 for the product that is the subject of the
13 airworthiness directive;

14 “(ii) the United States has a bilateral
15 safety agreement relating to aircraft cer-
16 tification with the country;

17 “(iii) as part of the bilateral safety
18 agreement with the country, the Adminis-
19 trator has determined that such aero-
20 nautical safety authority has a certification
21 system relating to safety that produces a
22 level of safety equivalent to the level pro-
23 duced by the system of the Federal Avia-
24 tion Administration;

25 “(iv) the aeronautical safety authority
26 of the country utilizes an open and trans-

1 parent notice and comment process in the
2 issuance of airworthiness directives; and

3 “(v) the airworthiness directive is nec-
4 essary to provide for the safe operation of
5 the aircraft subject to the directive.

6 “(B) ALTERNATIVE APPROVAL PROCESS.—
7 Notwithstanding subparagraph (A), the Admin-
8 istrator may issue a Federal Aviation Adminis-
9 tration airworthiness directive instead of accept-
10 ing an airworthiness directive otherwise eligible
11 for acceptance under such subparagraph, if the
12 Administrator determines that such issuance is
13 necessary for safety or operational reasons due
14 to the complexity or unique features of the Fed-
15 eral Aviation Administration airworthiness di-
16 rective or the United States aviation system.

17 “(C) ALTERNATIVE MEANS OF COMPLI-
18 ANCE.—The Administrator may—

19 “(i) accept an alternative means of
20 compliance, with respect to an airworthi-
21 ness directive accepted under subpara-
22 graph (A), that was approved by the aero-
23 nautical safety authority of the foreign
24 country that issued the airworthiness di-
25 rective; or

1 “(ii) notwithstanding subparagraph
2 (A), and at the request of any person af-
3 fected by an airworthiness directive accept-
4 ed under such subparagraph, approve an
5 alternative means of compliance with re-
6 spect to the airworthiness directive.

7 “(D) LIMITATION.—The Administrator
8 may not accept an airworthiness directive
9 issued by an aeronautical safety authority of a
10 foreign country if the airworthiness directive
11 addresses matters other than those involving
12 the safe operation of an aircraft.”.

13 **SEC. 353. FAA LEADERSHIP ABROAD.**

14 (a) IN GENERAL.—To promote United States aero-
15 space safety standards, reduce redundant regulatory activ-
16 ity, and facilitate acceptance of FAA design and produc-
17 tion approvals abroad, the Administrator of the FAA
18 shall—

19 (1) attain greater expertise in issues related to
20 dispute resolution, intellectual property, and export
21 control laws to better support FAA certification and
22 other aerospace regulatory activities abroad;

23 (2) work with United States companies to more
24 accurately track the amount of time it takes foreign
25 authorities, including bilateral partners, to validate

1 United States type certificated aeronautical prod-
2 ucts;

3 (3) provide assistance to United States compa-
4 nies that have experienced significantly long foreign
5 validation wait times;

6 (4) work with foreign authorities, including bi-
7 lateral partners, to collect and analyze data to deter-
8 mine the timeliness of the acceptance and validation
9 of FAA design and production approvals by foreign
10 authorities and the acceptance and validation of for-
11 eign-certified products by the FAA;

12 (5) establish appropriate benchmarks and
13 metrics to measure the success of bilateral aviation
14 safety agreements and to reduce the validation time
15 for United States type certificated aeronautical
16 products abroad; and

17 (6) work with foreign authorities, including bi-
18 lateral partners, to improve the timeliness of the ac-
19 ceptance and validation of FAA design and produc-
20 tion approvals by foreign authorities and the accept-
21 ance and validation of foreign-certified products by
22 the FAA.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator of the FAA
25 shall submit to the Committee on Transportation and In-

1 frastructure of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate a report that—

4 (1) describes the FAA’s strategic plan for inter-
5 national engagement;

6 (2) describes the structure and responsibilities
7 of all FAA offices that have international respon-
8 sibilities, including the Aircraft Certification Office,
9 and all the activities conducted by those offices re-
10 lated to certification and production;

11 (3) describes current and forecasted staffing
12 and travel needs for the FAA’s international engage-
13 ment activities, including the needs of the Aircraft
14 Certification Office in the current and forecasted
15 budgetary environment;

16 (4) provides recommendations, if appropriate,
17 to improve the existing structure and personnel and
18 travel policies supporting the FAA’s international
19 engagement activities, including the activities of the
20 Aviation Certification Office, to better support the
21 growth of United States aerospace exports; and

22 (5) identifies cost-effective policy initiatives,
23 regulatory initiatives, or legislative initiatives needed
24 to improve and enhance the timely acceptance of
25 United States aerospace products abroad.

1 (c) INTERNATIONAL TRAVEL.—The Administrator of
2 the FAA, or the Administrator’s designee, may authorize
3 international travel for any FAA employee, without the
4 approval of any other person or entity, if the Adminis-
5 trator determines that the travel is necessary—

6 (1) to promote United States aerospace safety
7 standards; or

8 (2) to support expedited acceptance of FAA de-
9 sign and production approvals.

10 **SEC. 354. REGISTRATION, CERTIFICATION, AND RELATED**
11 **FEES.**

12 Section 45305 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a) by striking “Subject to
15 subsection (b)” and inserting “Subject to subsection
16 (c)”;

17 (2) by redesignating subsections (b) and (c) as
18 subsections (c) and (d), respectively; and

19 (3) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) CERTIFICATION SERVICES.—Subject to sub-
22 section (c), and notwithstanding section 45301(a), the Ad-
23 ministrator may establish and collect a fee from a foreign
24 government or entity for services related to certification,
25 regardless of where the services are provided, if the fee—

1 “(1) is established and collected in a manner
2 consistent with aviation safety agreements; and

3 “(2) does not exceed the estimated costs of the
4 services.”.

5 **TITLE IV—SAFETY**

6 **Subtitle A—General Provisions**

7 **SEC. 401. FAA TECHNICAL TRAINING.**

8 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
9 later than 90 days after the date of enactment of this Act,
10 the Administrator of the Federal Aviation Administration,
11 in collaboration with the exclusive bargaining representa-
12 tives of covered FAA personnel, shall establish an e-learn-
13 ing training pilot program in accordance with the require-
14 ments of this section.

15 (b) CURRICULUM.—The pilot program shall—

16 (1) include a recurrent training curriculum for
17 covered FAA personnel to ensure that the personnel
18 receive instruction on the latest aviation tech-
19 nologies, processes, and procedures;

20 (2) focus on providing specialized technical
21 training for covered FAA personnel, as determined
22 necessary by the Administrator;

23 (3) include training courses on applicable regu-
24 lations of the Federal Aviation Administration; and

1 (4) consider the efficacy of instructor-led online
2 training.

3 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
4 gram shall terminate 1 year after the date of establish-
5 ment of the pilot program.

6 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
7 nation of the pilot program, the Administrator shall estab-
8 lish an e-learning training program that incorporates les-
9 sons learned for covered FAA personnel as a result of the
10 pilot program.

11 (e) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) COVERED FAA PERSONNEL.—The term
14 “covered FAA personnel” means airway transpor-
15 tation systems specialists and aviation safety inspec-
16 tors of the Federal Aviation Administration.

17 (2) E-LEARNING TRAINING.—The term “e-
18 learning training” means learning utilizing electronic
19 technologies to access educational curriculum outside
20 of a traditional classroom.

21 **SEC. 402. SAFETY CRITICAL STAFFING.**

22 (a) UPDATE OF FAA’S SAFETY CRITICAL STAFFING
23 MODEL.—Not later than 270 days after the date of enact-
24 ment of this Act, and at least 2 years before the date of
25 transfer, the Administrator of the Federal Aviation Ad-

1 ministration shall update the safety critical staffing model
2 of the Administration to determine the number of aviation
3 safety inspectors that will be needed to fulfill the safety
4 oversight mission of the Administration before and after
5 the date of transfer, including safety oversight of the
6 American Air Navigation Services Corporation.

7 (b) AUDIT BY DOT INSPECTOR GENERAL.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date on which the Administrator has updated
10 the safety critical staffing model under subsection
11 (a), the Inspector General of the Department of
12 Transportation shall conduct an audit of the staffing
13 model.

14 (2) CONTENTS.—The audit shall include, at a
15 minimum—

16 (A) a review of the assumptions and meth-
17 odologies used in devising and implementing the
18 staffing model to assess the adequacy of the
19 staffing model in predicting the number of avia-
20 tion safety inspectors needed—

21 (i) to properly fulfill the mission of
22 the Administration before and after the
23 date of transfer;

24 (ii) to meet the future growth of the
25 aviation industry; and

1 (iii) to provide proper oversight of air
2 traffic services after the date of transfer;
3 and

4 (B) a determination on whether the staff-
5 ing model takes into account the Administra-
6 tion's authority to fully utilize designees before
7 and after the date of transfer.

8 (3) REPORT ON AUDIT.—

9 (A) REPORT TO SECRETARY.—Not later
10 than 30 days after the date of completion of the
11 audit, the Inspector General shall submit to the
12 Secretary a report on the results of the audit.

13 (B) REPORT TO CONGRESS.—Not later
14 than 60 days after the date of receipt of the re-
15 port, the Secretary shall submit to the Com-
16 mittee on Transportation and Infrastructure of
17 the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transpor-
19 tation of the Senate a copy of the report, to-
20 gether with, if appropriate, a description of any
21 actions taken or to be taken to address the re-
22 sults of the audit.

23 (c) DATE OF TRANSFER DEFINED.—In this section,
24 the term “date of transfer” has the meaning given that

1 term in section 90101(a) of title 49, United States Code,
2 as added by this Act.

3 **SEC. 403. INTERNATIONAL EFFORTS REGARDING TRACK-**
4 **ING OF CIVIL AIRCRAFT.**

5 The Administrator of the Federal Aviation Adminis-
6 tration shall exercise leadership on creating a global ap-
7 proach to improving aircraft tracking by working with—

8 (1) foreign counterparts of the Administrator in
9 the International Civil Aviation Organization and its
10 subsidiary organizations;

11 (2) other international organizations and fora;

12 and

13 (3) the private sector.

14 **SEC. 404. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**
15 **TEMS.**

16 (a) ASSESSMENT.—Not later than 90 days after the
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration shall initiate an assess-
19 ment of aircraft data access and retrieval systems for part
20 121 air carrier aircraft that are used in extended
21 overwater operations to—

22 (1) determine if the systems provide improved
23 access and retrieval of aircraft data and cockpit
24 voice recordings in the event of an aircraft accident;

25 and

1 (2) assess the cost effectiveness of each system
2 assessed.

3 (b) SYSTEMS TO BE EXAMINED.—The systems to be
4 examined under this section shall include, at a minimum—

5 (1) automatic deployable flight recorders;

6 (2) emergency locator transmitters; and

7 (3) satellite-based solutions.

8 (c) REPORT.—Not later than 1 year after the date
9 of initiation of the assessment, the Administrator shall
10 submit to the Committee on Transportation and Infra-
11 structure of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate a report on the results of the assessment.

14 (d) PART 121 AIR CARRIER DEFINED.—In this sec-
15 tion, the term “part 121 air carrier” means an air carrier
16 that holds a certificate issued under part 121 of title 14,
17 Code of Federal Regulations.

18 **SEC. 405. ADVANCED COCKPIT DISPLAYS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Administrator of the
21 Federal Aviation Administration shall initiate a review of
22 heads-up display systems, heads-down display systems em-
23 ploying synthetic vision systems, and enhanced vision sys-
24 tems (in this section referred to as “HUD systems”,
25 “SVS”, and “EVS”, respectively).

1 (b) CONTENTS.—The review shall—

2 (1) evaluate the impacts of single- and dual-in-
3 stalled HUD systems, SVS, and EVS on the safety
4 and efficiency of aircraft operations within the na-
5 tional airspace system; and

6 (2) review a sufficient quantity of commercial
7 aviation accidents or incidents in order to evaluate
8 if HUD systems, SVS, and EVS would have pro-
9 duced a better outcome in that accident or incident.

10 (c) CONSULTATION.—In conducting the review, the
11 Administrator shall consult with aviation manufacturers,
12 representatives of pilot groups, aviation safety organiza-
13 tions, and any government agencies the Administrator
14 considers appropriate.

15 (d) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator shall submit
17 to the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee on
19 Commerce, Science, and Transportation of the Senate a
20 report containing the results of the review, the actions the
21 Administrator plans to take with respect to the systems
22 reviewed, and the associated timeline for such actions.

1 **SEC. 406. MARKING OF TOWERS.**

2 Section 2110(d)(1)(A)(ii) of the FAA Extension,
3 Safety, and Security Act of 2016 (49 U.S.C. 44718 note)
4 is amended—

5 (1) in subclause (IV) by striking “or” at the
6 end;

7 (2) in subclause (V) by striking the period at
8 the end and inserting “; or”; and

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

10 “(VI) is located within the right-
11 of-way of a rail carrier, including
12 within the boundaries of a rail yard,
13 and is used for a railroad purpose.”.

14 **SEC. 407. CABIN EVACUATION.**

15 (a) REVIEW.—The Administrator of the Federal
16 Aviation Administration shall review—

17 (1) evacuation certification of transport-cat-
18 egory aircraft used in air transportation, with regard
19 to—

20 (A) emergency conditions, including im-
21 pacts into water;

22 (B) crew procedures used for evacuations
23 under actual emergency conditions; and

24 (C) any relevant changes to passenger de-
25 mographics and legal requirements (including

1 the Americans with Disabilities Act of 1990)
2 that affect emergency evacuations; and

3 (2) recent accidents and incidents where pas-
4 sengers evacuated such aircraft.

5 (b) CONSULTATION; REVIEW OF DATA.—In con-
6 ducting the review, the Administrator shall—

7 (1) consult with the National Transportation
8 Safety Board, transport-category aircraft manufac-
9 turers, air carriers, and other relevant experts and
10 Federal agencies, including groups representing pas-
11 sengers, airline crewmembers, maintenance employ-
12 ees, and emergency responders; and

13 (2) review relevant data with respect to evacu-
14 ation certification of transport-category aircraft.

15 (c) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of enactment of this Act, the Administrator
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a report on the results of the review and related
21 recommendations, if any, including any recommendations
22 for revisions to the assumptions and methods used for as-
23 sessing evacuation certification of transport-category air-
24 craft.

1 **SEC. 408. ODA STAFFING AND OVERSIGHT.**

2 (a) REPORT TO CONGRESS.—Not later than 270 days
3 after the date of enactment of this Act, the Administrator
4 of the Federal Aviation Administration shall submit to the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate a report
8 on the Administration’s progress with respect to—

9 (1) determining what additional model inputs
10 and labor distribution codes are needed to identify
11 ODA oversight staffing needs prior to and after the
12 date of transfer;

13 (2) developing and implementing system-based
14 evaluation criteria and risk-based tools to aid ODA
15 team members in targeting their oversight activities;

16 (3) developing agreements and processes for
17 sharing resources to ensure adequate oversight of
18 ODA personnel performing certification and inspec-
19 tion work at supplier and company facilities; and

20 (4) ensuring full utilization of ODA authority
21 prior to and after the date of transfer.

22 (b) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 (1) DATE OF TRANSFER.—The term “date of
25 transfer” has the meaning given that term in section

1 90101(a) of title 49, United States Code, as added
2 by this Act.

3 (2) ODA.—the term “ODA” has the meaning
4 given that term in section 44736 of title 49, United
5 States Code, as added by this Act.

6 **SEC. 409. FUNDING FOR ADDITIONAL SAFETY NEEDS.**

7 Section 44704 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(f) FUNDING FOR ADDITIONAL SAFETY NEEDS.—

10 “(1) ACCEPTANCE OF APPLICANT-PROVIDED
11 FUNDS.—Notwithstanding any other provision of
12 law, the Administrator may accept funds from an
13 applicant for a certificate under this section to hire
14 additional staff or obtain the services of consultants
15 and experts to facilitate the timely processing, re-
16 view, and issuance of certificates under this section.

17 “(2) RULES OF CONSTRUCTION.—

18 “(A) IN GENERAL.—Nothing in this sec-
19 tion may be construed as permitting the Admin-
20 istrator to grant priority or afford any pref-
21 erence to an applicant providing funds under
22 paragraph (1).

23 “(B) POLICIES AND PROCEDURES.—The
24 Administrator shall implement such policies and
25 procedures as may be required to ensure that

1 the acceptance of funds under paragraph (1)
2 does not prejudice the Administrator in the
3 issuance of any certificate to an applicant.

4 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
5 LECTIONS.—Notwithstanding section 3302 of title
6 31, any funds accepted under this subsection—

7 “(A) shall be credited as offsetting collec-
8 tions to the account that finances the activities
9 and services for which the funds are accepted;

10 “(B) shall be available for expenditure only
11 to pay the costs of activities and services for
12 which the funds are accepted; and

13 “(C) shall remain available until ex-
14 pended.”.

15 **SEC. 410. FUNDING FOR ADDITIONAL FAA LICENSING**
16 **NEEDS.**

17 (a) IN GENERAL.—Chapter 509 of title 51, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 50924. Funding to facilitate FAA licensing**

21 “(a) IN GENERAL.—Notwithstanding any other pro-
22 vision of law, the Secretary of Transportation may accept
23 funds from a person applying for a license or permit under
24 this chapter to hire additional staff or obtain the services
25 of consultants and experts—

1 “(1) to facilitate the timely processing, review,
2 and issuance of licenses or permits issued under this
3 chapter;

4 “(2) to conduct environmental activities, stud-
5 ies, or reviews associated with such licenses or per-
6 mits; or

7 “(3) to conduct additional activities associated
8 with or necessitated by such licenses or permits, in-
9 cluding pre-application consultation, hazard area de-
10 termination, or on-site inspection.

11 “(b) RULES OF CONSTRUCTION.—

12 “(1) IN GENERAL.—Nothing in this section
13 may be construed as permitting the Secretary to
14 grant priority or afford any preference to an appli-
15 cant providing funds under subsection (a).

16 “(2) POLICIES AND PROCEDURES.—The Sec-
17 retary shall implement such policies and procedures
18 as may be required to ensure that the acceptance of
19 funds under subsection (a) does not prejudice the
20 Secretary in the issuance of any license or permit to
21 an applicant.

22 “(c) RECEIPTS CREDITED AS OFFSETTING COLLEC-
23 TIONS.—Notwithstanding section 3302 of title 31, any
24 funds accepted under this section—

1 “(1) shall be credited as offsetting collections to
2 the account that finances the activities and services
3 for which the funds are accepted;

4 “(2) shall be available for expenditure only to
5 pay the costs of activities and services for which the
6 funds are accepted; and

7 “(3) shall remain available until expended.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 509 of title 51, United States Code, is amended by
10 adding at the end the following:

 “50924. Funding to facilitate FAA licensing.”.

11 **SEC. 411. EMERGENCY MEDICAL EQUIPMENT ON PAS-**
12 **SENGER AIRCRAFT.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Administrator of the
15 Federal Aviation Administration shall evaluate and revise,
16 as appropriate, regulations in part 121 of title 14, Code
17 of Federal Regulations, regarding emergency medical
18 equipment, including the contents of first-aid kits, applica-
19 ble to all certificate holders operating passenger aircraft
20 under that part.

21 (b) CONSIDERATION.—In carrying out subsection (a),
22 the Administrator shall consider whether the minimum
23 contents of approved emergency medical kits, including
24 approved first-aid kits, include appropriate medications

1 and equipment to meet the emergency medical needs of
2 children.

3 **SEC. 412. HIMS PROGRAM.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Administrator of the Federal Aviation Ad-
6 ministration shall conduct a human intervention motiva-
7 tion study (HIMS) program for flight crewmembers em-
8 ployed by commercial air carriers operating in United
9 States airspace.

10 **SEC. 413. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFE-**
11 **TY INFORMATION.**

12 (a) IN GENERAL.—There shall be a presumption that
13 an individual’s voluntary disclosure of an operational or
14 maintenance issue related to aviation safety under an avia-
15 tion safety action program meets the criteria for accept-
16 ance as a valid disclosure under such program.

17 (b) DISCLAIMER REQUIRED.—Any dissemination of
18 a disclosure that was submitted and accepted under an
19 aviation safety action program pursuant to the presump-
20 tion under subsection (a), but that has not undergone re-
21 view by an event review committee, shall be accompanied
22 by a disclaimer stating that the disclosure—

23 (1) has not been reviewed by an event review
24 committee tasked with reviewing such disclosures;
25 and

1 (2) may subsequently be determined to be ineli-
2 gible for inclusion in the aviation safety action pro-
3 gram.

4 (c) REJECTION OF DISCLOSURE.—A disclosure de-
5 scribed under subsection (a) shall be rejected from an
6 aviation safety action program if, after a review of the dis-
7 closure, an event review committee tasked with reviewing
8 such disclosures determines that the disclosure fails to
9 meet the criteria for acceptance under such program.

10 (d) AVIATION SAFETY ACTION PROGRAM DE-
11 FINED.—In this section, the term “aviation safety action
12 program” means a program established in accordance with
13 Federal Aviation Administration Advisory Circular 120–
14 66B, issued November 15, 2002 (including any similar
15 successor advisory circular), to allow an individual to vol-
16 untarily disclose operational or maintenance issues related
17 to aviation safety.

18 **SEC. 414. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**

19 **AND REST REQUIREMENTS.**

20 (a) MODIFICATION OF FINAL RULE.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of enactment of this Act, the Secretary of
23 Transportation shall modify the final rule of the
24 Federal Aviation Administration published in the
25 Federal Register on August 19, 1994 (59 Fed. Reg.

1 42974; relating to flight attendant duty period limi-
2 tations and rest requirements) in accordance with
3 the requirements of this subsection.

4 (2) CONTENTS.—The final rule, as modified
5 under paragraph (1), shall ensure that—

6 (A) a flight attendant scheduled to a duty
7 period of 14 hours or less is given a scheduled
8 rest period of at least 10 consecutive hours; and

9 (B) the rest period is not reduced under
10 any circumstances.

11 (b) FATIGUE RISK MANAGEMENT PLAN.—

12 (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-
13 RIERS.—Not later than 90 days after the date of en-
14 actment of this Act, each air carrier operating under
15 part 121 of title 14, Code of Federal Regulations (in
16 this section referred to as a “part 121 air carrier”),
17 shall submit to the Administrator of the Federal
18 Aviation Administration for review and acceptance a
19 fatigue risk management plan for the carrier’s flight
20 attendants.

21 (2) CONTENTS OF PLAN.—A fatigue risk man-
22 agement plan submitted by a part 121 air carrier
23 under paragraph (1) shall include the following:

24 (A) Current flight time and duty period
25 limitations.

1 (B) A rest scheme consistent with such
2 limitations that enables the management of
3 flight attendant fatigue, including annual train-
4 ing to increase awareness of—

5 (i) fatigue;

6 (ii) the effects of fatigue on flight at-
7 tendants; and

8 (iii) fatigue countermeasures.

9 (C) Development and use of a methodology
10 that continually assesses the effectiveness of im-
11 plementation of the plan, including the ability
12 of the plan—

13 (i) to improve alertness; and

14 (ii) to mitigate performance errors.

15 (3) REVIEW.—Not later than 1 year after the
16 date of enactment of this Act, the Administrator
17 shall review and accept or reject each fatigue risk
18 management plan submitted under this subsection.
19 If the Administrator rejects a plan, the Adminis-
20 trator shall provide suggested modifications for re-
21 submission of the plan.

22 (4) PLAN UPDATES.—

23 (A) IN GENERAL.—A part 121 air carrier
24 shall update its fatigue risk management plan
25 under paragraph (1) every 2 years and submit

1 the update to the Administrator for review and
2 acceptance.

3 (B) REVIEW.—Not later than 1 year after
4 the date of submission of a plan update under
5 subparagraph (A), the Administrator shall re-
6 view and accept or reject the update. If the Ad-
7 ministrator rejects an update, the Adminis-
8 trator shall provide suggested modifications for
9 resubmission of the update.

10 (5) COMPLIANCE.—A part 121 air carrier shall
11 comply with the fatigue risk management plan of the
12 air carrier that is accepted by the Administrator
13 under this subsection.

14 (6) CIVIL PENALTIES.—A violation of this sub-
15 section by a part 121 air carrier shall be treated as
16 a violation of chapter 447 of title 49, United States
17 Code, for purposes of the application of civil pen-
18 alties under chapter 463 of that title.

19 **Subtitle B—Unmanned Aircraft** 20 **Systems**

21 **SEC. 431. DEFINITIONS.**

22 Except as otherwise provided, the definitions con-
23 tained in section 45501 of title 49, United States Code
24 (as added by this Act), shall apply to this subtitle.

1 **SEC. 432. CODIFICATION OF EXISTING LAW; ADDITIONAL**
 2 **PROVISIONS.**

3 (a) IN GENERAL.—Subtitle VII of title 49, United
 4 States Code, is amended by inserting after chapter 453
 5 the following:

6 **“CHAPTER 455—UNMANNED AIRCRAFT**
 7 **SYSTEMS**

“Sec.

“45501. Definitions.

“45502. Integration of civil unmanned aircraft systems into national airspace system.

“45503. Risk-based permitting of unmanned aircraft systems.

“45504. Public unmanned aircraft systems.

“45505. Special rules for certain unmanned aircraft systems.

“45506. Certification of new air navigation facilities for unmanned aircraft and other aircraft.

“45507. Special rules for certain UTM and low-altitude CNS.

“45508. Operation of small unmanned aircraft.

“45509. Special rules for model aircraft.

“45510. Carriage of property for compensation or hire.

8 **“§ 45501. Definitions**

9 “In this chapter, the following definitions apply:

10 “(1) AERIAL DATA COLLECTION.—The term
 11 ‘aerial data collection’ means the gathering of data
 12 by a device aboard an unmanned aircraft during
 13 flight, including imagery, sensing, and measurement
 14 by such device.

15 “(2) ARCTIC.—The term ‘Arctic’ means the
 16 United States zone of the Chukchi Sea, Beaufort
 17 Sea, and Bering Sea north of the Aleutian chain.

18 “(3) CERTIFICATE OF WAIVER; CERTIFICATE
 19 OF AUTHORIZATION.—The terms ‘certificate of waiv-

1 er' and 'certificate of authorization' mean a Federal
2 Aviation Administration grant of approval for a spe-
3 cific flight operation.

4 “(4) CNS.—The term ‘CNS’ means a commu-
5 nication, navigation, or surveillance system or serv-
6 ice.

7 “(5) MODEL AIRCRAFT.—the term ‘model air-
8 craft’ means an unmanned aircraft that is—

9 “(A) capable of sustained flight in the at-
10 mosphere;

11 “(B) flown within visual line of sight of the
12 person operating the aircraft; and

13 “(C) flown for hobby or recreational pur-
14 poses.

15 “(6) PERMANENT AREAS.—The term ‘perma-
16 nent areas’ means areas on land or water that pro-
17 vide for launch, recovery, and operation of small un-
18 manned aircraft.

19 “(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
20 The term ‘public unmanned aircraft system’ means
21 an unmanned aircraft system that meets the quali-
22 fications and conditions required for operation of a
23 public aircraft (as defined in section 40102(a)).

24 “(8) SENSE-AND-AVOID CAPABILITY.—The term
25 ‘sense-and-avoid capability’ means the capability of

1 an unmanned aircraft to remain a safe distance
2 from and to avoid collisions with other airborne air-
3 craft.

4 “(9) SMALL UNMANNED AIRCRAFT.—The term
5 ‘small unmanned aircraft’ means an unmanned air-
6 craft weighing less than 55 pounds, including every-
7 thing that is on board the aircraft.

8 “(10) UNMANNED AIRCRAFT.—The term ‘un-
9 manned aircraft’ means an aircraft that is operated
10 without the possibility of direct human intervention
11 from within or on the aircraft.

12 “(11) UNMANNED AIRCRAFT SYSTEM.—The
13 term ‘unmanned aircraft system’ means an un-
14 manned aircraft and associated elements (including
15 communication links and the components that con-
16 trol the unmanned aircraft) that are required for the
17 pilot in command to operate safely and efficiently in
18 the national airspace system.

19 “(12) UTM.—The term ‘UTM’ means an un-
20 manned aircraft traffic management system or serv-
21 ice.

22 **“§ 45502. Integration of civil unmanned aircraft sys-**
23 **tems into national airspace system**

24 “(a) REQUIRED PLANNING FOR INTEGRATION.—

1 “(1) COMPREHENSIVE PLAN.—Not later than
2 November 10, 2012, the Secretary of Transpor-
3 tation, in consultation with representatives of the
4 aviation industry, Federal agencies that employ un-
5 manned aircraft systems technology in the national
6 airspace system, and the unmanned aircraft systems
7 industry, shall develop a comprehensive plan to safe-
8 ly accelerate the integration of civil unmanned air-
9 craft systems into the national airspace system.

10 “(2) CONTENTS OF PLAN.—The plan required
11 under paragraph (1) shall contain, at a minimum,
12 recommendations or projections on—

13 “(A) the rulemaking to be conducted under
14 subsection (b), with specific recommendations
15 on how the rulemaking will—

16 “(i) define the acceptable standards
17 for operation and certification of civil un-
18 manned aircraft systems;

19 “(ii) ensure that any civil unmanned
20 aircraft system includes a sense-and-avoid
21 capability; and

22 “(iii) establish standards and require-
23 ments for the operator and pilot of a civil
24 unmanned aircraft system, including

1 standards and requirements for registra-
2 tion and licensing;

3 “(B) the best methods to enhance the tech-
4 nologies and subsystems necessary to achieve
5 the safe and routine operation of civil un-
6 manned aircraft systems in the national air-
7 space system;

8 “(C) a phased-in approach to the integra-
9 tion of civil unmanned aircraft systems into the
10 national airspace system;

11 “(D) a timeline for the phased-in approach
12 described under subparagraph (C);

13 “(E) creation of a safe airspace designa-
14 tion for cooperative manned and unmanned
15 flight operations in the national airspace sys-
16 tem;

17 “(F) establishment of a process to develop
18 certification, flight standards, and air traffic re-
19 quirements for civil unmanned aircraft systems
20 at test ranges where such systems are subject
21 to testing;

22 “(G) the best methods to ensure the safe
23 operation of civil unmanned aircraft systems
24 and public unmanned aircraft systems simulta-
25 neously in the national airspace system; and

1 “(H) incorporation of the plan into the an-
2 nual NextGen Implementation Plan document
3 (or any successor document) of the Federal
4 Aviation Administration.

5 “(3) DEADLINE.—The plan required under
6 paragraph (1) shall provide for the safe integration
7 of civil unmanned aircraft systems into the national
8 airspace system as soon as practicable, but not later
9 than September 30, 2015.

10 “(4) REPORT TO CONGRESS.—Not later than
11 February 14, 2013, the Secretary shall submit to
12 Congress a copy of the plan required under para-
13 graph (1).

14 “(5) ROADMAP.—Not later than February 14,
15 2013, the Secretary shall approve and make avail-
16 able in print and on the Administration’s internet
17 website a 5-year roadmap for the introduction of
18 civil unmanned aircraft systems into the national
19 airspace system, as coordinated by the Unmanned
20 Aircraft Program Office of the Administration. The
21 Secretary shall update the roadmap annually.

22 “(b) RULEMAKING.—Not later than 18 months after
23 the date on which the plan required under subsection
24 (a)(1) is submitted to Congress under subsection (a)(4),
25 the Secretary shall publish in the Federal Register—

1 “(1) a final rule on small unmanned aircraft
2 systems that will allow for civil operation of such
3 systems in the national airspace system, to the ex-
4 tent the systems do not meet the requirements for
5 expedited operational authorization under section
6 45508;

7 “(2) a notice of proposed rulemaking to imple-
8 ment the recommendations of the plan required
9 under subsection (a)(1), with the final rule to be
10 published not later than 16 months after the date of
11 publication of the notice; and

12 “(3) an update to the Administration’s most re-
13 cent policy statement on unmanned aircraft systems,
14 contained in Docket No. FAA–2006–25714.

15 “(c) EXPANDING USE OF UNMANNED AIRCRAFT
16 SYSTEMS IN ARCTIC.—

17 “(1) IN GENERAL.—Not later than August 12,
18 2012, the Secretary shall develop a plan and initiate
19 a process to work with relevant Federal agencies and
20 national and international communities to designate
21 permanent areas in the Arctic where small un-
22 manned aircraft may operate 24 hours per day for
23 research and commercial purposes. The plan for op-
24 erations in these permanent areas shall include the
25 development of processes to facilitate the safe oper-

1 ation of unmanned aircraft beyond line of sight.
2 Such areas shall enable over-water flights from the
3 surface to at least 2,000 feet in altitude, with in-
4 gress and egress routes from selected coastal launch
5 sites.

6 “(2) AGREEMENTS.—To implement the plan
7 under paragraph (1), the Secretary may enter into
8 an agreement with relevant national and inter-
9 national communities.

10 “(3) AIRCRAFT APPROVAL.—Not later than 1
11 year after the entry into force of an agreement nec-
12 essary to effectuate the purposes of this subsection,
13 the Secretary shall work with relevant national and
14 international communities to establish and imple-
15 ment a process, or may apply an applicable process
16 already established, for approving the use of un-
17 manned aircraft in the designated permanent areas
18 in the Arctic without regard to whether an un-
19 manned aircraft is used as a public aircraft, a civil
20 aircraft, or a model aircraft.

21 **“§ 45503. Risk-based permitting of unmanned aircraft**
22 **systems**

23 “(a) IN GENERAL.—Not later than 120 days after
24 the date of enactment of this section, the Administrator
25 of the Federal Aviation Administration shall establish pro-

1 cedures for issuing permits under this section with respect
2 to certain unmanned aircraft systems and operations
3 thereof.

4 “(b) PERMITTING STANDARDS.—Upon the submis-
5 sion of an application in accordance with subsection (d),
6 the Administrator shall issue a permit with respect to the
7 proposed operation of an unmanned aircraft system if the
8 Administrator determines that the unmanned aircraft sys-
9 tem and the proposed operation achieve a level of safety
10 that is equivalent to—

11 “(1) other unmanned aircraft systems and op-
12 erations permitted under regulation, exemption, or
13 other authority granted by the Administrator; or

14 “(2) any other aircraft operation approved by
15 the Administrator with similar risk characteristics or
16 profiles.

17 “(c) SAFETY CRITERIA FOR CONSIDERATION.—In
18 determining whether a proposed operation meets the
19 standards described in subsection (b), the Administrator
20 shall consider the following safety criteria:

21 “(1) The kinetic energy of the unmanned air-
22 craft system.

23 “(2) The location of the proposed operation, in-
24 cluding the proximity to—

25 “(A) structures;

1 “(B) congested areas;

2 “(C) special-use airspace; and

3 “(D) persons on the ground.

4 “(3) The nature of the operation, including any
5 proposed risk mitigation.

6 “(4) Any known hazard of the proposed oper-
7 ation and the severity and likelihood of such hazard.

8 “(5) Any known failure modes of the unmanned
9 aircraft system, failure mode effects and criticality,
10 and any mitigating features or capabilities.

11 “(6) The operational history of relevant tech-
12 nologies, if available.

13 “(7) Any history of civil penalties or certificate
14 actions by the Administrator against the applicant
15 seeking the permit.

16 “(8) Any other safety criteria the Administrator
17 considers appropriate.

18 “(d) APPLICATION.—An application under this sec-
19 tion shall include evidence that the unmanned aircraft sys-
20 tem and the proposed operation thereof meet the stand-
21 ards described in subsection (b) based on the criteria de-
22 scribed in subsection (c).

23 “(e) SCOPE OF PERMIT.—A permit issued under this
24 section shall—

25 “(1) be valid for 5 years;

1 “(2) constitute approval of both the airworthi-
2 ness of the unmanned aircraft system and the pro-
3 posed operation of such system;

4 “(3) be renewable for additional 5-year periods;
5 and

6 “(4) contain any terms necessary to ensure
7 aviation safety.

8 “(f) NOTICE.—Not later than 120 days after the Ad-
9 ministrators receives a complete application under sub-
10 section (d), the Administrator shall provide the applicant
11 written notice of a decision to approve or disapprove of
12 the application or to request a modification of the applica-
13 tion that is necessary for approval of the application.

14 “(g) PERMITTING PROCESS.—The Administrator
15 shall issue a permit under this section without regard to
16 subsections (b) through (d) of section 553 of title 5 and
17 chapter 35 of title 44 if the Administrator determines that
18 the operation permitted will not occur near a congested
19 area.

20 “(h) EXEMPTION FROM CERTAIN REQUIREMENTS.—
21 To the extent consistent with aviation safety, the Adminis-
22 trator may exempt applicants under this section from
23 paragraphs (1) through (3) of section 44711(a).

1 “(i) WITHDRAWAL.—The Administrator may, at any
2 time, modify or withdraw a permit issued under this sec-
3 tion.

4 “(j) APPLICABILITY.—This section shall not apply to
5 small unmanned aircraft systems and operations author-
6 ized by the final rule on small unmanned aircraft systems
7 issued pursuant to section 45502(b)(1).

8 “(k) EXPEDITED REVIEW.—The Administrator shall
9 review and act upon applications under this section on an
10 expedited basis for unmanned aircraft systems and oper-
11 ations thereof to be used primarily in, or primarily in di-
12 rect support of, emergency preparedness, emergency re-
13 sponse, or disaster recovery efforts, including efforts in
14 connection with natural disasters and severe weather
15 events.

16 **“§ 45504. Public unmanned aircraft systems**

17 “(a) GUIDANCE.—Not later than November 10,
18 2012, the Secretary of Transportation shall issue guidance
19 regarding the operation of public unmanned aircraft sys-
20 tems to—

21 “(1) expedite the issuance of a certificate of au-
22 thorization process;

23 “(2) provide for a collaborative process with
24 public agencies to allow for an incremental expan-
25 sion of access to the national airspace system as

1 technology matures and the necessary safety anal-
2 ysis and data become available, and until standards
3 are completed and technology issues are resolved;

4 “(3) facilitate the capability of public agencies
5 to develop and use test ranges, subject to operating
6 restrictions required by the Federal Aviation Admin-
7 istration, to test and operate unmanned aircraft sys-
8 tems; and

9 “(4) provide guidance on a public entity’s re-
10 sponsibility when operating an unmanned aircraft
11 without a civil airworthiness certificate issued by the
12 Administration.

13 “(b) STANDARDS FOR OPERATION AND CERTIFI-
14 CATION.—Not later than December 31, 2015, the Admin-
15 istrator shall develop and implement operational and cer-
16 tification requirements for the operation of public un-
17 manned aircraft systems in the national airspace system.

18 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
19 CIES.—

20 “(1) IN GENERAL.—Not later than May 14,
21 2012, the Secretary shall enter into agreements with
22 appropriate government agencies to simplify the
23 process for issuing certificates of waiver or author-
24 ization with respect to applications seeking author-

1 ization to operate public unmanned aircraft systems
2 in the national airspace system.

3 “(2) CONTENTS.—The agreements shall—

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

6 “(i) provide for an expedited review of
7 the application;

8 “(ii) require a decision by the Admin-
9 istrator on approval or disapproval within
10 60 business days of the date of submission
11 of the application; and

12 “(iii) allow for an expedited appeal if
13 the application is disapproved;

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

17 “(C) allow a government public safety
18 agency to operate unmanned aircraft weighing
19 4.4 pounds or less, if operated—

20 “(i) within the line of sight of the op-
21 erator;

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

24 “(iii) during daylight conditions;

25 “(iv) within Class G airspace; and

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

5 **“§ 45505. Special rules for certain unmanned aircraft**
6 **systems**

7 “(a) IN GENERAL.—Notwithstanding any other re-
8 quirement of this subtitle, and not later than August 12,
9 2012, the Secretary of Transportation shall determine if
10 certain unmanned aircraft systems may operate safely in
11 the national airspace system before completion of the plan
12 and rulemaking required by section 45502 or the guidance
13 required under section 45504.

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

17 “(1) which types of unmanned aircraft systems,
18 if any, as a result of their size, weight, speed, oper-
19 ational capability, proximity to airports and popu-
20 lated areas, and operation within visual line of sight
21 do not create a hazard to users of the national air-
22 space system or the public or pose a threat to na-
23 tional security; and

24 “(2) whether a certificate of waiver, certificate
25 of authorization, or airworthiness certification under

1 section 44704 is required for the operation of un-
2 manned aircraft systems identified under paragraph
3 (1).

4 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
5 Secretary determines under this section that certain un-
6 manned aircraft systems may operate safely in the na-
7 tional airspace system, the Secretary shall establish re-
8 quirements for the safe operation of such aircraft systems
9 in the national airspace system.

10 **“§ 45506. Certification of new air navigation facilities**
11 **for unmanned aircraft and other aircraft**

12 “(a) IN GENERAL.—Not later than 18 months after
13 the date of enactment of this section, and notwithstanding
14 section 2208 of the FAA Extension, Safety, and Security
15 Act of 2016 (49 U.S.C. 40101 note), the Administrator
16 of the Federal Aviation Administration shall initiate a
17 rulemaking to establish procedures for issuing air naviga-
18 tion facility certificates pursuant to section 44702 to oper-
19 ators of—

20 “(1) UTM for unmanned aircraft operations
21 that occur primarily or exclusively in airspace 400
22 feet above ground level and below; and

23 “(2) low-altitude CNS for aircraft operations
24 that occur primarily or exclusively in airspace 400
25 feet above ground level and below.

1 “(b) MINIMUM REQUIREMENTS.—In issuing a final
2 rule pursuant to subsection (a), the Administrator, at a
3 minimum, shall provide for the following:

4 “(1) CERTIFICATION STANDARDS.—The Admin-
5 istrator shall issue an air navigation facility certifi-
6 cate under the final rule if the Administrator deter-
7 mines that a UTM or low-altitude CNS facilitates or
8 improves the safety of unmanned aircraft or other
9 aircraft operations that occur primarily or exclu-
10 sively in airspace 400 feet above ground level and
11 below, including operations conducted under a waiv-
12 er issued pursuant to subpart D of part 107 of title
13 14, Code of Federal Regulations.

14 “(2) CRITERIA FOR CONSIDERATION.—In deter-
15 mining whether a UTM or low-altitude CNS meets
16 the standard described in paragraph (1), the Admin-
17 istrator shall, as appropriate, consider—

18 “(A) protection of persons and property on
19 the ground;

20 “(B) remote identification of aircraft;

21 “(C) collision avoidance with respect to ob-
22 stacles and aircraft;

23 “(D) deconfliction of aircraft trajectories;

24 “(E) safe and reliable interoperability or
25 noninterference with air traffic control and

1 other systems operated in the national airspace
2 system;

3 “(F) detection of noncooperative aircraft;

4 “(G) geographic and local factors;

5 “(H) aircraft equipage; and

6 “(I) qualifications, if any, necessary to op-
7 erate the UTM or low-altitude CNS.

8 “(3) APPLICATION.—An application for an air
9 navigation facility certificate under the final rule
10 shall include evidence that the UTM or low-altitude
11 CNS meets the standard described in paragraph (1)
12 based on the criteria described in paragraph (2).

13 “(4) SCOPE OF CERTIFICATE.—The Adminis-
14 trator shall ensure that an air navigation facility
15 certificate issued under the final rule—

16 “(A) constitutes approval of the UTM or
17 low-altitude CNS for the duration of the term
18 of the certificate;

19 “(B) constitutes authorization to operate
20 the UTM or low-altitude CNS for the duration
21 of the term of the certificate; and

22 “(C) contains such limitations and condi-
23 tions as may be necessary to ensure aviation
24 safety.

1 “(5) NOTICE.—Not later than 120 days after
2 the Administrator receives a complete application
3 under the final rule, the Administrator shall provide
4 the applicant with a written approval, disapproval,
5 or request to modify the application.

6 “(6) LOW RISK AREAS.—Under the final rule,
7 the Administrator shall establish expedited proce-
8 dures for approval of UTM or low-altitude CNS op-
9 erated in—

10 “(A) airspace away from congested areas;

11 or

12 “(B) other airspace above areas in which
13 operations of unmanned aircraft pose very low
14 risk.

15 “(7) EXEMPTION FROM CERTAIN REQUIRE-
16 MENTS.—To the extent consistent with aviation safe-
17 ty, the Administrator may exempt applicants under
18 the final rule from requirements under sections
19 44702, 44703, and 44711.

20 “(8) CERTIFICATE MODIFICATIONS AND REV-
21 OCATIONS.—A certificate issued under the final rule
22 may, at any time, be modified or revoked by the Ad-
23 ministrator.

1 “(c) CONSULTATION.—In carrying out this section,
2 the Administrator shall consult with other Federal agen-
3 cies, as appropriate.

4 **“§ 45507. Special rules for certain UTM and low-alti-
5 tude CNS**

6 “(a) IN GENERAL.—Notwithstanding any other re-
7 quirement of this chapter, and not later than 120 days
8 after the date of enactment of this section, the Secretary
9 of Transportation shall determine if certain UTM and low-
10 altitude CNS may operate safely in the national airspace
11 system before completion of the rulemaking required by
12 section 45506.

13 “(b) ASSESSMENT OF UTM AND LOW-ALTITUDE
14 CNS.—In making the determination under subsection (a),
15 the Secretary shall determine, at a minimum, which types
16 of UTM and low-altitude CNS, if any, as a result of their
17 operational capabilities, reliability, intended use, and areas
18 of operation, and the characteristics of the aircraft in-
19 volved, do not create a hazard to users of the national
20 airspace system or the public.

21 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
22 Secretary determines that certain UTM and low-altitude
23 CNS may operate safely in the national airspace system,
24 the Secretary shall establish requirements for their safe
25 operation in the national airspace system.

1 “(d) EXPEDITED PROCEDURES.—The Secretary shall
2 provide expedited procedures for reviewing and approving
3 UTM or low-altitude CNS operated to monitor or control
4 aircraft operated primarily or exclusively in airspace
5 above—

6 “(1) croplands;

7 “(2) areas other than congested areas; and

8 “(3) other areas in which the operation of un-
9 manned aircraft poses very low risk.

10 “(e) CONSULTATION.—In carrying out this section,
11 the Administrator shall consult with other Federal agen-
12 cies, as appropriate.

13 **“§ 45508. Operation of small unmanned aircraft**

14 “(a) EXEMPTION AND CERTIFICATE OF WAIVER OR
15 AUTHORIZATION FOR CERTAIN OPERATIONS.—Not later
16 than 270 days after the date of enactment of this section,
17 the Administrator of the Federal Aviation Administration
18 shall establish a procedure for granting an exemption and
19 issuing a certificate of waiver or authorization for the op-
20 eration of a small unmanned aircraft system in United
21 States airspace for the purposes described in section
22 45501(1).

23 “(b) OPERATION OF EXEMPTION AND CERTIFICATE
24 OF WAIVER OR AUTHORIZATION.—

1 “(1) EXEMPTION.—An exemption granted
2 under this section shall—

3 “(A) exempt the operator of a small un-
4 manned aircraft from the provisions of title 14,
5 Code of Federal Regulations, that are exempted
6 in Exemption No. 11687, issued on May 26,
7 2015, Regulatory Docket Number FAA–2015–
8 0117, or in a subsequent exemption; and

9 “(B) contain conditions and limitations de-
10 scribed in paragraphs 3 through 31 of such Ex-
11 emption No. 11687, or conditions and limita-
12 tions of a subsequent exemption.

13 “(2) CERTIFICATE OF WAIVER OR AUTHORIZA-
14 TION.—A certificate of waiver or authorization
15 issued under this section shall allow the operation of
16 small unmanned aircraft according to—

17 “(A) the standard provisions and air traf-
18 fic control special provisions of the certificate of
19 waiver or authorization FAA Form 7711–1 (7–
20 74); or

21 “(B) the standard and special provisions of
22 a subsequent certificate of waiver or authoriza-
23 tion.

24 “(c) NOTICE TO ADMINISTRATOR.—Before operating
25 a small unmanned aircraft pursuant to a certificate of

1 waiver or authorization granted under this section, the op-
2 erator shall provide written notice to the Administrator,
3 in a form and manner specified by the Administrator, that
4 contains such information and assurances as the Adminis-
5 trator determines necessary in the interest of aviation
6 safety and the efficiency of the national airspace system,
7 including a certification that the operator has read, under-
8 stands, and will comply with all terms, conditions, and lim-
9 itations of the certificate of waiver or authorization.

10 “(d) WAIVER OF AIRWORTHINESS CERTIFICATE.—
11 Notwithstanding section 44711(a)(1), the holder of a cer-
12 tificate of waiver or authorization granted under this sec-
13 tion may operate a small unmanned aircraft under the
14 terms, conditions, and limitations of such certificate with-
15 out an airworthiness certificate.

16 “(e) PROCEDURE.—The granting of an exemption or
17 the issuance of a certificate of waiver or authorization, or
18 any other action authorized by this section, shall be made
19 without regard to—

20 “(1) section 553 of title 5; or

21 “(2) chapter 35 of title 44.

22 “(f) STATUTORY CONSTRUCTION.—Nothing in this
23 section may be construed to—

24 “(1) affect the issuance of a rule by or any
25 other activity of the Secretary of Transportation or

1 the Administrator under any other provision of law;
2 or

3 “(2) invalidate an exemption or certificate of
4 waiver or authorization issued by the Administrator
5 before the date of enactment of this section.

6 “(g) EFFECTIVE PERIODS.—An exemption or certifi-
7 cate of waiver or authorization issued under this section,
8 or an amendment of such exemption or certificate, shall
9 cease to be valid on the effective date of a final rule on
10 small unmanned aircraft systems issued under section
11 45502(b)(1).

12 **“§ 45509. Special rules for model aircraft**

13 “(a) IN GENERAL.—Notwithstanding any other pro-
14 vision of law relating to the incorporation of unmanned
15 aircraft systems into Federal Aviation Administration
16 plans and policies, including this subtitle, the Adminis-
17 trator of the Federal Aviation Administration may not
18 promulgate any rule or regulation regarding a model air-
19 craft or an aircraft being developed as a model aircraft
20 (other than the registration of certain model aircraft pur-
21 suant to section 44103), if—

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

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

1 in the programming of a community-based organiza-
2 tion;

3 “(3) the aircraft is limited to not more than 55
4 pounds unless otherwise certified through a design,
5 construction, inspection, flight test, and operational
6 safety program administered by a community-based
7 organization;

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

11 “(5) the aircraft is not operated over or within
12 the property of a fixed site facility that operates
13 amusement rides available for use by the general
14 public or the property extending 500 lateral feet be-
15 yond the perimeter of such facility unless the oper-
16 ation is authorized by the owner of the amusement
17 facility; and

18 “(6) when flown within 5 miles of an airport,
19 the operator of the aircraft provides the airport op-
20 erator and the airport air traffic control tower (when
21 an air traffic facility is located at the airport) with
22 prior notice of the operation (model aircraft opera-
23 tors flying from a permanent location within 5 miles
24 of an airport should establish a mutually agreed
25 upon operating procedure with the airport operator

1 and the airport air traffic control tower (when an air
2 traffic facility is located at the airport)).

3 “(b) COMMERCIAL OPERATION FOR INSTRUCTIONAL
4 OR EDUCATIONAL PURPOSES.—A flight of an unmanned
5 aircraft shall be treated as a flight of a model aircraft
6 for purposes of subsection (a) (regardless of any com-
7 pensation, reimbursement, or other consideration ex-
8 changed or incidental economic benefit gained in the
9 course of planning, operating, or supervising the flight),
10 if the flight is—

11 “(1) conducted for instructional or educational
12 purposes; and

13 “(2) operated or supervised by a member of a
14 community-based organization recognized pursuant
15 to subsection (e).

16 “(c) STATUTORY CONSTRUCTION.—Nothing in this
17 section may be construed to limit the authority of the Ad-
18 ministrator to pursue enforcement action against persons
19 operating model aircraft who endanger the safety of the
20 national airspace system.

21 “(d) COMMUNITY-BASED ORGANIZATION DE-
22 FINED.—In this section, the term ‘community-based orga-
23 nization’ means an entity that—

24 “(1) is described in section 501(c)(3) of the In-
25 ternal Revenue Code of 1986;

1 “(2) is exempt from tax under section 501(a) of
2 the Internal Revenue Code of 1986;

3 “(3) the mission of which is demonstrably the
4 furtherance of model aviation;

5 “(4) provides a comprehensive set of safety
6 guidelines for all aspects of model aviation address-
7 ing the assembly and operation of model aircraft and
8 that emphasize safe aeromodeling operations within
9 the national airspace system and the protection and
10 safety of individuals and property on the ground;

11 “(5) provides programming and support for any
12 local charter organizations, affiliates, or clubs; and

13 “(6) provides assistance and support in the de-
14 velopment and operation of locally designated model
15 aircraft flying sites.

16 “(e) RECOGNITION OF COMMUNITY-BASED ORGANI-
17 ZATIONS.—Not later than 180 days after the date of en-
18 actment of this section, the Administrator shall establish,
19 and make available to the public, a process for recognizing
20 community-based organizations that meet the eligibility
21 criteria under subsection (d).

22 “**§ 45510. Carriage of property for compensation or**
23 **hire**

24 “(a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this section, the Secretary of Trans-

1 portation shall issue a final rule authorizing the carriage
2 of property by operators of small unmanned aircraft sys-
3 tems for compensation or hire within the United States.

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

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

7 The Administrator of the Federal Aviation Adminis-
8 tration, at the direction of the Secretary, shall estab-
9 lish a small UAS air carrier certificate for persons
10 that undertake directly, or by lease or other arrange-
11 ment, the operation of small unmanned aircraft sys-
12 tems to carry property in air transportation, includ-
13 ing commercial fleet operations with highly auto-
14 mated unmanned aircraft systems. The requirements
15 to obtain a small UAS air carrier certificate shall—

16 “(A) account for the unique characteristics
17 of highly automated small unmanned aircraft
18 systems; and

19 “(B) include only those obligations nec-
20 essary for the safe operation of small unmanned
21 aircraft systems.

22 “(2) SMALL UAS AIR CARRIER CERTIFICATION
23 PROCESS.—The Administrator, at the direction of
24 the Secretary, shall establish a process for the
25 issuance of a small UAS air carrier certificate de-

1 scribed in paragraph (1) that is streamlined, simple,
2 performance-based, and risk-based. Such certifi-
3 cation process shall consider—

4 “(A) safety and the mitigation of oper-
5 ational risks from highly automated small un-
6 manned aircraft systems to the safety of other
7 aircraft, and persons and property on the
8 ground;

9 “(B) the safety and reliability of highly
10 automated small unmanned aircraft system de-
11 sign, including technological capabilities and
12 operational limitations to mitigate such risks;
13 and

14 “(C) the competencies and compliance pro-
15 grams of manufacturers, operators, and compa-
16 nies that both manufacture and operate small
17 unmanned aircraft systems and components.

18 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
19 TION.—The Secretary shall develop a classification
20 system for small unmanned aircraft systems air car-
21 riers to establish economic authority for the carriage
22 of property by small unmanned aircraft systems for
23 compensation or hire. Such classification shall only
24 require—

1 “(A) registration with the Department of
2 Transportation; and

3 “(B) a valid small UAS air carrier certifi-
4 cate as described in paragraph (1).”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) REPEALS.—

7 (A) IN GENERAL.—Sections 332(a),
8 332(b), 332(d), 333, 334, and 336 of the FAA
9 Modernization and Reform Act of 2012 (49
10 U.S.C. 40101 note) are repealed.

11 (B) CLERICAL AMENDMENT.—The items
12 relating to sections 333, 334, and 336 of the
13 FAA Modernization and Reform Act of 2012
14 (49 U.S.C. 40101 note) in the table of contents
15 contained in section 1(b) of that Act are re-
16 pealed.

17 (2) PENALTIES.—Section 46301 of title 49,
18 United States Code, is amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1)(A) by inserting
21 “chapter 455,” after “chapter 451,”; and

22 (ii) in paragraph (5)(A)(i) by striking
23 “or chapter 451,” and inserting “chapter
24 451, chapter 455,”;

1 (B) in subsection (d)(2) by inserting
2 “chapter 455,” after “chapter 451,”; and

3 (C) in subsection (f)(1)(A)(i) by striking
4 “or chapter 451” and inserting “chapter 451,
5 or chapter 455”.

6 (3) CLERICAL AMENDMENT.—The analysis for
7 subtitle VII of title 49, United States Code, is
8 amended by inserting after the item relating to
9 chapter 453 the following:

“455. Unmanned aircraft systems45501”.

10 **SEC. 433. UNMANNED AIRCRAFT TEST RANGES.**

11 (a) EXTENSION OF PROGRAM.—Section 332(c)(1) of
12 the FAA Modernization and Reform Act of 2012 (49
13 U.S.C. 40101 note) is amended by striking “September
14 30, 2019” and inserting “the date that is 6 years after
15 the date of enactment of the 21st Century AIRR Act”.

16 (b) SENSE-AND-AVOID AND BEYOND LINE OF SIGHT
17 SYSTEMS AT TEST RANGES.—

18 (1) IN GENERAL.—To the extent consistent
19 with aviation safety, the Administrator of the Fed-
20 eral Aviation Administration shall permit and en-
21 courage flights of unmanned aircraft equipped with
22 sense-and-avoid and beyond line of sight systems at
23 the 6 test ranges designated under section 332(c) of
24 the FAA Modernization and Reform Act of 2012.

1 (2) WAIVERS.—In carrying out paragraph (1),
2 the Administrator may waive the requirements of
3 section 44711 of title 49, United States Code, in-
4 cluding related regulations, to the extent consistent
5 with aviation safety.

6 (c) TEST RANGE DEFINED.—In this section, the
7 term “test range” means a defined geographic area where
8 research and development are conducted.

9 **SEC. 434. SENSE OF CONGRESS REGARDING UNMANNED**
10 **AIRCRAFT SAFETY.**

11 It is the sense of Congress that—

12 (1) the unauthorized operation of unmanned
13 aircraft near airports presents a serious hazard to
14 aviation safety;

15 (2) a collision between an unmanned aircraft
16 and a conventional aircraft in flight could jeopardize
17 the safety of persons aboard the aircraft and on the
18 ground;

19 (3) Federal aviation regulations, including sec-
20 tions 91.126 through 91.131 of title 14, Code of
21 Federal Regulations, prohibit unauthorized operation
22 of an aircraft in controlled airspace near an airport;

23 (4) Federal aviation regulations, including sec-
24 tion 91.13 of title 14, Code of Federal Regulations,
25 prohibit the operation of an aircraft in a careless or

1 reckless manner so as to endanger the life or prop-
2 erty of another;

3 (5) the Administrator of the Federal Aviation
4 Administration should pursue all available civil and
5 administrative remedies available to the Adminis-
6 trator, including referrals to other government agen-
7 cies for criminal investigations, with respect to per-
8 sons who operate unmanned aircraft in an unauthor-
9 ized manner;

10 (6) the Administrator should place particular
11 priority on continuing measures, including partner-
12 ships with nongovernmental organizations, to edu-
13 cate the public about the dangers to the public safe-
14 ty of operating unmanned aircraft near airports
15 without the appropriate approvals or authorizations;
16 and

17 (7) manufacturers and retail sellers of small
18 unmanned aircraft systems should take steps to edu-
19 cate consumers about the safe and lawful operation
20 of such systems.

21 **SEC. 435. UAS PRIVACY REVIEW.**

22 (a) REVIEW.—The Secretary of Transportation, in
23 consultation with the heads of appropriate Federal agen-
24 cies, appropriate State and local officials, and subject-mat-
25 ter experts and in consideration of relevant efforts led by

1 the National Telecommunications and Information Ad-
2 ministration, shall carry out a review to identify any po-
3 tential reduction of privacy specifically caused by the inte-
4 gration of unmanned aircraft systems into the national
5 airspace system.

6 (b) CONSULTATION.—In carrying out the review, the
7 Secretary shall consult with the National Telecommuni-
8 cations and Information Administration of the Depart-
9 ment of Commerce on its ongoing efforts responsive to the
10 Presidential memorandum titled “Promoting Economic
11 Competitiveness While Safeguarding Privacy, Civil Rights,
12 and Civil Liberties in Domestic Use of Unmanned Aircraft
13 Systems” and dated February 15, 2015.

14 (c) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, the Secretary shall submit to
16 the Committee on Transportation and Infrastructure of
17 the House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate a report
19 on the results of the review required under subsection (a).

20 **SEC. 436. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
21 **MENTS.**

22 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
23 MENTS.—Section 40102(a)(41) of title 49, United States
24 Code, is amended by adding at the end the following:

1 “(F) An unmanned aircraft that is owned
2 and operated by, or exclusively leased for at
3 least 90 continuous 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 of title 49, United States Code, is amended by striking
10 “or (D)” and inserting “(D), or (F)”.

11 **SEC. 437. EVALUATION OF AIRCRAFT REGISTRATION FOR**
12 **SMALL UNMANNED AIRCRAFT.**

13 (a) METRICS.—Beginning not later than 180 days
14 after the date of enactment of this Act, the Administrator
15 of the Federal Aviation Administration shall develop and
16 track metrics to assess compliance with and effectiveness
17 of the registration of small unmanned aircraft systems by
18 the Federal Aviation Administration pursuant to the in-
19 terim final rule issued on December 16, 2015, entitled
20 “Registration and Marking Requirements for Small Un-
21 manned Aircraft” (80 Fed. Reg. 78593) and any subse-
22 quent final rule, including metrics with respect to—

23 (1) the levels of compliance with the interim
24 final rule and any subsequent final rule;

1 (2) the number of enforcement actions taken by
2 the Administration for violations of or noncompli-
3 ance with the interim final rule and any subsequent
4 final rule, together with a description of the actions;
5 and

6 (3) the effect of the interim final rule and any
7 subsequent final rule on compliance with any fees
8 associated with the use of small unmanned aircraft
9 systems.

10 (b) EVALUATION.—The Inspector General of the De-
11 partment of Transportation shall evaluate—

12 (1) the Administration’s progress in developing
13 and tracking the metrics set forth in subsection (a);
14 and

15 (2) the reliability, effectiveness, and efficiency
16 of the Administration’s registration program for
17 small unmanned aircraft.

18 (c) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Inspector General of the De-
20 partment of Transportation shall submit to the Committee
21 on Transportation and Infrastructure of the House of
22 Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate a report con-
24 taining—

1 (1) the results of the evaluation required under
2 subsection (b); and

3 (2) recommendations to the Administrator and
4 Congress for improvements to the registration proc-
5 ess for small unmanned aircraft.

6 **SEC. 438. STUDY ON ROLES OF GOVERNMENTS RELATING**
7 **TO LOW-ALTITUDE OPERATION OF SMALL**
8 **UNMANNED AIRCRAFT.**

9 (a) **IN GENERAL.**—Not later than 60 days after the
10 date of enactment of this Act, the Inspector General of
11 the Department of Transportation shall initiate a study
12 on—

13 (1) the regulation and oversight of the low-alti-
14 tude operations of small unmanned aircraft and
15 small unmanned aircraft systems; and

16 (2) the appropriate roles and responsibilities of
17 Federal, State, local, and Tribal governments in reg-
18 ulating and overseeing the operations of small un-
19 manned aircraft in airspace 400 feet above ground
20 level and below.

21 (b) **CONSIDERATIONS.**—In carrying out the study,
22 the Inspector General shall consider, at a minimum—

23 (1) the recommendations of Task Group 1 of
24 the Drone Advisory Committee chartered by the

1 Federal Aviation Administration on August 31,
2 2016;

3 (2) the legal and policy requirements necessary
4 for the safe and financially viable development and
5 growth of the unmanned aircraft industry;

6 (3) the interests of Federal, State, local, and
7 Tribal governments affected by low-altitude oper-
8 ations of small unmanned aircraft;

9 (4) the existing authorities of Federal, State,
10 local, and Tribal governments to protect the inter-
11 ests referenced in paragraph (3);

12 (5) the degree of regulatory consistency re-
13 quired for the safe and financially viable growth and
14 development of the unmanned aircraft industry;

15 (6) the degree of local variance possible among
16 regulations consistent with the safe and financially
17 viable growth and development of the unmanned air-
18 craft industry;

19 (7) the appropriate roles of State, local, and
20 Tribal governments in regulating the operations of
21 small unmanned aircraft within the lateral bound-
22 aries of their jurisdiction in the categories of air-
23 space described in subsection (a)(2);

24 (8) the subjects and types of regulatory author-
25 ity that should remain with the Federal Government;

1 (9) the infrastructure requirements necessary
2 for monitoring the low-altitude operations of small
3 unmanned aircraft and enforcing applicable laws;

4 (10) the number of small businesses involved in
5 the various sectors of the unmanned aircraft indus-
6 try and operating as primary users of small un-
7 manned aircraft; and

8 (11) any best practices, lessons learned, or poli-
9 cies of jurisdictions outside the United States relat-
10 ing to local or regional regulation and oversight of
11 small unmanned aircraft and other emergent tech-
12 nologies.

13 (c) REPORT TO CONGRESS.—Not later than 180 days
14 after initiating the study, the Inspector General shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Commerce, Science, and Transportation of the Senate
18 a report on the results of the study.

19 **SEC. 439. STUDY ON FINANCING OF UNMANNED AIRCRAFT**
20 **SERVICES.**

21 (a) IN GENERAL.—Not later than 60 days after the
22 date of enactment of this Act, the Comptroller General
23 of the United States shall initiate a study on appropriate
24 fee mechanisms to recover the costs of—

1 (1) the regulation and safety oversight of un-
2 manned aircraft and unmanned aircraft systems;
3 and

4 (2) the provision of air navigation services to
5 unmanned aircraft and unmanned aircraft systems.

6 (b) CONSIDERATIONS.—In carrying out the study,
7 the Comptroller General shall consider, at a minimum—

8 (1) the recommendations of Task Group 3 of
9 the Drone Advisory Committee chartered by the
10 Federal Aviation Administration on August 31,
11 2016;

12 (2) the total annual costs incurred by the Fed-
13 eral Aviation Administration for the regulation and
14 safety oversight of activities related to unmanned
15 aircraft;

16 (3) the annual costs attributable to various
17 types, classes, and categories of unmanned aircraft
18 activities;

19 (4) air traffic services provided to unmanned
20 aircraft operating under instrument flight rules, ex-
21 cluding public aircraft;

22 (5) the number of full-time Federal Aviation
23 Administration employees dedicated to unmanned
24 aircraft programs;

1 (6) the use of privately operated UTM and
2 other privately operated unmanned aircraft systems;

3 (7) the projected growth of unmanned aircraft
4 operations for various applications and the estimated
5 need for regulation, oversight, and other services;

6 (8) the number of small businesses involved in
7 the various sectors of the unmanned aircraft indus-
8 try and operating as primary users of unmanned air-
9 craft; and

10 (9) any best practices or policies utilized by ju-
11 risdictions outside the United States relating to par-
12 tial or total recovery of regulation and safety over-
13 sight costs related to unmanned aircraft and other
14 emergent technologies.

15 (c) REPORT TO CONGRESS.—Not later than 180 days
16 after initiating the study, the Comptroller General shall
17 submit to the Committee on Transportation and Infra-
18 structure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a report containing recommendations on appro-
21 priate fee mechanisms to recover the costs of regulating
22 and providing air navigation services to unmanned aircraft
23 and unmanned aircraft systems.

1 **SEC. 440. UPDATE OF FAA COMPREHENSIVE PLAN.**

2 (a) IN GENERAL.—Not later than 270 days after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall update the comprehensive plan required by
5 section 332 of the FAA Modernization and Reform Act
6 of 2012 (49 U.S.C. 40101 note) to develop a concept of
7 operations for the integration of unmanned aircraft into
8 the national airspace system.

9 (b) CONSIDERATIONS.—In carrying out the update,
10 the Secretary shall consider, at a minimum—

11 (1) the potential use of UTM and other tech-
12 nologies to ensure the safe and lawful operation of
13 unmanned aircraft in the national airspace system;

14 (2) the appropriate roles, responsibilities, and
15 authorities of government agencies and the private
16 sector in identifying and reporting unlawful or
17 harmful operations and operators of unmanned air-
18 craft;

19 (3) the use of models, threat assessments, prob-
20 abilities, and other methods to distinguish between
21 lawful and unlawful operations of unmanned air-
22 craft; and

23 (4) appropriate systems, training, intergovern-
24 mental processes, protocols, and procedures to miti-
25 gate risks and hazards posed by unlawful or harmful
26 operations of unmanned aircraft systems.

1 (c) CONSULTATION.—The Secretary shall carry out
2 the update in consultation with representatives of the avia-
3 tion industry, Federal agencies that employ unmanned air-
4 craft systems technology in the national airspace system,
5 and the unmanned aircraft systems industry.

6 **SEC. 441. COOPERATION RELATED TO CERTAIN COUNTER-**
7 **UAS TECHNOLOGY.**

8 In matters relating to the use of systems in the na-
9 tional airspace system intended to mitigate threats posed
10 by errant or hostile unmanned aircraft system operations,
11 the Secretary of Transportation shall consult with the Sec-
12 retary of Defense to streamline deployment of such sys-
13 tems by drawing upon the expertise and experience of the
14 Department of Defense in acquiring and operating such
15 systems consistent with the safe and efficient operation
16 of the national airspace system.

17 **TITLE V—AIR SERVICE**
18 **IMPROVEMENTS**
19 **Subtitle A—Airline Customer**
20 **Service Improvements**

21 **SEC. 501. RELIABLE AIR SERVICE IN AMERICAN SAMOA.**

22 Section 40109(g) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (2) by striking subparagraph
25 (C) and inserting the following:

1 “(C) review the exemption at least every 30
2 days (or, in the case of an exemption that is nec-
3 essary to provide and sustain air transportation in
4 American Samoa between the islands of Tutuila and
5 Manu’a, at least every 180 days) to ensure that the
6 unusual circumstances that established the need for
7 the exemption still exist.”; and

8 (2) by striking paragraph (3) and inserting the
9 following:

10 “(3) RENEWAL OF EXEMPTIONS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the Secretary may renew an
13 exemption (including renewals) under this sub-
14 section for not more than 30 days.

15 “(B) EXCEPTION.—The Secretary may
16 renew an exemption (including renewals) under
17 this subsection that is necessary to provide and
18 sustain air transportation in American Samoa
19 between the islands of Tutuila and Manu’a for
20 not more than 180 days.

21 “(4) CONTINUATION OF EXEMPTIONS.—An ex-
22 emption granted by the Secretary under this sub-
23 section may continue for not more than 5 days after
24 the unusual circumstances that established the need
25 for the exemption cease.”.

1 **SEC. 502. CELL PHONE VOICE COMMUNICATION BAN.**

2 (a) IN GENERAL.—Subchapter I of chapter 417 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 41725. Prohibition on certain cell phone voice com-**
6 **munications**

7 “(a) PROHIBITION.—The Secretary of Transpor-
8 tation shall issue regulations—

9 “(1) to prohibit an individual on an aircraft
10 from engaging in voice communications using a mo-
11 bile communications device during a flight of that
12 aircraft in scheduled passenger interstate or intra-
13 state air transportation; and

14 “(2) that exempt from the prohibition described
15 in paragraph (1) any—

16 “(A) member of the flight crew on duty on
17 an aircraft;

18 “(B) flight attendant on duty on an air-
19 craft; and

20 “(C) Federal law enforcement officer act-
21 ing in an official capacity.

22 “(b) DEFINITIONS.—In this section, the following
23 definitions apply:

24 “(1) FLIGHT.—The term ‘flight’ means, with
25 respect to an aircraft, the period beginning when the

1 aircraft takes off and ending when the aircraft
2 lands.

3 “(2) MOBILE COMMUNICATIONS DEVICE.—

4 “(A) IN GENERAL.—The term ‘mobile
5 communications device’ means any portable
6 wireless telecommunications equipment utilized
7 for the transmission or reception of voice data.

8 “(B) LIMITATION.—The term ‘mobile com-
9 munications device’ does not include a phone in-
10 stalled on an aircraft.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 417 of title 49, United States Code, is amended by
13 inserting after the item relating to section 41724 the fol-
14 lowing:

“41725. Prohibition on certain cell phone voice communications.”.

15 **SEC. 503. ADVISORY COMMITTEE FOR AVIATION CON-**
16 **SUMER PROTECTION.**

17 Section 411 of the FAA Modernization and Reform
18 Act of 2012 (49 U.S.C. 42301 prec. note) is amended—

19 (1) in subsection (b)—

20 (A) by redesignating paragraphs (3) and
21 (4) as paragraphs (4) and (5), respectively; and

22 (B) by inserting after paragraph (2) the
23 following:

24 “(3) independent distributors of travel;”;

1 (2) in subsection (g) by striking “first 2 cal-
2 endar years” and inserting “first 6 calendar years”;
3 and

4 (3) in subsection (h) by striking “September
5 30, 2017” and inserting “September 30, 2023”.

6 **SEC. 504. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

7 Section 42303(b) of title 49, United States Code, is
8 amended to read as follows:

9 “(b) **REQUIRED DISCLOSURES.**—An air carrier, for-
10 eign air carrier, or ticket agent selling, in the United
11 States, a ticket for a flight in foreign air transportation
12 to a country listed on the internet website established
13 under subsection (a) shall—

14 “(1) disclose, on its own internet website or
15 through other means, that the destination country
16 may require the air carrier or foreign air carrier to
17 treat an aircraft passenger cabin with insecticides
18 prior to the flight or to apply an aerosol insecticide
19 in an aircraft cabin used for such a flight when the
20 cabin is occupied with passengers; and

21 “(2) refer the purchaser of the ticket to the
22 internet website established under subsection (a) for
23 additional information.”.

1 **SEC. 505. ADVERTISEMENTS AND DISCLOSURE OF FEES**
2 **FOR PASSENGER AIR TRANSPORTATION.**

3 (a) FULL FARE ADVERTISING.—

4 (1) IN GENERAL.—Section 41712 of title 49,
5 United States Code, is amended by adding at the
6 end the following:

7 “(d) FULL FARE ADVERTISING.—

8 “(1) IN GENERAL.—It shall not be an unfair or
9 deceptive practice under subsection (a) for a covered
10 entity to state in an advertisement or solicitation for
11 passenger air transportation the base airfare for the
12 air transportation if the covered entity clearly and
13 separately discloses—

14 “(A) the government-imposed fees and
15 taxes associated with the air transportation;
16 and

17 “(B) the total cost of the air transpor-
18 tation.

19 “(2) FORM OF DISCLOSURE.—

20 “(A) IN GENERAL.—For purposes of para-
21 graph (1), the information described in para-
22 graphs (1)(A) and (1)(B) shall be disclosed in
23 the advertisement or solicitation in a manner
24 that clearly presents the information to the con-
25 sumer.

1 “(B) INTERNET ADVERTISEMENTS AND
2 SOLICITATIONS.—For purposes of paragraph
3 (1), with respect to an advertisement or solicita-
4 tion for passenger air transportation that ap-
5 pears on an internet website or a mobile appli-
6 cation, the information described in paragraphs
7 (1)(A) and (1)(B) may be disclosed through a
8 link or pop-up, as such terms may be defined
9 by the Secretary, that displays the information
10 in a manner that is easily accessible and
11 viewable by the consumer.

12 “(3) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions apply:

14 “(A) BASE AIRFARE.—The term ‘base air-
15 fare’ means the cost of passenger air transpor-
16 tation, excluding government-imposed fees and
17 taxes.

18 “(B) COVERED ENTITY.—The term ‘cov-
19 ered entity’ means an air carrier, including an
20 indirect air carrier, foreign air carrier, ticket
21 agent, or other person offering to sell tickets for
22 passenger air transportation or a tour or tour
23 component that must be purchased with air
24 transportation.”.

1 (2) LIMITATION ON STATUTORY CONSTRUC-
2 TION.—Nothing in the amendment made by para-
3 graph (1) may be construed to affect any obligation
4 of a person that sells air transportation to disclose
5 the total cost of the air transportation, including
6 government-imposed fees and taxes, prior to pur-
7 chase of the air transportation.

8 (3) REGULATIONS.—Not later than 120 days
9 after the date of enactment of this Act, the Sec-
10 retary of Transportation shall issue final regulations
11 to carry out the amendment made by paragraph (1).

12 (4) EFFECTIVE DATE.—This subsection, and
13 the amendments made by this subsection, shall take
14 effect on the earlier of—

15 (A) the effective date of regulations issued
16 under paragraph (3); and

17 (B) the date that is 180 days after the
18 date of enactment of this Act.

19 (b) DISCLOSURE OF FEES.—Section 41712 of title
20 49, United States Code, as amended by this section, is
21 further amended by adding at the end the following:

22 “(e) DISCLOSURE OF FEES.—

23 “(1) IN GENERAL.—It shall be an unfair or de-
24 ceptive practice under subsection (a) for any air car-
25 rier, foreign air carrier, or ticket agent to fail to in-

1 clude, in an internet fare quotation for a specific
2 itinerary in air transportation selected by a con-
3 sumer—

4 “(A) a clear and prominent statement that
5 additional fees for checked baggage and carry-
6 on baggage may apply; and

7 “(B) a prominent link that connects di-
8 rectly to a list of all such fees.

9 “(2) SAVINGS PROVISION.—Nothing in this sub-
10 section may be construed to derogate or limit any
11 responsibilities of an air carrier, foreign air carrier,
12 or ticket agent under section 399.85 of title 14,
13 Code of Federal Regulations, or any successor provi-
14 sion.”.

15 **SEC. 506. INVOLUNTARILY BUMPING PASSENGERS AFTER**
16 **AIRCRAFT BOARDED.**

17 Section 41712 of title 49, United States Code, as
18 amended by this Act, is further amended by adding at the
19 end the following:

20 “(f) INVOLUNTARILY DENIED BOARDING AFTER
21 AIRCRAFT BOARDED.—

22 “(1) IN GENERAL.—It shall be an unfair or de-
23 ceptive practice under subsection (a) for an air car-
24 rier or foreign air carrier subject to part 250 of title
25 14, Code of Federal Regulations, to involuntarily

1 deplane a revenue passenger onboard an aircraft, if
2 the revenue passenger—

3 “(A) is traveling on a confirmed reserva-
4 tion; and

5 “(B) checked-in for the relevant flight
6 prior to the check-in deadline.

7 “(2) SAVINGS PROVISION.—Nothing in this sub-
8 section may be construed to limit the authority of an
9 air carrier, foreign air carrier, or airman to remove
10 a passenger in accordance with—

11 “(A) section 91.3, 121.533(d), or 121.580
12 of title 14, Code of Federal Regulations, or any
13 successor provision; or

14 “(B) any other applicable Federal, State,
15 or local law.”.

16 **SEC. 507. AVAILABILITY OF CONSUMER RIGHTS INFORMA-**
17 **TION.**

18 Section 42302(b) of title 49, United States Code, is
19 amended—

20 (1) in the matter preceding paragraph (1) by
21 striking “on the” and inserting “in a prominent
22 place on the homepage of the primary”;

23 (2) in paragraph (2) by striking “and” at the
24 end;

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

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

4 “(4) the air carrier’s customer service plan.”.

5 **SEC. 508. CONSUMER COMPLAINTS HOTLINE.**

6 Section 42302 of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(d) USE OF NEW TECHNOLOGIES.—The Secretary
9 shall periodically evaluate the benefits of using mobile
10 phone applications or other widely used technologies to
11 provide new means for air passengers to communicate
12 complaints in addition to the telephone number estab-
13 lished under subsection (a) and shall provide such new
14 means as the Secretary determines appropriate.”.

15 **SEC. 509. WIDESPREAD DISRUPTIONS.**

16 (a) IN GENERAL.—Chapter 423 of title 49, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 42304. Widespread disruptions**

20 “(a) GENERAL REQUIREMENTS.—In the event of a
21 widespread disruption, a covered air carrier shall imme-
22 diately publish, via a prominent link on the air carrier’s
23 public internet website, a clear statement indicating
24 whether, with respect to a passenger of the air carrier

1 whose travel is interrupted as a result of the widespread
2 disruption, the air carrier will—

3 “(1) provide for hotel accommodations;

4 “(2) arrange for ground transportation;

5 “(3) provide meal vouchers;

6 “(4) arrange for air transportation on another
7 air carrier or foreign air carrier to the passenger’s
8 destination; and

9 “(5) provide for sleeping facilities inside the air-
10 port terminal.

11 “(b) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) WIDESPREAD DISRUPTION.—The term
14 ‘widespread disruption’ means, with respect to a cov-
15 ered air carrier, the interruption of all or the over-
16 whelming majority of the air carrier’s systemwide
17 flight operations, including flight delays and can-
18 cellations, as the result of the failure of 1 or more
19 computer systems or computer networks of the air
20 carrier.

21 “(2) COVERED AIR CARRIER.—The term ‘cov-
22 ered air carrier’ means an air carrier that provides
23 scheduled passenger air transportation by operating
24 an aircraft that as originally designed has a pas-
25 senger capacity of 30 or more seats.

1 “(c) SAVINGS PROVISION.—Nothing in this section
 2 may be construed to modify, abridge, or repeal any obliga-
 3 tion of an air carrier under section 42301.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
 5 chapter 423 of title 49, United States Code, is amended
 6 by adding at the end the following:

“42304. Widespread disruptions.”.

7 **SEC. 510. INVOLUNTARILY DENIED BOARDING COMPENSA-**
 8 **TION.**

9 Not later than 60 days after the date of enactment
 10 of this Act, the Secretary of Transportation shall issue a
 11 final rule to revise part 250 of title 14, Code of Federal
 12 Regulations, to clarify that—

13 (1) there is not a maximum level of compensa-
 14 tion an air carrier or foreign air carrier may pay to
 15 a passenger who is involuntarily denied boarding as
 16 the result of an oversold flight;

17 (2) the compensation levels set forth in that
 18 part are the minimum levels of compensation an air
 19 carrier or foreign air carrier must pay to a pas-
 20 senger who is involuntarily denied boarding as the
 21 result of an oversold flight; and

22 (3) an air carrier or foreign air carrier must
 23 proactively offer to pay compensation to a passenger
 24 who is voluntarily or involuntarily denied boarding

1 on an oversold flight, rather than waiting until the
2 passenger requests the compensation.

3 **Subtitle B—Aviation Consumers**
4 **With Disabilities**

5 **SEC. 541. SELECT SUBCOMMITTEE.**

6 Section 411 of the FAA Modernization and Reform
7 Act of 2012 (49 U.S.C. 42301 prec. note), as amended
8 by this Act, is further amended—

9 (1) by redesignating subsections (g) and (h) as
10 subsections (h) and (i), respectively; and

11 (2) by inserting after subsection (f) the fol-
12 lowing:

13 “(g) SELECT SUBCOMMITTEE FOR AVIATION CON-
14 SUMERS WITH DISABILITIES.—

15 “(1) IN GENERAL.—The Secretary shall estab-
16 lish a select subcommittee of the advisory committee
17 to advise the Secretary and the advisory committee
18 on issues related to the air travel needs of pas-
19 sengers with disabilities.

20 “(2) DUTIES.—The select subcommittee shall—

21 “(A) identify the disability-related access
22 barriers encountered by passengers with disabili-
23 ties;

24 “(B) determine the extent to which the
25 programs and activities of the Department of

1 Transportation are addressing the barriers
2 identified under subparagraph (A);

3 “(C) recommend consumer protection im-
4 provements related to the air travel experience
5 of passengers with disabilities;

6 “(D) advise the Secretary with regard to
7 the implementation of section 41705 of title 49,
8 United States Code; and

9 “(E) conduct such other activities as the
10 Secretary considers necessary to carry out this
11 subsection.

12 “(3) MEMBERSHIP.—

13 “(A) COMPOSITION.—The select sub-
14 committee shall be composed of members ap-
15 pointed by the Secretary, including at least 1
16 individual representing each of the following:

17 “(i) National disability organizations.

18 “(ii) Air carriers and foreign air car-
19 riers with flights in air transportation.

20 “(iii) Airport operators.

21 “(iv) Contractor service providers.

22 “(B) INCLUSION.—A member of the select
23 subcommittee may also be a member of the ad-
24 visory committee.

25 “(4) REPORTS.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of establishment of the select
3 subcommittee, the select subcommittee shall
4 submit to the advisory committee and the Sec-
5 retary a report on the air travel needs of pas-
6 sengers with disabilities that includes—

7 “(i) an assessment of existing dis-
8 ability-related access barriers and any
9 emerging disability-related access barriers
10 that will likely be an issue in the next 5
11 years;

12 “(ii) an evaluation of the extent to
13 which the programs and activities of the
14 Department of Transportation are elimi-
15 nating disability-related access barriers;

16 “(iii) a description of consumer pro-
17 tection improvements related to the air
18 travel experience of passengers with dis-
19 abilities; and

20 “(iv) any recommendations for legisla-
21 tion, regulations, or other actions that the
22 select subcommittee considers appropriate.

23 “(B) REPORT TO CONGRESS.—Not later
24 than 60 days after the date on which the Sec-
25 retary receives the report under subparagraph

1 (A), the Secretary shall submit to Congress a
2 copy of the report, including any additional
3 findings or recommendations that the Secretary
4 considers appropriate.

5 “(5) CHAIRPERSON.—The Secretary shall des-
6 ignate, from among the individuals appointed under
7 paragraph (3), an individual to serve as chairperson
8 of the select subcommittee.

9 “(6) VACANCIES AND TRAVEL EXPENSES.—
10 Subsections (c) and (d) shall apply to the select sub-
11 committee.

12 “(7) TERMINATION.—The select subcommittee
13 established under this subsection shall terminate
14 upon submission of the report required under para-
15 graph (4)(A).”.

16 **SEC. 542. AVIATION CONSUMERS WITH DISABILITIES**
17 **STUDY.**

18 (a) STUDY.—Not later than 180 days after the date
19 of enactment of this Act, the Comptroller General of the
20 United States shall conduct a study that includes—

21 (1) a review of airport accessibility best prac-
22 tices for individuals with disabilities, including best
23 practices that improve infrastructure facilities and
24 communications methods, including those related to
25 wayfinding, amenities, and passenger care;

1 (2) a review of air carrier and airport training
2 policies related to section 41705 of title 49, United
3 States Code;

4 (3) a review of air carrier training policies re-
5 lated to properly assisting passengers with disabil-
6 ities; and

7 (4) a review of accessibility best practices that
8 exceed those recommended under Public Law 90-
9 480 (popularly known as the Architectural Barriers
10 Act of 1968; 42 U.S.C. 4151 et seq.), the Rehabili-
11 tation Act of 1973 (29 U.S.C. 701 et seq.), the Air
12 Carrier Access Act of 1986 (Public Law 99-435;
13 100 Stat. 1080 et seq.), and the Americans with
14 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to the Secretary of Transportation, the Committee
18 on Transportation and Infrastructure of the House of
19 Representatives, and the Committee on Commerce,
20 Science, and Transportation of the Senate a report on the
21 study, including findings and recommendations.

22 **SEC. 543. FEASIBILITY STUDY ON IN-CABIN WHEELCHAIR**
23 **RESTRAINT SYSTEMS.**

24 (a) STUDY.—Not later than 2 years after the date
25 of enactment of this Act, the Secretary of Transportation,

1 in consultation with the Architectural and Transportation
2 Barriers Compliance Board, aircraft manufacturers, and
3 air carriers, shall conduct a study to determine—

4 (1) the feasibility of in-cabin wheelchair re-
5 straint systems; and

6 (2) if feasible, the ways in which individuals
7 with significant disabilities using wheelchairs, includ-
8 ing power wheelchairs, can be accommodated with
9 in-cabin wheelchair restraint systems.

10 (b) REPORT.—Not later than 1 year after the initi-
11 ation of the study under subsection (a), the Secretary of
12 Transportation shall submit to the Committee on Trans-
13 portation and Infrastructure of the House of Representa-
14 tives and the Committee on Commerce, Science, and
15 Transportation of the Senate a report on the findings of
16 the study.

17 **Subtitle C—Small Community Air** 18 **Service**

19 **SEC. 551. ESSENTIAL AIR SERVICE AUTHORIZATION.**

20 Section 41742(a)(2) of title 49, United States Code,
21 is amended by striking “\$150,000,000 for fiscal year
22 2011” and all that follows before “to carry out” and in-
23 serting “\$178,000,000 for fiscal year 2018, \$182,000,000
24 for fiscal year 2019, \$185,000,000 for fiscal year 2020,

1 \$327,000,000 for fiscal year 2021, \$337,000,000 for fis-
2 cal year 2022, and \$347,000,000 for fiscal year 2023”.

3 **SEC. 552. EXTENSION OF FINAL ORDER ESTABLISHING**
4 **MILEAGE ADJUSTMENT ELIGIBILITY.**

5 Section 409(d) of the Vision 100—Century of Avia-
6 tion Reauthorization Act (49 U.S.C. 41731 note) is
7 amended by striking “September 30, 2017” and inserting
8 “September 30, 2023”.

9 **SEC. 553. STUDY ON ESSENTIAL AIR SERVICE REFORM.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Comptroller General of
12 the United States shall conduct a study on the ef-
13 fects of section 6 of the Airport and Airway Exten-
14 sion Act of 2011, Part IV (Public Law 112–27), sec-
15 tion 421 of the FAA Modernization and Reform Act
16 of 2012 (Public Law 112–95), and other relevant
17 Federal laws enacted after 2010, including the
18 amendments made by those laws, on the Essential
19 Air Service program.

20 (2) SCOPE.—In conducting the study under
21 paragraph (1), the Comptroller General shall ana-
22 lyze, at a minimum—

23 (A) the impact of each relevant Federal
24 law, including the amendments made by each
25 law, on the Essential Air Service program;

1 (B) what actions communities and air car-
2 riers have taken to reduce ticket prices or in-
3 crease enplanements as a result of each law;

4 (C) the issuance of waivers by the Sec-
5 retary under section 41731(e) of title 49,
6 United States Code;

7 (D) whether budgetary savings resulted
8 from each law; and

9 (E) options for further reform of the Es-
10 sential Air Service program.

11 (b) REPORT.—Not later than 180 days after the date
12 of enactment of this Act, the Comptroller General shall
13 submit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate a report on the results of the study conducted
17 under subsection (a).

18 **SEC. 554. SMALL COMMUNITY AIR SERVICE.**

19 (a) ELIGIBILITY.—Section 41743(c) of title 49,
20 United States Code, is amended—

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

23 “(1) SIZE.—On the date of submission of the
24 relevant application under subsection (b), the airport
25 serving the community or consortium—

1 “(A) is not larger than a small hub air-
2 port, as determined using the Department of
3 Transportation’s most recently published classi-
4 fication; and

5 “(B) has—

6 “(i) insufficient air carrier service; or

7 “(ii) unreasonably high air fares.”;

8 and

9 (2) in paragraph (5)—

10 (A) by redesignating subparagraphs (E)
11 and (F) as subparagraphs (F) and (G), respec-
12 tively; and

13 (B) by inserting after subparagraph (D)
14 the following:

15 “(E) the assistance will be used to help re-
16 store scheduled passenger air service that has
17 been terminated;”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 41743(e)(2) of title 49, United States Code, is amended
20 to read as follows:

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated to the Sec-
23 retary \$6,000,000 for each of fiscal years 2018
24 through 2023 to carry out this section, of which
25 \$4,800,000 per fiscal year shall be used to carry out

1 the pilot program established under subsection (i).
2 Such sums shall remain available until expended.”.

3 (c) REGIONAL AIR TRANSPORTATION PILOT PRO-
4 GRAM.—Section 41743 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(i) REGIONAL AIR TRANSPORTATION PILOT PRO-
7 GRAM.—

8 “(1) ESTABLISHMENT.—The Secretary shall es-
9 tablish a regional air transportation pilot program to
10 provide operating assistance to air carriers in order
11 to provide air service to communities not receiving
12 sufficient air carrier service.

13 “(2) GRANTS.—The Secretary shall provide
14 grants under the program to encourage and main-
15 tain air service at reasonable airfares between com-
16 munities that have experienced, as determined by
17 the Secretary, significant declines in air service.

18 “(3) APPLICATION REQUIRED.—In order to
19 participate in the program, a State, local govern-
20 ment, economic development authority, or other pub-
21 lic entity shall submit to the Secretary an applica-
22 tion, in a manner that the Secretary prescribes, that
23 contains—

1 “(A) an identification of an air carrier that
2 has provided a written agreement to provide the
3 air service in partnership with the applicant;

4 “(B) assurances that the applicant will
5 provide the non-Federal share and that the
6 non-Federal share is not derived from airport
7 revenue;

8 “(C) a proposed route structure serving
9 not more than 8 communities; and

10 “(D) a timeline for commencing the air
11 service to the communities within the proposed
12 route structure.

13 “(4) CRITERIA FOR PARTICIPATION.—The Sec-
14 retary may approve up to 3 applications each fiscal
15 year, subject to the availability of funds, if the Sec-
16 retary determines that—

17 “(A) the proposal of the applicant can rea-
18 sonably be expected to encourage and improve
19 levels of air service between the relevant com-
20 munities;

21 “(B) the applicant has adequate financial
22 resources to ensure the commitment to the com-
23 munities;

24 “(C) the airports serving the communities
25 are nonhub, small hub, or medium hub airports,

1 as determined using the Department of Trans-
2 portation’s most recently published classifica-
3 tions; and

4 “(D) the air carrier commits to serving the
5 communities for at least 2 years.

6 “(5) PRIORITIES.—The Secretary shall
7 prioritize applications that—

8 “(A) would initiate new or reestablish air
9 service in communities where air fares are high-
10 er than the average air fares for all commu-
11 nities;

12 “(B) are more likely to result in self-sus-
13 taining air service at the end of the program;

14 “(C) request a Federal share lower than
15 50 percent; and

16 “(D) propose to use grant funds in a time-
17 ly fashion.

18 “(6) FEDERAL SHARE.—The Federal share of
19 the cost of operating assistance provided under the
20 program may not exceed 50 percent.

21 “(7) SUNSET.—This subsection shall cease to
22 be effective on October 1, 2023.”.

23 **SEC. 555. AIR TRANSPORTATION TO NONELIGIBLE PLACES.**

24 (a) DEFINITIONS.—Section 41731(a)(1)(A)(ii) of
25 title 49, United States Code, is amended by striking

1 “Wendell H. Ford Aviation Investment and Reform Act
2 for the 21st Century,” and inserting “FAA Extension,
3 Safety, and Security Act of 2016 (Public Law 114–190),”.

4 (b) PROGRAM SUNSET.—Section 41736 of title 49,
5 United States Code, is amended by adding at the end the
6 following:

7 “(h) SUNSET.—

8 “(1) PROPOSALS.—No proposal under sub-
9 section (a) may be accepted by the Secretary after
10 the date of enactment of this subsection.

11 “(2) PROGRAM.—The Secretary may not pro-
12 vide any compensation under this section after the
13 date that is 2 years after the date of enactment of
14 this subsection.”.

15 **TITLE VI—MISCELLANEOUS**

16 **SEC. 601. REVIEW OF FAA STRATEGIC CYBERSECURITY** 17 **PLAN.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date on which the Interim Chief Executive Officer (CEO)
20 of the American Air Navigation Services Corporation is
21 hired, the Administrator of the Federal Aviation Adminis-
22 tration, in consultation with the Interim CEO (or the CEO
23 of the American Air Navigation Services Corporation, as
24 appropriate), shall initiate a review of the comprehensive
25 and strategic framework of principles and policies (re-

1 ferred to in this section as the “framework”) developed
2 pursuant to section 2111 of the FAA Extension, Safety,
3 and Security Act of 2016 (49 U.S.C. 44903 note).

4 (b) CONTENTS.—In undertaking the review, the Ad-
5 ministrator shall—

6 (1) determine how the framework should be up-
7 dated to reflect the transfer from the Federal Avia-
8 tion Administration to the American Air Navigation
9 Services Corporation of operational control of air
10 traffic services within United States airspace and
11 international airspace delegated to the United
12 States; and

13 (2) modify the framework to support the Fed-
14 eral Aviation Administration in establishing cyberse-
15 curity standards to assist the American Air Naviga-
16 tion Services Corporation in responsibilities associ-
17 ated with managing air traffic services in a secure
18 manner after the date of transfer (as defined in sec-
19 tion 90101(a) of title 49, United States Code, as
20 added by this Act).

21 (c) REPORT TO CONGRESS.—Not later than 120 days
22 after initiating the review required by subsection (a), the
23 Administrator shall submit to the Committee on Trans-
24 portation and Infrastructure of the House of Representa-
25 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate a report on the results of
2 the review, including a description of any modifications
3 made to the framework.

4 **SEC. 602. CONSOLIDATION AND REALIGNMENT OF FAA**
5 **SERVICES AND FACILITIES.**

6 (a) IN GENERAL.—Section 804(a) of the FAA Mod-
7 ernization and Reform Act of 2012 (49 U.S.C. 44501
8 note) is amended—

9 (1) in paragraph (2) by striking “The purpose
10 of the report shall be—” and all that follows
11 through “(B) to reduce” and inserting “The purpose
12 of the report shall be to reduce”; and

13 (2) by striking paragraph (4) and inserting the
14 following:

15 “(4) INPUT.—The report shall be prepared by
16 the Administrator (or the Administrator’s designee)
17 with the participation of—

18 “(A) representatives of labor organizations
19 representing air traffic control system employ-
20 ees of the FAA; and

21 “(B) industry stakeholders.”.

22 (b) FAA AIR TRAFFIC CONTROL FACILITY CONSOLI-
23 DATION AND REALIGNMENT PROJECTS.—Notwith-
24 standing section 90317(c) of title 49, United States Code,
25 as added by this Act, the Secretary of Transportation shall

1 continue to carry out any consolidation or realignment
2 project commenced under section 804 of the FAA Mod-
3 ernization and Reform Act of 2012.

4 **SEC. 603. FAA REVIEW AND REFORM.**

5 (a) AGENCY REPORT.—Not later than 60 days after
6 the date of enactment of this Act, the Administrator of
7 the Federal Aviation Administration shall submit to the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate a de-
11 tailed analysis of any actions taken to address the findings
12 and recommendations included in the report required
13 under section 812(d) of the FAA Modernization and Re-
14 form Act of 2012 (49 U.S.C. 106 note), including—

15 (1) consolidating, phasing-out, or eliminating
16 duplicative positions, programs, roles, or offices;

17 (2) eliminating or streamlining wasteful prac-
18 tices;

19 (3) eliminating or phasing-out redundant, obso-
20 lete, or unnecessary functions;

21 (4) reforming and streamlining inefficient proc-
22 esses so that the activities of the Administration are
23 completed in an expedited and efficient manner; and

24 (5) reforming or eliminating ineffectual or out-
25 dated policies.

1 (b) ADDITIONAL REVIEW.—Not later than 1 year
2 after the date of transfer, as defined in section 90101(a)
3 of title 49, United States Code, as added by this Act, the
4 Administrator shall undertake and complete a thorough
5 review of each program, office, and organization within the
6 Administration to identify—

7 (1) duplicative positions, programs, roles, or of-
8 fices;

9 (2) wasteful practices;

10 (3) redundant, obsolete, or unnecessary func-
11 tions;

12 (4) inefficient processes; and

13 (5) ineffectual or outdated policies.

14 (c) ACTIONS TO STREAMLINE AND REFORM FAA.—

15 Not later than 60 days after the date of completion of
16 the review under subsection (b), the Administrator shall
17 undertake such actions as may be necessary to address
18 the findings of the Administrator under such subsection.

19 (d) REPORT TO CONGRESS.—Not later than 120 days
20 after the date of completion of the review under subsection
21 (b), the Administrator shall submit to the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Commerce, Science,
24 and Transportation of the Senate a report on the actions
25 taken by the Administrator pursuant to subsection (c), in-

1 cluding any recommendations for legislative or administra-
2 tive actions.

3 **SEC. 604. AVIATION FUEL.**

4 (a) USE OF UNLEADED AVIATION GASOLINE.—The
5 Administrator of the Federal Aviation Administration
6 shall allow the use of an unleaded aviation gasoline in an
7 aircraft as a replacement for a leaded gasoline if the Ad-
8 ministrator—

9 (1) determines that an unleaded aviation gaso-
10 line qualifies as a replacement for an approved lead-
11 ed gasoline;

12 (2) identifies the aircraft and engines that are
13 eligible to use the qualified replacement unleaded
14 gasoline; and

15 (3) adopts a process (other than the traditional
16 means of certification) to allow eligible aircraft and
17 engines to operate using qualified replacement un-
18 leaded gasoline in a manner that ensures safety.

19 (b) TIMING.—The Administrator shall adopt the
20 process described in subsection (a)(3) not later than 180
21 days after the later of—

22 (1) the date of completion of the Piston Avia-
23 tion Fuels Initiative of the Administration; or

1 (2) the date of publication of an American Soci-
2 ety for Testing and Materials Production Specifica-
3 tion for an unleaded aviation gasoline.

4 **SEC. 605. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
5 **CONTROL SYSTEM.**

6 Notwithstanding any other provision of law, the Ad-
7 ministrators of the Federal Aviation Administration shall,
8 upon request of a private aircraft owner or operator, block
9 the registration number of the aircraft of the owner or
10 operator from any public dissemination or display, except
11 in data made available to a Government agency, for the
12 noncommercial flights of the owner or operator.

13 **SEC. 606. AIR SHOWS.**

14 On an annual basis, the Administrator of the Federal
15 Aviation Administration shall work with representatives of
16 Administration-approved air shows, the general aviation
17 community, and stadiums and other large outdoor events
18 and venues to identify and resolve, to the maximum extent
19 practicable, scheduling conflicts between Administration-
20 approved air shows and large outdoor events and venues
21 where—

22 (1) flight restrictions will be imposed pursuant
23 to section 521 of title V of division F of Public Law
24 108–199 (118 Stat. 343); or

1 (2) any other restriction will be imposed pursu-
2 ant to Federal Aviation Administration Flight Data
3 Center Notice to Airmen 4/3621 (or any successor
4 notice to airmen).

5 **SEC. 607. PART 91 REVIEW, REFORM, AND STREAMLINING.**

6 (a) ESTABLISHMENT OF TASK FORCE.—Not later
7 than 90 days after the date of enactment of this Act, the
8 Administrator of the Federal Aviation Administration
9 shall establish a task force comprised of representatives
10 of the general aviation industry who regularly perform
11 part 91 operations, labor unions (including those rep-
12 resenting FAA aviation safety inspectors and FAA avia-
13 tion safety engineers), manufacturers, and the Govern-
14 ment to—

15 (1) conduct an assessment of the FAA over-
16 sight and authorization processes and requirements
17 for aircraft under part 91; and

18 (2) make recommendations to streamline the
19 applicable authorization and approval processes, im-
20 prove safety, and reduce regulatory cost burdens and
21 delays for the FAA and aircraft owners and opera-
22 tors who operate pursuant to part 91.

23 (b) CONTENTS.—In conducting the assessment and
24 making recommendations under subsection (a), the task
25 force shall consider—

1 (1) process reforms and improvements to allow
2 the FAA to review and approve applications in a fair
3 and timely fashion;

4 (2) the appropriateness of requiring an author-
5 ization for each experimental aircraft rather than
6 using a broader all makes and models approach;

7 (3) ways to improve the timely response to let-
8 ters of authorization applications for aircraft owners
9 and operators who operate pursuant to part 91, in-
10 cluding setting deadlines and granting temporary or
11 automatic authorizations if deadlines are missed by
12 the FAA;

13 (4) methods for enhancing the effective use of
14 delegation systems;

15 (5) methods for training the FAA's field office
16 employees in risk-based and safety management sys-
17 tem oversight; and

18 (6) such other matters related to streamlining
19 part 91 authorization and approval processes as the
20 task force considers appropriate.

21 (c) REPORT TO CONGRESS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Administrator
24 shall submit to the Committee on Transportation
25 and Infrastructure of the House of Representatives

1 and the Committee on Commerce, Science, and
2 Transportation of the Senate a report on the results
3 of the task force’s assessment.

4 (2) CONTENTS.—The report shall include an
5 explanation of how the Administrator will—

6 (A) implement the recommendations of the
7 task force;

8 (B) measure progress in implementing the
9 recommendations; and

10 (C) measure the effectiveness of the imple-
11 mented recommendations.

12 (d) IMPLEMENTATION OF RECOMMENDATIONS.—Not
13 later than 18 months after the date of enactment of this
14 Act, the Administrator shall implement the recommenda-
15 tions made under this section.

16 (e) DEFINITIONS.—In this section, the following defi-
17 nitions apply:

18 (1) FAA.—The term “FAA” means the Fed-
19 eral Aviation Administration.

20 (2) PART 91.—The term “part 91” means part
21 91 of title 14, Code of Federal Regulations.

22 (f) APPLICABLE LAW.—Public Law 92–463 shall not
23 apply to the task force.

1 (g) SUNSET.—The task force shall terminate on the
2 day the Administrator submits the report required under
3 subsection (c).

4 **SEC. 608. AIRCRAFT REGISTRATION.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator of the Federal Aviation Ad-
7 ministration shall initiate a rulemaking to increase the du-
8 ration of aircraft registrations for noncommercial general
9 aviation aircraft to 10 years.

10 **SEC. 609. AIR TRANSPORTATION OF LITHIUM CELLS AND**
11 **BATTERIES.**

12 (a) COOPERATIVE EFFORTS TO ENSURE COMPLI-
13 ANCE WITH SAFETY REGULATIONS.—

14 (1) IN GENERAL.—The Secretary of Transpor-
15 tation, in coordination with appropriate Federal
16 agencies, shall carry out cooperative efforts to en-
17 sure that shippers who offer lithium ion and lithium
18 metal batteries for air transport to or from the
19 United States comply with U.S. Hazardous Mate-
20 rials Regulations and ICAO Technical Instructions.

21 (2) COOPERATIVE EFFORTS.—The cooperative
22 efforts the Secretary shall carry out pursuant to
23 paragraph (1) include the following:

24 (A) Encouraging training programs at lo-
25 cations outside the United States from which

1 substantial cargo shipments of lithium ion or
2 lithium metal batteries originate for manufac-
3 turers, freight forwarders, and other shippers
4 and potential shippers of lithium ion and lith-
5 ium metal batteries.

6 (B) Working with Federal, regional, and
7 international transportation agencies to ensure
8 enforcement of U.S. Hazardous Materials Reg-
9 ulations and ICAO Technical Instructions with
10 respect to shippers who offer noncompliant
11 shipments of lithium ion and lithium metal bat-
12 teries.

13 (C) Sharing information, as appropriate,
14 with Federal, regional, and international trans-
15 portation agencies regarding noncompliant ship-
16 ments.

17 (D) Pursuing a joint effort with the inter-
18 national aviation community to develop a proc-
19 ess to obtain assurances that appropriate en-
20 forcement actions are taken to reduce the likeli-
21 hood of noncompliant shipments, especially with
22 respect to jurisdictions in which enforcement
23 activities historically have been limited.

24 (E) Providing information in brochures
25 and on the internet in appropriate foreign lan-

1 guages and dialects that describes the actions
2 required to comply with U.S. Hazardous Mate-
3 rials Regulations and ICAO Technical Instruc-
4 tions.

5 (F) Developing joint efforts with the inter-
6 national aviation community to promote a bet-
7 ter understanding of the requirements of and
8 methods of compliance with U.S. Hazardous
9 Materials Regulations and ICAO Technical In-
10 structions.

11 (3) REPORTING.—Not later than 120 days after
12 the date of enactment of this Act, and annually
13 thereafter for 2 years, the Secretary shall submit to
14 the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the
17 Senate a report on compliance with the policy set
18 forth in subsection (e) and the cooperative efforts
19 carried out, or planned to be carried out, under this
20 subsection.

21 (b) LITHIUM BATTERY AIR SAFETY ADVISORY COM-
22 MITTEE.—

23 (1) ESTABLISHMENT.—Not later than 60 days
24 after the date of enactment of this Act, the Sec-
25 retary shall establish, in accordance with the re-

1 requirements of the Federal Advisory Committee Act
2 (5 U.S.C. App.), a lithium ion and lithium metal
3 battery air safety advisory committee (in this sub-
4 section referred to as the “Committee”).

5 (2) DUTIES.—The Committee shall—

6 (A) facilitate communication between man-
7 ufacturers of lithium ion and lithium metal cells
8 and batteries, manufacturers of products incor-
9 porating both large and small lithium ion and
10 lithium metal batteries, air carriers, and the
11 Federal Government regarding the safe air
12 transportation of lithium ion and lithium metal
13 cells and batteries and the effectiveness and
14 economic and social impacts of the regulation of
15 such transportation;

16 (B) provide the Secretary, the Federal
17 Aviation Administration, and the Pipeline and
18 Hazardous Materials Safety Administration
19 with timely information about new lithium ion
20 and lithium metal battery technology and trans-
21 portation safety practices and methodologies;

22 (C) provide a forum for the Secretary to
23 provide information on and to discuss the ac-
24 tivities of the Department of Transportation re-
25 lating to lithium ion and lithium metal battery

1 transportation safety, the policies underlying
2 the activities, and positions to be advocated in
3 international forums;

4 (D) provide a forum for the Secretary to
5 provide information and receive advice on—

6 (i) activities carried out throughout
7 the world to communicate and enforce rel-
8 evant United States regulations and the
9 ICAO Technical Instructions; and

10 (ii) the effectiveness of the activities;

11 (E) provide advice and recommendations to
12 the Secretary with respect to lithium ion and
13 lithium metal battery air transportation safety,
14 including how best to implement activities to in-
15 crease awareness of relevant requirements and
16 their importance to travelers and shippers; and

17 (F) review methods to decrease the risk
18 posed by air shipment of undeclared hazardous
19 materials and efforts to educate those who pre-
20 pare and offer hazardous materials for ship-
21 ment via air transport.

22 (3) MEMBERSHIP.—The Committee shall be
23 composed of the following members:

24 (A) Individuals appointed by the Secretary
25 to represent—

- 1 (i) large volume manufacturers of lith-
2 ium ion and lithium metal cells and bat-
3 teries;
- 4 (ii) domestic manufacturers of lithium
5 ion and lithium metal batteries or battery
6 packs;
- 7 (iii) manufacturers of consumer prod-
8 ucts powered by lithium ion and lithium
9 metal batteries;
- 10 (iv) manufacturers of vehicles powered
11 by lithium ion and lithium metal batteries;
- 12 (v) marketers of products powered by
13 lithium ion and lithium metal batteries;
- 14 (vi) cargo air service providers based
15 in the United States;
- 16 (vii) passenger air service providers
17 based in the United States;
- 18 (viii) pilots and employees of air serv-
19 ice providers described in clauses (vi) and
20 (vii);
- 21 (ix) shippers of lithium ion and lith-
22 ium metal batteries for air transportation;
- 23 (x) manufacturers of battery-powered
24 medical devices or batteries used in med-
25 ical devices; and

1 (xi) employees of the Department of
2 Transportation, including employees of the
3 Federal Aviation Administration and the
4 Pipeline and Hazardous Materials Safety
5 Administration.

6 (B) Representatives of such other Govern-
7 ment departments and agencies as the Sec-
8 retary determines appropriate.

9 (C) Any other individuals the Secretary de-
10 termines are appropriate to comply with Fed-
11 eral law.

12 (4) REPORT.—

13 (A) IN GENERAL.—Not later than 180
14 days after the establishment of the Committee,
15 the Committee shall submit to the Secretary,
16 the Committee on Transportation and Infra-
17 structure of the House of Representatives, and
18 the Committee on Commerce, Science, and
19 Transportation of the Senate a report that—

20 (i) describes and evaluates the steps
21 being taken in the private sector and by
22 international regulatory authorities to im-
23 plement and enforce requirements relating
24 to the safe transportation by air of bulk

1 shipments of lithium ion cells and bat-
2 teries; and

3 (ii) identifies any areas of enforce-
4 ment or regulatory requirements for which
5 there is consensus that greater attention is
6 needed.

7 (B) INDEPENDENT STATEMENTS.—Each
8 member of the Committee shall be provided an
9 opportunity to submit an independent state-
10 ment of views with the report submitted pursu-
11 ant to subparagraph (A).

12 (5) MEETINGS.—

13 (A) IN GENERAL.—The Committee shall
14 meet at the direction of the Secretary and at
15 least twice a year.

16 (B) PREPARATION FOR ICAO MEETINGS.—
17 Notwithstanding subparagraph (A), the Sec-
18 retary shall convene a meeting of the Com-
19 mittee in connection with and in advance of
20 each meeting of the International Civil Aviation
21 Organization, or any of its panels or working
22 groups, addressing the safety of air transpor-
23 tation of lithium ion and lithium metal batteries
24 to brief Committee members on positions to be
25 taken by the United States at such meeting and

1 provide Committee members a meaningful op-
2 portunity to comment.

3 (6) TERMINATION.—The Committee shall ter-
4minate on the date that is 6 years after the date on
5 which the Committee is established.

6 (7) TERMINATION OF FUTURE OF AVIATION AD-
7VISORY COMMITTEE.—The Future of Aviation Advi-
8sory Committee shall terminate on the date on which
9 the lithium ion battery air safety advisory committee
10 is established.

11 (c) MEDICAL DEVICE BATTERIES.—

12 (1) LIMITED EXCEPTIONS TO RESTRICTIONS ON
13 AIR TRANSPORTATION OF MEDICAL DEVICE BAT-
14 TERIES.—The Secretary shall issue limited excep-
15 tions to the restrictions on transportation of lithium
16 ion and lithium metal batteries to allow the ship-
17 ment on a passenger aircraft of not more than 2 re-
18 placement batteries specifically used for a medical
19 device if—

20 (A) the intended destination of the bat-
21 teries is not serviced daily by cargo aircraft if
22 a battery is required for medically necessary
23 care; or

24 (B) with regard to a shipper of lithium ion
25 or lithium metal batteries for medical devices

1 that cannot comply with a charge limitation in
2 place at the time, each battery is—

3 (i) individually packed in an inner
4 packaging that completely encloses the bat-
5 tery;

6 (ii) placed in a rigid outer packaging;

7 and

8 (iii) protected to prevent a short cir-
9 cuit.

10 (2) MEDICAL DEVICE DEFINED.—In this sub-
11 section, the term “medical device” means an instru-
12 ment, apparatus, implement, machine, contrivance,
13 implant, or in vitro reagent, including any compo-
14 nent, part, or accessory thereof, which is intended
15 for use in the diagnosis of disease or other condi-
16 tions, or in the cure, mitigation, treatment, or pre-
17 vention of disease, in a person.

18 (3) SAVINGS CLAUSE.—Nothing in this sub-
19 section may be construed as expanding or restricting
20 any authority of the Secretary under section 828 of
21 the FAA Modernization and Reform Act of 2012
22 (49 U.S.C. 44701 note).

23 (d) PACKAGING IMPROVEMENTS.—Not later than
24 180 days after the date of enactment of this Act, the Sec-
25 retary, in consultation with interested stakeholders, shall

1 submit to the Committee on Transportation and Infra-
2 structure of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate an evaluation of current practices for the pack-
5 aging of lithium ion batteries and cells for air transpor-
6 tation, including recommendations, if any, to improve the
7 packaging of such batteries and cells for air transportation
8 in a safe, efficient, and cost-effective manner.

9 (e) DEPARTMENT OF TRANSPORTATION POLICY ON
10 INTERNATIONAL REPRESENTATION.—It shall be the pol-
11 icy of the Department of Transportation to support the
12 participation of industry in all panels and working groups
13 of the Dangerous Goods Panel of the International Civil
14 Aviation Organization and any other international test or
15 standard setting organization that considers proposals on
16 the safety or transportation of lithium ion and lithium
17 metal batteries in which the United States participates.

18 (f) HARMONIZATION WITH ICAO TECHNICAL IN-
19 STRUCTIONS.—Pursuant to section 828 of the FAA Mod-
20 ernization and Reform Act of 2012 (49 U.S.C. 44701
21 note), not later than 30 days after the date of enactment
22 of this Act, the Secretary shall conform United States reg-
23 ulations on the air transport of lithium cells and batteries
24 with the lithium cells and batteries requirements in the
25 2015–2016 edition of the ICAO Technical Instructions

1 (including all addenda), including the revised standards
2 adopted by the International Civil Aviation Organization
3 that became effective on April 1, 2016.

4 (g) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) ICAO TECHNICAL INSTRUCTIONS.—The
7 term “ICAO Technical Instructions” has the mean-
8 ing given that term in section 828(c) of the FAA
9 Modernization and Reform Act of 2012 (49 U.S.C.
10 44701 note).

11 (2) U.S. HAZARDOUS MATERIALS REGULA-
12 TIONS.—The term “U.S. Hazardous Materials Regu-
13 lations” means the regulations in parts 100 through
14 177 of title 49, Code of Federal Regulations (includ-
15 ing amendments adopted after the date of enactment
16 of this Act).

17 **SEC. 610. REMOTE TOWER PILOT PROGRAM FOR RURAL**
18 **AND SMALL COMMUNITIES.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Secretary of Transpor-
21 tation shall establish a pilot program under which, upon
22 approval of an application submitted by an operator of a
23 public-use airport, the Secretary shall install and operate
24 at the airport a remote air traffic control tower in order

1 to assess the operational benefits of remote air traffic con-
2 trol towers.

3 (b) APPLICATIONS.—The operator of an airport seek-
4 ing to participate in the pilot program shall submit to the
5 Secretary for approval an application that is in such form
6 and contains such information as the Secretary may re-
7 quire.

8 (c) SELECTION CRITERIA.—

9 (1) SELECTION OF AIRPORTS.—From among
10 the applications submitted under subsection (b), the
11 Secretary, after consultation with representatives of
12 labor organizations representing operators and em-
13 ployees of the air traffic control system, shall select
14 for participation in the pilot program 7 airports as
15 follows:

16 (A) 1 nonhub, primary airport.

17 (B) 3 nonprimary airports without existing
18 air traffic control towers.

19 (C) 2 airports with air traffic control tow-
20 ers participating in a program established
21 under section 47124 of title 49, United States
22 Code.

23 (D) 1 airport selected at the discretion of
24 the Secretary.

1 (2) PRIORITY SELECTION.—In selecting from
2 among the applications submitted under subsection
3 (b), the Secretary shall give priority to applicants
4 that can best demonstrate the capabilities and po-
5 tential of remote air traffic control towers, including
6 applicants proposing to operate multiple remote air
7 traffic control towers from a single facility.

8 (3) AUTHORITY TO REALLOCATE AIRPORT SE-
9 LECTION.—If the Secretary receives an insufficient
10 number of applications, the Secretary may reallocate
11 the distribution of airport sites described in para-
12 graph (1).

13 (d) ASSET CLASSIFICATION.—For purposes of sec-
14 tion 90317 of title 49, United States Code, as added by
15 this Act, a remote air traffic control tower, including ancil-
16 lary equipment, installed with Government funds pursuant
17 to this section shall be considered to be an air navigation
18 facility.

19 (e) SAFETY RISK MANAGEMENT PANEL.—

20 (1) SAFETY RISK MANAGEMENT PANEL MEET-
21 ING.—Prior to the operational use of a remote air
22 traffic control tower, the Secretary shall convene a
23 safety risk management panel for the tower to ad-
24 dress any safety issues with respect to the tower.

1 (2) SAFETY RISK MANAGEMENT PANEL BEST
2 PRACTICES.—The safety risk management panels
3 shall be created and utilized in a manner similar to
4 that of safety risk management panels previously es-
5 tablished for remote air traffic control towers, taking
6 into account—

7 (A) best practices that have been devel-
8 oped; and

9 (B) operational data from remote air traf-
10 fic control towers located in the United States.

11 (f) DEFINITIONS.—

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

14 (A) AIR NAVIGATION FACILITY.—The term
15 “air navigation facility” has the meaning given
16 that term in section 40102(a) of title 49,
17 United States Code.

18 (B) REMOTE AIR TRAFFIC CONTROL
19 TOWER.—The term “remote air traffic control
20 tower” means a remotely operated air naviga-
21 tion facility, including all necessary system com-
22 ponents, that provides the functions and capa-
23 bilities of an air traffic control tower.

24 (2) APPLICABILITY OF OTHER DEFINITIONS.—

25 The terms “nonhub airport”, “primary airport”, and

1 “public-use airport” have the meanings given such
2 terms in section 47102 of title 49, United States
3 Code.

4 (g) SUNSET.—The pilot program shall terminate on
5 the day before the date of transfer, as defined in section
6 90101(a) of title 49, United States Code, as added by this
7 Act.

8 **SEC. 611. ENSURING FAA READINESS TO PROVIDE SEAM-**
9 **LESS OCEANIC OPERATIONS.**

10 Not later than September 30, 2018, the Secretary of
11 Transportation shall make a final investment decision for
12 the implementation of a reduced oceanic separation capa-
13 bility that, by March 31, 2019, shall be operational and
14 in use providing capabilities at least equivalent to that of-
15 fered in neighboring airspace, and such service shall be
16 provided in the same manner as terrestrial surveillance is
17 provided.

18 **SEC. 612. SENSE OF CONGRESS REGARDING WOMEN IN**
19 **AVIATION.**

20 It is the sense of Congress that the aviation industry
21 should explore all opportunities, including pilot training,
22 science, technology, engineering, and mathematics edu-
23 cation, and mentorship programs, to encourage and sup-
24 port female students and aviators to pursue a career in
25 aviation.

1 **SEC. 613. OBSTRUCTION EVALUATION AERONAUTICAL**
2 **STUDIES.**

3 The Secretary of Transportation may implement the
4 policy set forth in the notice of proposed policy titled “Pro-
5 posal to Consider the Impact of One Engine Inoperative
6 Procedures in Obstruction Evaluation Aeronautical Stud-
7 ies” published by the Department of Transportation on
8 April 28, 2014 (79 Fed. Reg. 23300), only if the policy
9 is adopted pursuant to a notice and comment rulemaking
10 and, for purposes of Executive Order 12866 (5 U.S.C. 601
11 note; relating to regulatory planning and review), is treat-
12 ed as a significant regulatory action within the scope of
13 section 3(f)(1) of such Order.

14 **SEC. 614. AIRCRAFT LEASING.**

15 Section 44112(b) of title 49, United States Code, is
16 amended—

17 (1) by striking “on land or water”; and

18 (2) by inserting “operational” before “control”.

19 **SEC. 615. REPORT ON OBSOLETE TEST EQUIPMENT.**

20 (a) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Administrator of the Federal
22 Aviation Administration shall submit to the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Commerce, Science,
25 and Transportation of the Senate a report on the National

1 Test Equipment Program of the Federal Aviation Admin-
2 istration (in this section referred to as the “Program”).

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

4 (1) a list of all known outstanding requests for
5 test equipment, cataloged by type and location,
6 under the Program;

7 (2) a description of the current method under
8 the Program of ensuring calibrated equipment is in
9 place for utilization;

10 (3) a plan by the Administrator for appropriate
11 inventory of such equipment;

12 (4) the Administrator’s recommendations for
13 increasing multifunctionality in future test equip-
14 ment and all known and foreseeable manufacturer
15 technological advances; and

16 (5) a plan to replace, as appropriate, obsolete
17 test equipment throughout the service areas.

18 **SEC. 616. RETIRED MILITARY CONTROLLERS.**

19 Section 44506(f) of title 49, United States Code, is
20 amended—

21 (1) in paragraph (3) by inserting “except for
22 individuals covered by a program described in para-
23 graph (4),” after “section 3307 of title 5,”; and

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

1 “(4) RETIRED MILITARY CONTROLLERS.—The
2 Administrator may establish a program to provide
3 an original appointment to a position as an air traf-
4 fic controller for individuals who—

5 “(A) are on terminal leave pending retire-
6 ment from active duty military service or have
7 retired from active duty military service within
8 5 years of applying for the appointment; and

9 “(B) within 5 years of applying for the ap-
10 pointment, have held either an air traffic con-
11 trol specialist certification or a facility rating
12 according to Administration standards.”.

13 **SEC. 617. PILOTS SHARING FLIGHT EXPENSES WITH PAS-**
14 **SENGERS.**

15 (a) GUIDANCE.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of enactment of this Act, the Administrator
18 of the Federal Aviation Administration shall make
19 publicly available, in a clear and concise format, ad-
20 visory guidance that describes how a pilot may share
21 flight expenses with passengers in a manner con-
22 sistent with Federal law, including regulations.

23 (2) EXAMPLES INCLUDED.—The guidance shall
24 include examples of—

1 (A) flights for which pilots and passengers
2 may share expenses;

3 (B) flights for which pilots and passengers
4 may not share expenses;

5 (C) the methods of communication that pi-
6 lots and passengers may use to arrange flights
7 for which expenses are shared; and

8 (D) the methods of communication that pi-
9 lots and passengers may not use to arrange
10 flights for which expenses are shared.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date on which guidance is made publicly
14 available under subsection (a), the Comptroller Gen-
15 eral of the United States shall submit to the Com-
16 mittee on Transportation and Infrastructure of the
17 House of Representatives and the Committee on
18 Commerce, Science, and Transportation of the Sen-
19 ate a report analyzing Federal policy with respect to
20 pilots sharing flight expenses with passengers.

21 (2) EVALUATIONS INCLUDED.—The report sub-
22 mitted under paragraph (1) shall include an evalua-
23 tion of—

24 (A) the rationale for such Federal policy;

1 (B) safety and other concerns related to
2 pilots sharing flight expenses with passengers;
3 and

4 (C) benefits related to pilots sharing flight
5 expenses with passengers.

6 **SEC. 618. AVIATION RULEMAKING COMMITTEE FOR PART**
7 **135 PILOT REST AND DUTY RULES.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Administrator of the
10 Federal Aviation Administration shall convene an aviation
11 rulemaking committee to review, and develop findings and
12 recommendations regarding, pilot rest and duty rules
13 under part 135 of title 14, Code of Federal Regulations.

14 (b) DUTIES.—The Administrator shall—

15 (1) not later than 2 years after the date of en-
16 actment of this Act, submit to the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate a report
20 based on the findings of the aviation rulemaking
21 committee; and

22 (2) not later than 1 year after the date of sub-
23 mission of the report under paragraph (1), issue a
24 notice of proposed rulemaking based on any con-

1 sensus recommendations reached by the aviation
2 rulemaking committee.

3 (c) COMPOSITION.—The aviation rulemaking com-
4 mittee shall consist of members appointed by the Adminis-
5 trator, including—

6 (1) representatives of industry;

7 (2) representatives of aviation labor organiza-
8 tions, including collective bargaining units rep-
9 resenting pilots who are covered by part 135 of title
10 14, Code of Federal Regulations, and subpart K of
11 part 91 of such title; and

12 (3) aviation safety experts with specific knowl-
13 edge of flight crewmember education and training
14 requirements under part 135 of such title.

15 (d) CONSIDERATIONS.—The Administrator shall di-
16 rect the aviation rulemaking committee to consider—

17 (1) recommendations of prior part 135 rule-
18 making committees;

19 (2) accommodations necessary for small busi-
20 nesses;

21 (3) scientific data derived from aviation-related
22 fatigue and sleep research;

23 (4) data gathered from aviation safety reporting
24 programs;

1 (5) the need to accommodate the diversity of
2 operations conducted under part 135; and

3 (6) other items, as appropriate.

4 **SEC. 619. METROPOLITAN WASHINGTON AIRPORTS AU-**
5 **THORITY.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the Metropolitan Washington Airports Au-
8 thority (in this section referred to as “MWAA”),
9 which operates Ronald Reagan Washington National
10 Airport and Dulles International Airport by lease
11 with the Department of Transportation, has rou-
12 tinely performed poorly on audits conducted by the
13 Inspector General of the Department of Transpor-
14 tation;

15 (2) the responsible stewardship of taxpayer-
16 owned assets by MWAA is of great concern to Con-
17 gress;

18 (3) a March 20, 2015, audit conducted by the
19 Inspector General titled “MWAA’s Office of Audit
20 Does Not Have an Adequate Quality Assurance and
21 Improvement Program” (Report No. ZA–2015–035)
22 found that MWAA’s quality assurance and improve-
23 ment program did not conform with the standards
24 of the Institute of Internal Auditors; and

1 (4) the Inspector General’s audit made 7 rec-
2 ommendations to strengthen MWAA governance, its
3 Office of Audit, and its quality assurance and im-
4 provement program.

5 (b) IMPLEMENTING AUDIT RECOMMENDATIONS.—

6 (1) STUDY.—The Inspector General of the De-
7 partment of Transportation shall conduct a study on
8 MWAA’s progress in implementing the recommenda-
9 tions of the audit referred to in subsection (a).

10 (2) REPORT.—The Inspector General shall sub-
11 mit to the Committee on Transportation and Infra-
12 structure of the House of Representatives and the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate a report on the study, including
15 the Inspector General’s findings, conclusions, and
16 recommendations for strengthening and improving
17 MWAA’s Office of Audit.

18 **SEC. 620. TERMINAL AERODROME FORECAST.**

19 (a) IN GENERAL.—The Administrator of the Federal
20 Aviation Administration shall permit a covered air carrier
21 to operate to a destination in a noncontiguous State deter-
22 mined to be under visual flight rules without a Terminal
23 Aerodrome Forecast or Meteorological Aerodrome Report
24 if—

1 (1) a current Area Forecast, supplemented by
2 other local weather observations or reports, is avail-
3 able; and

4 (2) an alternate airport that has an available
5 Terminal Aerodrome Forecast and weather report is
6 specified.

7 (b) PROCEDURES.—A covered air carrier shall—

8 (1) have approved procedures for dispatch and
9 enroute weather evaluation; and

10 (2) operate under instrument flight rules
11 enroute to the destination.

12 (c) COVERED AIR CARRIER DEFINED.—In this sec-
13 tion, the term “covered air carrier” means an air carrier
14 operating in a noncontiguous State under part 121 of title
15 14, Code of Federal Regulations.

16 **SEC. 621. FEDERAL AVIATION ADMINISTRATION EMPLOY-**
17 **EES STATIONED ON GUAM.**

18 It is the sense of Congress that—

19 (1) the Administrator of the Federal Aviation
20 Administration and the Secretary of Defense should
21 seek an agreement that would enable Federal Avia-
22 tion Administration employees stationed on Guam to
23 have access to Department of Defense hospitals,
24 commissaries, and exchanges on Guam;

1 (2) access to these facilities is important to en-
2 sure the health and well-being of Federal Aviation
3 Administration employees and their families; and

4 (3) in exchange for this access, the Federal
5 Aviation Administration should make payments to
6 cover the applicable administrative costs incurred by
7 the Department of Defense in carrying out the
8 agreement.

9 **SEC. 622. TECHNICAL CORRECTIONS.**

10 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
11 AT CONGESTED AIRPORTS.—Section 40104(c) of title 49,
12 United States Code, is amended by striking “section
13 47176” and inserting “section 47175”.

14 (b) PASSENGER FACILITY CHARGES.—Section
15 40117(a)(5) of title 49, United States Code, is amended
16 by striking “charge or charge” and inserting “charge”.

17 (c) OVERFLIGHTS OF NATIONAL PARKS.—Section
18 40128(a)(3) of title 49, United States Code, is amended
19 by striking “under part 91 of the title 14,” and inserting
20 “under part 91 of title 14,”.

21 (d) PLANS TO ADDRESS NEEDS OF FAMILIES OF
22 PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCI-
23 DENTS.—Section 41313(c)(16) of title 49, United States
24 Code, is amended by striking “An assurance that the for-
25 eign air carrier” and inserting “An assurance that”.

1 (e) OPERATIONS OF CARRIERS.—The analysis for
2 chapter 417 of title 49, United States Code, is amended
3 by striking the item relating to section 41718 and insert-
4 ing the following:

“41718. Special rules for Ronald Reagan Washington National Airport.”.

5 (f) SCHEDULES FOR CERTAIN TRANSPORTATION OF
6 MAIL.—Section 41902(a) of title 49, United States Code,
7 is amended by striking “section 41906” and inserting
8 “section 41905”.

9 (g) WEIGHING MAIL.—Section 41907 of title 49,
10 United States Code, is amended by striking “and -adminis-
11 trative” and inserting “and administrative”.

12 (h) STRUCTURES INTERFERING WITH AIR COM-
13 MERCE OR NATIONAL SECURITY.—Section 44718(b)(1) of
14 title 49, United States Code, is amended—

15 (1) in the matter preceding subparagraph (A)
16 by striking “air navigation facilities and equipment”
17 and inserting “air or space navigation facilities and
18 equipment”; and

19 (2) in subparagraph (A)—

20 (A) in clause (v) by striking “and” at the
21 end;

22 (B) by redesignating clause (vi) as clause
23 (vii); and

24 (C) by inserting after clause (v) the fol-
25 lowing:

1 “(vi) the impact on launch and re-
2 entry for launch and reentry vehicles arriv-
3 ing or departing from a launch site or re-
4 entry site licensed by the Secretary of
5 Transportation; and”.

6 (i) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR
7 TRANSPORTATION.—Section 45302 of title 49, United
8 States Code, is amended by striking “44703(f)(2)” each
9 place it appears and inserting “44703(g)(2)”.

10 (j) CHAPTER 465.—The analysis for chapter 465 of
11 title 49, United States Code, is amended by striking the
12 following:

 “46503. Repealed.”.

13 (k) SOLICITATION AND CONSIDERATION OF COM-
14 MENTS.—Section 47171(l) of title 49, United States Code,
15 is amended by striking “4371” and inserting “4321”.

16 (l) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-
17 CANTLY INCREASED COSTS.—Section 426 of the FAA
18 Modernization and Reform Act of 2012 is amended—

19 (1) in subsection (a) (49 U.S.C. 41737 note) by
20 striking “Secretary” and inserting “Secretary of
21 Transportation”; and

22 (2) in subsection (c) (49 U.S.C. 41731 note) by
23 striking “the Secretary may waive” and inserting
24 “the Secretary of Transportation may waive”.

1 (m) AIRCRAFT DEPARTURE QUEUE MANAGEMENT
2 PILOT PROGRAM.—Section 507(a) of the FAA Moderniza-
3 tion and Reform Act of 2012 (49 U.S.C. 44505 note) is
4 amended by striking “section 48101(a)” and inserting
5 “section 48101(a) of title 49, United States Code,”.

○