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”.

115TH CONGRESS
1ST SESSION

H. R. 2997
(b) Table of Contents.—The table of contents for 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. 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.
TITLE I—AUTHORIZATIONS
Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) Authorization.—Section 48103(a) of title 49, United States Code, is amended by striking “section 47504(e)” and all that follows through the period at the end and inserting the following: “section 47504(e)—

“(1) $3,424,000,000 for fiscal year 2018;
“(2) $3,499,000,000 for fiscal year 2019;
“(3) $3,576,000,000 for fiscal year 2020;
“(4) $3,655,000,000 for fiscal year 2021;
“(5) $3,735,000,000 for fiscal year 2022; and
“(6) $3,817,000,000 for fiscal year 2023.”.

(b) Obligation Authority.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “September 30, 2017,” and inserting “September 30, 2023,”.

SEC. 102. FACILITIES AND EQUIPMENT.

(a) Authorization of Appropriations from Airport and Airway Trust Fund.—Section 48101(a) of title 49, United States Code, is amended by striking paragraphs (1) through (5) and inserting the following:
“(1) $2,920,000,000 for fiscal year 2018.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—

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

“§ 48101a. Other facilities and equipment

“There is authorized to be appropriated to the Secretary of Transportation to acquire, establish, and improve facilities and equipment (other than facilities and equipment relating to air traffic services)—

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

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

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

(2) CLERICAL AMENDMENT.—The analysis for chapter 481 of title 49, United States Code, is amended by inserting after the item relating to section 48101 the following:

“48101a. Other facilities and equipment.”.

(3) CONFORMING AMENDMENTS.—
(A) Submission of budget information and legislative recommendations and comments.—Section 48109 of title 49, United States Code, is amended by inserting “, 48101a,” before “or 48102”.

(B) Reprogramming notification requirement.—Section 48113 of title 49, United States Code, is amended by inserting “48101a,” before “or 48103”.

SEC. 103. FAA OPERATIONS.

(a) Authorization of Appropriations From General Fund.—Section 106(k)(1) of title 49, United States Code, is amended—

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

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

“(A) $2,059,000,000 for fiscal year 2018;
“(B) $2,126,000,000 for fiscal year 2019;
“(C) $2,197,000,000 for fiscal year 2020;
“(D) $1,957,000,000 for fiscal year 2021;
“(E) $2,002,000,000 for fiscal year 2022;

and

“(F) $2,047,000,000 for fiscal year 2023.”.
(b) Authorization of Appropriations From Airport and Airway Trust Fund.—Section 106(k)(2) of title 49, United States Code, is amended to read as follows:

“(2) Salaries, operations, and maintenance from airport and airway trust fund.—There is authorized to be appropriated to the Secretary out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for salaries, operations, and maintenance of the Administration—

“(A) $8,073,000,000 for fiscal year 2018;
“(B) $8,223,000,000 for fiscal year 2019;
and
“(C) $8,374,000,000 for fiscal year 2020.”.

(c) Authority To Transfer Funds.—Section 106(k)(3) of title 49, United States Code, is amended—

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

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

•HR 2997 IH
SEC. 104. ADJUSTMENT TO AIP PROGRAM FUNDING.

Section 48112 of title 49, United States Code, and the item relating to such section in the analysis for chapter 481 of such title, are repealed.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

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

SEC. 106. APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall apply only to fiscal years beginning after September 30, 2017.

Subtitle B—Passenger Facility Charges

SEC. 111. PASSENGER FACILITY CHARGE MODERNIZATION.

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

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

(2) by repealing paragraph (4);

(3) in paragraph (6)—

(A) by striking “specified in paragraphs (1) and (4)” and inserting “specified in paragraph (1)”;

and
(B) by striking “imposed under paragraph (1) or (4)” and inserting “imposed under paragraph (1)”; and
(4) in paragraph (7)(A)—
(A) by striking “specified in paragraphs (1), (4), and (6)” and inserting “specified in paragraphs (1) and (6)”;
and
(B) by striking “imposed under paragraph (1) or (4)” and inserting “imposed under paragraph (1)”.

SEC. 112. PILOT PROGRAM FOR PASSENGER FACILITY CHARGE AUTHORIZATIONS.

Section 40117(l) of title 49, United States Code, is amended—
(1) in the subsection heading by striking “AT NONHUB AIRPORTS”; and
(2) in paragraph (1) by striking “nonhub”.

Subtitle C—Airport Improvement Program Modifications

SEC. 121. CLARIFICATION OF AIRPORT OBLIGATION TO PROVIDE FAA AIRPORT SPACE.

Section 44502 of title 49, United States Code, is amended by adding at the end the following:
“(f) AIRPORT SPACE.—
“(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator of the Federal Aviation Administration may not require an airport owner, operator, or sponsor (as defined in section 47102) to provide building construction, maintenance, utilities, administrative support, or space on airport property to the Federal Aviation Administration without adequate compensation.

“(2) EXCEPTIONS.—Paragraph (1) does not apply in any case in which an airport owner, operator, or sponsor—

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

“(B) provides goods or services to the Federal Aviation Administration without compensation or at below-market rates pursuant to a negotiated agreement between the owner, operator, or sponsor and the Administrator.”.

SEC. 122. MOTHERS’ ROOMS AT AIRPORTS.

(a) LACTATION AREA DEFINED.—Section 47102 of title 49, United States Code, is amended—
(1) by redesignating paragraphs (10) through (28) as paragraphs (11) through (29), respectively; and

(2) by inserting after paragraph (9) the following:

“(10) ‘lactation area’ means a room or other location in a commercial service airport that—

“(A) provides a location for members of the public to express breast milk that is shielded from view and free from intrusion from the public;

“(B) has a door that can be locked;

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

“(D) is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

“(E) is not located in a restroom.”.

(b) **Project Grant Written Assurances for Large and Medium Hub Airports.**—

(1) **In General.**—Section 47107(a) of title 49, United States Code, is amended—

(A) in paragraph (20) by striking “and” at the end;
(B) in paragraph (21) by striking the per-
period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(22) with respect to a medium or large hub
airport, the airport owner or operator will maintain
a lactation area in each passenger terminal building
of the airport in the sterile area (as defined in sec-
tion 1540.5 of title 49, Code of Federal Regulations)
of the building.”.

(2) Applicability.—

(A) In general.—The amendment made
by paragraph (1) shall apply to a project grant
application submitted for a fiscal year begin-
ing on or after the date that is 2 years after
the date of enactment of this Act.

(B) Special rule.—The requirement in
the amendment made by paragraph (1) that a
lactation area be located in the sterile area of
a passenger terminal building shall not apply
with respect to a project grant application for
a period of time, determined by the Secretary
of Transportation, if the Secretary determines
that construction or maintenance activities
make it impracticable or unsafe for the lacta-
tion area to be located in the sterile area of the building.

(c) **Terminal Development Costs.**—Section 47119(a) of title 49, United States Code, is amended by adding at the end the following:

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

(d) **Pre-Existing Facilities.**—On application by an airport sponsor, the Secretary may determine that a lactation area in existence on the date of enactment of this Act complies with the requirement of section 47107(a)(22) of title 49, United States Code, as added by this section, notwithstanding the absence of one of the facilities or characteristics referred to in the definition of the term “lactation area” in section 47102 of such title, as added by this section.

**SEC. 123. Extension of Competitive Access Reports.**

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

•HR 2997 IH
SEC. 124. GRANT ASSURANCES.

(a) Construction of Recreational Aircraft.—

Section 47107 is amended by adding at the end the following:

“(u) Construction of Recreational Aircraft.—

“(1) In general.—The construction of a covered aircraft shall be treated as an aeronautical activity for purposes of—

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

“(B) the receipt of Federal financial assistance for airport development.

“(2) Covered Aircraft Defined.—In this subsection, the term ‘covered aircraft’ means an aircraft—

“(A) used or intended to be used exclusively for recreational purposes; and

“(B) constructed or under construction by a private individual at a general aviation airport.”.

(b) Community Use of Airport Land.—Section 47107 of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:
“(v) COMMUNITY USE OF AIRPORT LAND.—

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

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

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

“(B) if the agreement between the sponsor and the local government is subordinate to any existing or future agreements between the spon-
sor and the Secretary, including agreements re-
related to a grant assurance under this section;

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

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

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

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

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

“(H) if the recreational purpose is con-
sistent with Federal land use compatibility cri-
teria under section 47502.
“(3) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed as permitting a diversion of airport revenue for the capital or operating costs associated with the community use of airport land.”.

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

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

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

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

“(5) 95 percent for a project that—

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

“(B) for which the United States Government’s share of allowable project costs could otherwise be 90 percent under paragraph (2) or (3).”.
SEC. 126. UPDATED VETERANS’ PREFERENCE.

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

(1) by striking “or Operation New Dawn for more” and inserting “Operation New Dawn, Operation Inherent Resolve, Operation Freedom’s Sentinel, or any successor contingency operation to such operations for more”; and

(2) by striking “or Operation New Dawn (whichever is later)” and inserting “Operation New Dawn, Operation Inherent Resolve, Operation Freedom’s Sentinel, or any successor contingency operation to such operations (whichever is later)”.

SEC. 127. SPECIAL RULE.

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

“(C) During fiscal years 2018 through 2020—

“(i) an airport that accrued apportionment funds under subparagraph (A) in fiscal year 2013 that is listed as having an unclassified status under the most recent national plan of integrated airport systems shall continue to accrue apportionment funds under subparagraph (A) at the same amount the airport accrued apportionment funds under subparagraph (A) in fiscal year 2013.”
funds in fiscal year 2013, subject to the
conditions of this paragraph;

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

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

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

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

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

(1) by striking subsection (i);
(2) by redesignating subsection (j) as subsection (i); and
(3) in subsection (i) (as so redesignated) by striking “fiscal years 2012 through 2017” and inserting “fiscal years 2017 through 2023”.

**SEC. 129. NONDISCRIMINATION.**

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

(1) by striking “The Secretary of Transportation” and inserting the following:

“(a) IN GENERAL.—The Secretary of Transportation”; and

(2) by adding at the end the following:

“(b) INDIAN EMPLOYMENT.—

“(1) TRIBAL SPONSOR PREFERENCE.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on a project or contract at—

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

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

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

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

SEC. 130. STATE BLOCK GRANT PROGRAM EXPANSION.

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

SEC. 131. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Avia-
tion Reauthorization Act (117 Stat. 2518) is amended in
the first sentence by striking “fiscal years 2012 through
2017” and inserting “fiscal years 2017 through 2023”.
SEC. 132. PROPERTY CONVEYANCE RELEASES.

Section 817(a) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

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

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

SEC. 133. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

Congress finds the following:

(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.
This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport-related business in the public and private markets.

(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

SEC. 134. CONTRACT TOWER PROGRAM.

(a) Air Traffic Control Contract Program.—

(1) Special rule.—Section 47124(b)(1)(B) of title 49, United States Code, is amended by striking "exceeds the benefit for a period of 18 months after
such determination is made” and inserting the fol-
lowing: “exceeds the benefit—

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

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

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

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

(3) CONSTRUCTION OF AIR TRAFFIC CONTROL
TOWERS.—

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

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

“(B) ELIGIBILITY.—
“(i) Before date of transfer.—

Before the date of transfer (as defined in section 90101(a)), an airport sponsor shall be eligible for a grant under this paragraph only if—

“(I)(aa) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3); or

“(bb) construction of a non-approach control tower would qualify the sponsor to be eligible to participate in such program;

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

“(III) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Sec-
retary will seek future appropriations to pay the Federal Aviation Administration’s cost of the contract to operate the tower to be constructed under this paragraph;

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

“(V) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

“(aa) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

“(bb) the selection of the tower for funding is based on objective criteria.
“(ii) ON AND AFTER DATE OF TRANSFER.—On and after the date of transfer (as defined in section 90101(a)), an airport sponsor shall be eligible for a grant under this paragraph only if—

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

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

“(III) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—
“(aa) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

“(bb) the selection of the tower for funding is based on objective criteria.”.

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

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

“(G) BENEFIT-TO-COST CALCULATION.—Not later than 90 days after receiving an application to the Contract Tower Program, the Secretary shall calculate a benefit-to-cost ratio (as described in subsection (d)) for the applicable air traffic control tower for purposes of selecting towers for participation in the Contract Tower Program.”.
(b) SAFETY AUDITS.—Section 47124(c) of title 49, United States Code, is amended—

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

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

(2) by adding at the end the following:

“(2) ON AND AFTER DATE OF TRANSFER.—On and after the date of transfer (as defined in section 90101(a)), oversight of air traffic control towers that receive funding under this section shall be carried out in accordance with performance-based regulations and minimum safety standards prescribed under section 90501.”.

(c) CRITERIA TO EVALUATE PARTICIPANTS.—Section 47124 of title 49, United States Code, is amended by adding at the end the following:

“(d) CRITERIA TO EVALUATE PARTICIPANTS.—

“(1) TIMING OF EVALUATIONS.—

“(A) TOWERS PARTICIPATING IN COST-SHARE PROGRAM.—In the case of an air traffic control tower that is operated under the program established under subsection (b)(3), the
Secretary shall annually calculate a benefit-to-cost ratio with respect to the tower.

“(B) TOWERS PARTICIPATING IN CONTRACT TOWER PROGRAM.—In the case of an air traffic control tower that is operated under the program established under subsection (a) and continued under subsection (b)(1), the Secretary shall not calculate a benefit-to-cost ratio after the date of enactment of this subsection with respect to the tower unless the Secretary determines that the annual aircraft traffic at the airport where the tower is located has decreased—

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

“(ii) by more than 60 percent cumulatively in the preceding 3-year period.

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

“(A) The Federal Aviation Administration’s actual cost of wages and benefits of personnel working at the tower.
“(B) The Federal Aviation Administration’s actual telecommunications costs directly associated with the tower.

“(C) The Federal Aviation Administration’s costs of purchasing and installing any air traffic control equipment that would not have been purchased or installed except for the operation of the tower.

“(D) The Federal Aviation Administration’s actual travel costs associated with maintaining air traffic control equipment that is owned by the Administration and would not be maintained except for the operation of the tower.

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

“(4) REVIEW OF COST-BENEFIT DETERMINATIONS.—In issuing a benefit-to-cost ratio determina-
tion under this section with respect to an air traffic
control tower located at an airport, the Secretary
shall implement the following procedures:

“(A) The Secretary shall provide the airport (or the State or local government having jurisdiction over the airport) at least 90 days following the date of receipt of the determination to submit to the Secretary a request for an appeal of the determination, together with updated or additional data in support of the appeal.

“(B) Upon receipt of a request for an appeal submitted pursuant to subparagraph (A), the Secretary shall—

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

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

“(C) After receiving a response from the Administrator pursuant to subparagraph (B), the Secretary shall—
“(i) provide the airport, State, or local
government that requested the appeal at
least 30 days to review the response; and
“(ii) withhold from taking further ac-
tion in connection with the appeal during
that 30-day period.
“(D) If, after completion of the appeal pro-
cedures with respect to the determination, the
Secretary requires the tower to transition into
the program established under subsection
(b)(3), the Secretary shall not require a cost-
share payment from the airport, State, or local
government for 1 year following the last day of
the 30-day period described in subparagraph
(C).”.

SEC. 135. AIRPORT ACCESS ROADS IN REMOTE LOCATIONS.

Notwithstanding section 47102 of title 49, United
States Code, for fiscal years 2017 through 2020, the defi-
nition of the term “terminal development” under that sec-
tion includes the development of an airport access road
that—
(1) is located in a noncontiguous State;
(2) is not more than 3 miles in length;
(3) connects to the nearest public roadways of not more than the 2 closest census designated places; and

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

Subtitle D—Airport Noise and Environmental Streamlining

SEC. 151. RECYCLING PLANS FOR AIRPORTS.

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

SEC. 152. PILOT PROGRAM SUNSET.

(a) In General.—Section 47140 of title 49, United States Code, is repealed.

(b) Conforming Amendment.—Section 47140a of title 49, United States Code, is redesignated as section 47140.

(c) Clerical Amendments.—The analysis for chapter 471 of title 49, United States Code, is amended—

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

(2) by inserting after the item relating to section 47139 the following:

“47140. Increasing the energy efficiency of airport power sources.”.
SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

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

SEC. 154. UPDATING AIRPORT NOISE EXPOSURE MAPS.

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

“(b) Revised Maps.—

“(1) in general.—An airport operator that submitted a noise exposure map under subsection (a) shall submit a revised map to the Secretary if, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration.

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

“(A) the forecast period of the applicable noise exposure map submitted by an airport operator under subsection (a); or
“(B) the implementation period of the airport operator’s noise compatibility program.”.

SEC. 155. STAGE 3 AIRCRAFT STUDY.

(a) Study.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of the potential benefits, costs, and other impacts that would result from a phaseout of covered stage 3 aircraft.

(b) Contents.—The review shall include—

(1) a determination of the number, types, frequency of operations, and owners and operators of covered stage 3 aircraft;

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

(3) a determination of lessons learned from the phaseout of stage 2 aircraft that might be applicable to a phaseout or reduction in the operations of covered stage 3 aircraft, including comparisons between the benefits, costs, and other impacts associated with the phaseout of stage 2 aircraft and the poten-
tial benefits, costs, and other impacts determined under paragraph (2);

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

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

(A) air carriers;

(B) airports;

(C) communities surrounding airports;

(D) aircraft and avionics manufacturers;

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

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

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

(d) COVERED STAGE 3 AIRCRAFT DEFINED.—In this section, the term “covered stage 3 aircraft” means an air-
craft weighing more than 75,000 pounds that is not ca-

ble of meeting the stage 4 noise levels in part 36 of title
14, Code of Federal Regulations.

SEC. 156. ADDRESSING COMMUNITY NOISE CONCERNS.

When proposing a new area navigation departure pro-

cedure, or amending an existing procedure that would di-
rect aircraft between the surface and 6,000 feet above

ground level over noise sensitive areas, the Administrator
of the Federal Aviation Administration shall consider the
feasibility of dispersal headings or other lateral track vari-
ations to address community noise concerns, if—

(1) the affected airport operator, in consulta-

tion with the affected community, submits a request
to the Administrator for such a consideration;

(2) the airport operator’s request would not, in

the judgment of the Administrator, conflict with the
safe and efficient operation of the national airspace
system; and

(3) the effect of a modified departure procedure

would not significantly increase noise over noise sen-
sitive areas, as determined by the Administrator.

SEC. 157. STUDY ON POTENTIAL HEALTH IMPACTS OF

OVERFLIGHT NOISE.

(a) IN GENERAL.—Not later than 180 days after the
date of enactment of this Act, the Administrator of the
Federal Aviation Administration shall enter into an agree-
ment with an eligible institution of higher education to
conduct a study on the health impacts of noise from air-
craft flights on residents exposed to a range of noise levels
from such flights.

(b) Scope of Study.—The study shall—

(1) include an examination of the incremental
health impacts attributable to noise exposure that
result from aircraft flights, including sleep distur-
bance and elevated blood pressure;

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

(A) Boston;

(B) Chicago;

(C) New York;

(D) the Northern California Metroplex;

(E) Phoenix; or

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

(3) consider, in particular, the incremental
health impacts on residents living partly or wholly
underneath flight paths most frequently used by air-
craft flying at an altitude lower than 10,000 feet, in-
cluding during takeoff or landing; and
(4) include an assessment of the relationship between a perceived increase in aircraft noise, including as a result of a change in flight paths that increases the visibility of aircraft from a certain location, and an actual increase in aircraft noise, particularly in areas with high or variable levels of non-aircraft-related ambient noise.

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

(1) has—

(A) a school of public health that has participated in the Center of Excellence for Aircraft Noise and Aviation Emissions Mitigation of the Federal Aviation Administration; or

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

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

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

(4) demonstrates to the satisfaction of the Administrator that the institution is qualified to conduct the study;
(5) agrees to submit to the Administrator, not later than 3 years after entering into an agreement under subsection (a), the results of the study, including any source materials used; and

(6) meets such other requirements as the Administrator determines necessary.

(d) Report.—Not later than 90 days after the Administrator receives the results of the study, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results.

SEC. 158. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) In General.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports in accordance with this section.

(b) Grants.—In carrying out the program, the Secretary may make grants to sponsors of public-use airports from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code.

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

•HR 2997 IH
noise, air quality, or water quality at the airport or within
5 miles of the airport.

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

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

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

(2) will be implemented by an eligible consort-
tium.

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

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

(h) IDENTIFYING BEST PRACTICES.—The Secretary
may establish and publish information identifying best
practices for reducing or mitigating aviation impacts on
noise, air quality, and water quality at airports or in the vicinity of airports based on the projects carried out under the program.

(i) SUNSET.—The program shall terminate 5 years after the Secretary makes the first grant under the program.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term “eligible consortium” means a consortium that is comprised of 2 or more of the following entities:

(A) Businesses incorporated in the United States.

(B) Public or private educational or research organizations located in the United States.

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

(D) Federal laboratories.

(2) ENVIRONMENTAL MITIGATION PROJECT.—The term “environmental mitigation project” means a project that—

(A) introduces new environmental mitigation techniques or technologies that have been proven in laboratory demonstrations;
(B) proposes methods for efficient adaptation or integration of new concepts into airport operations; and

(C) will demonstrate whether new techniques or technologies for environmental mitigation are—

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

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

SEC. 159. AIRCRAFT NOISE EXPOSURE.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall conduct a review of the relationship between aircraft noise exposure and its effects on communities around airports.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

(2) PRELIMINARY RECOMMENDATIONS.—The report shall contain such preliminary recommendations as the Administrator determines appropriate for revising the land use compatibility guidelines in
part 150 of title 14, Code of Federal Regulations, based on the results of the review and in coordination with other agencies.

SEC. 160. COMMUNITY INVOLVEMENT IN FAA NEXTGEN PROJECTS LOCATED IN METROPLEXES.

(a) Community Involvement Policy.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall complete a review of the Federal Aviation Administration’s community involvement practices for Next Generation Air Transportation System (NextGen) projects located in metroplexes identified by the Administration. The review shall include, at a minimum, a determination of how and when to engage airports and communities in performance-based navigation proposals.

(b) Report.—Not later than 60 days after completion of the review, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) how the Administration will improve community involvement practices for NextGen projects located in metroplexes;
(2) how and when the Administration will engage airports and communities in performance-based navigation proposals; and

(3) lessons learned from NextGen projects and pilot programs and how those lessons learned are being integrated into community involvement practices for future NextGen projects located in metroplexes.

SEC. 161. CRITICAL HABITAT ON OR NEAR AIRPORT PROPERTY.

(a) Federal Agency Requirements.—The Secretary of Transportation, to the maximum extent practicable, shall work with the heads of appropriate Federal agencies to ensure that designations of critical habitat, as that term is defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532), on or near airport property do not—

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

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

(3) occur on airport-owned lands that have become attractive habitat for a threatened or endangered species because such lands—
(A) have been prepared for future development;

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

(C) are held by the airport to prevent encroachment of uses that are incompatible with airport operations.

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

TITLE II—AMERICAN AIR NAVIGATION SERVICES CORPORATION

SEC. 201. PURPOSES.

It is declared to be the purpose of Congress in this title to transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity to provide for the more efficient operation and improvement of air traffic services.
Subtitle A—Establishment of Air Traffic Services Provider

SEC. 211. AMERICAN AIR NAVIGATION SERVICES CORPORATION.

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

“Subtitle XI—American Air 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
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

“CHAPTER 901—GENERAL PROVISIONS

“Sec.

“90101. Definitions. 90101

“§ 90101. Definitions

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

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the FAA.

“(2) AIR TRAFFIC SERVICES.—The term ‘air traffic services’ means services—
“(A) used for the monitoring, directing, control, and guidance of aircraft or flows of aircraft and for the safe conduct of flight, including communications, navigation, and surveillance services and provision of aeronautical information; and

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

“(3) AIR TRAFFIC SERVICES USER.—The term ‘air traffic services user’ means any individual or entity using air traffic services provided by the Corporation within United States airspace or international airspace delegated to the United States.

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

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

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

“(7) CORPORATION.—The term ‘Corporation’ means the American Air Navigation Services Corporation established under this subtitle.

“(8) DATE OF TRANSFER.—The term ‘date of transfer’ means the date on which the Corporation
assumes operational control of air traffic services from the FAA pursuant to this subtitle, which shall be October 1, 2020.

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

“(10) FAA.—The term ‘FAA’ means the Federal Aviation Administration.

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

“(12) REGIONAL AIR CARRIER.—The term ‘regional air carrier’ means an air carrier operating under part 121 of title 14, Code of Federal Regulations, that—

“(A) exclusively or primarily operates aircraft with a seating capacity of 76 seats or fewer; and

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

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

“(b) APPLICABILITY OF OTHER DEFINITIONS.—Except with respect to the terms specifically defined in this
subtitle, the definitions contained in section 40102(a) shall apply to the terms used in this subtitle.

"CHAPTER 903—ESTABLISHMENT OF AIR TRAFFIC SERVICES PROVIDER;
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.

§ 90301. Establishment of Corporation

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

(b) CORPORATION NAME.—

(1) IN GENERAL.—The Corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Air Navigation Services Corporation’ in any jurisdiction.
“(2) **EXCLUSIVE RIGHT.**—The Corporation shall have the exclusive right to use the name ‘American Air Navigation Services Corporation’.

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

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

“(a) **IN GENERAL.**—The Secretary shall transfer operational control over air traffic services within United States airspace and international airspace delegated to the United States to the Corporation on the date of transfer in a systematic and orderly manner that ensures continuity of safe air traffic services.

“(b) **MANAGEMENT AND OPERATION OF AIR TRAFFIC SERVICES.**—Subject to section 90501, including the performance-based regulations and minimum safety standards prescribed under that section, the Corporation may establish and carry out plans for the management and operation of air traffic services within United States airspace and international airspace delegated to the United States.

“(c) **ENTITIES AUTHORIZED TO PROVIDE AIR TRAFFIC SERVICES AFTER DATE OF TRANSFER.**—After the date of transfer, no entity, other than the Corporation, is authorized or permitted to provide air traffic services
within United States airspace or international airspace delegated to the United States, except for—

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

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

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

“(4) entities authorized to operate an unmanned aircraft traffic management system or service pursuant to section 45506 or 45507.

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

“(a) In general.—As appropriate, and except as otherwise provided, the Secretary shall manage and execute the transfer of operational control over air traffic services pursuant to section 90302(a) and any related transition processes and procedures.

“(b) Nondelegation.—Except as otherwise provided, the Secretary may not delegate any of the authority or requirements under this subtitle to the Administrator.
§ 90304. Status and applicable laws

(a) Non-Federal Entity.—The Corporation is not a department, agency, or instrumentality of the United States Government, and is not subject to title 31.

(b) Liability.—The United States Government shall not be liable for the actions or inactions of the Corporation.

(c) Not-For-Profit Corporation.—The Corporation shall maintain its status as a not-for-profit corporation exempt from taxation under the Internal Revenue Code of 1986.

(d) No Federal Guarantee.—Any debt assumed by the Corporation shall not have an implied or explicit Federal guarantee.

§ 90305. Nomination Panels for Board

(a) In General.—The Nomination Panels described in subsection (b) shall be responsible for nominating individuals to serve as Directors pursuant to section 90306.

(b) Nomination Panels.—The Nomination Panels shall be as follows:

(1) Passenger Air Carrier Nomination Panel.—A Passenger Air Carrier Nomination Panel composed of passenger air carrier representatives, with each air carrier with more than 30,000,000 an-
nual passenger enplanements designating 1 repre-
sentative to the Panel.

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

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

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

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

“(A) 2 representatives designated by the
principal organization representing owners, op-
operators, and users of general aviation aircraft used exclusively in furtherance of business enterprises;

“(B) 2 representatives designated by the principal organization representing aviation-related businesses, including fixed-base operators; and

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

“(6) AIR TRAFFIC CONTROLLER NOMINATION PANEL.—An Air Traffic Controller Nomination Panel composed of 6 representatives designated by the largest organization engaged in collective bargaining on behalf of air traffic controllers employed by the Corporation.

“(7) AIRPORT NOMINATION PANEL.—An Airport Nomination Panel composed of—

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

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

“(c) DETERMINATION OF ENTITIES.—

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

“(2) AFTER DATE OF TRANSFER.—On and after the date of transfer, the Board shall determine the entities referred to in subsection (b), in accordance with the bylaws of the Corporation.

“(3) STATISTICS.—In determining annual statistics for purposes of this subsection, the Secretary and the Board shall utilize data published by the Department of Transportation for the most recent calendar year.

“(4) LIMITATIONS.—

“(A) SINGLE DESIGNATION.—No entity determined under this subsection may designate a
representative to more than 1 Nomination Panel.

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

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

“(e) QUALIFICATIONS.—Only an individual who is a citizen of the United States may be designated to a Nomination Panel.

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

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

“(2) a Member of Congress or an elected official serving in a State, local, or Tribal government;

or

“(3) an officer or employee of the Federal Government or any State, local, or Tribal government.

“(g) LARGEST ORGANIZATION ENGAGED IN COLLECTIVE BARGAINING ON BEHALF OF AIR TRAFFIC CONTROLLERS 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.
“(8) 1 Director nominated by the Air Traffic Controller Nomination Panel.

“(9) 1 Director nominated by the Airport Nomination Panel.

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

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

“(e) NOMINATIONS AND APPOINTMENTS.—

“(1) PRIOR TO DATE OF TRANSFER.—

“(A) Submission of nomination lists.—Before the date of transfer, and not later than 60 days after the date of enactment of this subtitle, each Nomination Panel shall submit to the Secretary a list, chosen by consensus, of 4 individuals nominated to be Directors.

“(B) Appointment and selection.—Not later than 30 days after the date on which the last nomination list is submitted under subparagraph (A), the Secretary shall—

“(i) appoint 2 individuals to be Directors under subsection (b)(2); and
“(ii) select, pursuant to subsection (b), the appropriate number of individuals to be Directors from each nomination list.

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

“(i) not qualified to serve as a Director under section 90307; or

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

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

“(2) AFTER DATE OF TRANSFER.—

“(A) NOMINATION.—As appropriate, a Nomination Panel shall submit to the Board a list, chosen by consensus, of 4 individuals nominated to be Directors.
“(B) SELECTION.—The Board shall select, pursuant to subsection (b), the appropriate number of individuals to be Directors from a list submitted by a Nomination Panel.

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

“(i) not qualified to serve as a Director under section 90307; or

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

“(D) AT-LARGE DIRECTORS.—The Board shall nominate and select Directors under subsection (b)(11) in accordance with the bylaws of the Corporation.

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

“(d) CHAIRPERSON.—The Chairperson of the Board shall—
“(1) be selected from among the Directors (other than the CEO) by a majority vote of the Directors; and

“(2) subject to subsection (e), serve until replaced by a majority vote of the Directors.

“(e) TERMS.—

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

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

“(3) STAGGERING.—The Board shall stagger the duration of the terms of the initial Directors appointed, or nominated and selected, after the date of transfer to promote the stability of the Board.

“(f) VACANCIES.—

“(1) BEFORE DATE OF TRANSFER.—Before the date of transfer, a vacancy on the Board shall be filled in the manner in which the original appointment or selection was made.

“(2) AFTER DATE OF TRANSFER.—After the date of transfer, a vacancy on the Board shall be
filled in the manner in which the original appointment was made (in the case of Directors appointed under subsection (b)(2)) or in the manner described under subsection (c)(2) (in the case of Directors nominated by Nomination Panels or the Board).

“(3) Service until successor takes office.—A Director may serve after the expiration of the Director’s term until a successor has been appointed or nominated and selected.

“(g) Meetings and Quorum.—

“(1) Meetings.—

“(A) In general.—The Board shall meet at the call of the Chairperson (or as otherwise provided in the bylaws) and, at a minimum, on a quarterly basis.

“(B) Initial meeting.—Not later than 90 days after the date of enactment of this subtitle, the Board shall hold its initial meeting.

“(C) In-person meeting.—At least 1 meeting of the Board each year shall be conducted in person.

“(2) Quorum.—A quorum of the Board, consisting of a majority of the Directors then in office, shall be required to conduct any business of the Board.
“(3) APPROVAL OF BOARD ACTIONS.—Except as otherwise provided, the threshold for approving Board actions shall be as set forth in the bylaws.

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

§ 90307. Fiduciary duties and qualifications of Directors

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

“(b) QUALIFICATIONS.—

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

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

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

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

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

“(D) is an officer or employee of the Federal Government or any State, local, or Tribal government;
“(E) is a director, officer, trustee, agent, or employee of—

“(i) a bargaining agent that represents employees of the Corporation;

“(ii) an entity that has a material interest as a supplier, client, or user of the Corporation’s services; or

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

“(F) receives any form of compensation or material benefit from an entity that has a material interest as a supplier, client, or user of the Corporation’s services, excluding compensation from a defined benefit plan resulting from the individual’s past employment; or

“(G) has or holds any other fiduciary duty, legal obligation, office, employed position, or material interest that would prevent the individual from satisfying the requirements of subsection (a) under the applicable laws of the State in which the Corporation is incorporated.

“(3) EXCEPTION.—Subparagraphs (C) and (D) of paragraph (2) shall not apply to an individual solely because the individual is an elected member of a school board or is employed by an institution of
higher education (as defined in section 101 of the
Higher Education Act of 1965 (20 U.S.C. 1001)).

“(c) Breach of Fiduciary Duty to Corporation.—

“(1) In general.—The Board shall remove
any Director who breaches a fiduciary duty to the
Corporation—

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

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

“(2) Limited private right of action.—
The Corporation shall have the exclusive right to
seek injunctive or monetary relief (or both) against
a Director or former Director for a breach of a fidu-
 ciary duty to the Corporation.

“(d) Prohibition on Indemnification and Cer-
tain Insurance.—Notwithstanding section 90312 or any
other provision of law, the Corporation shall neither in-
demnify nor procure insurance to indemnify any Director
for liability relating to a breach of a fiduciary duty to the
Corporation.

§ 90308. Bylaws and duties

“(a) In general.—The Board shall adopt and
amend the bylaws of the Corporation.
“(b) BYLAWS.—The bylaws of the Corporation shall include, at a minimum—

“(1) the duties and responsibilities of the Board (including those described in subsection (c)), officers, Advisory Board, and committees of the Corporation; and

“(2) the operational procedures of the Corporation.

“(c) DUTIES AND RESPONSIBILITIES OF BOARD.— The Board shall be responsible for actions of the Corporation, including—

“(1) adoption of an annual budget;

“(2) approval of a strategic plan, including updates thereto, and other plans supporting the strategy laid out in the strategic plan;

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

“(4) assessment, modification, and collection of charges and fees for air traffic services in accordance with the standards described in section 90313;

“(5) hiring and supervision of the CEO;

“(6) establishment and maintenance of an appropriately funded reserve fund;
“(7) adoption of a code of conduct and code of ethics for Directors, officers, agents, and employees of the Corporation;

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

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

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

§90309. Committees of Board; independent auditors

“(a) COMMITTEES OF BOARD.—The Board shall establish and maintain a Safety Committee, a Compensation Committee, a Technology Committee, and such other committees as the Board determines are necessary or appropriate to carry out the responsibilities of the Board effectively. Such committees shall be composed solely of Directors.

“(b) INDEPENDENT AUDITORS.—The Board shall retain independent auditors to conduct annual audits of the Corporation’s financial statements and internal controls.
§ 90310. Advisory Board

(a) Establishment.—There shall be an Advisory Board of the Corporation.

(b) Duties.—The Advisory Board—

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

(2) shall submit to the Board recommendations for Directors to be nominated and selected under section 90306(b)(11); and

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

(c) Membership.—

(1) Number.—The Advisory Board shall consist of not more than 15 individuals, who are citizens of the United States, representing interested entities.

(2) Representatives.—The members of the Advisory Board shall include, at a minimum, representatives of the following:

(A) Air carriers.

(B) General aviation.

(C) Business aviation.

(D) Commercial service airports.
“(E) Operators and manufacturers of commercial unmanned aircraft systems.

“(F) Appropriate labor organizations.

“(G) The Department of Defense.

“(H) Small communities.

“(d) Structure; Terms.—The membership and structure of the Advisory Board, including the duration that individuals may serve on the Advisory Board, shall be determined by the Board in accordance with the bylaws of the Corporation.

§ 90311. Officers and their responsibilities

“(a) Chief Executive Officer.—

“(1) Hiring.—

“(A) In general.—The Corporation shall have a Chief Executive Officer, who shall be hired by the Board to manage the Corporation.

“(B) Qualifications.—The CEO shall be an individual who—

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

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

“(iii) by reason of professional background and experience, is especially qualified to manage the Corporation.
“(2) Duties.—The CEO shall—

“(A) be responsible for the management and direction of the Corporation, including its officers and employees, and for the exercise of all powers and responsibilities of the Corporation;

“(B) establish Corporation offices and define the responsibilities and duties of the offices, with full authority to organize the Corporation as required; and

“(C) designate an officer of the Corporation who is vested with the authority to act in the capacity of the CEO if the CEO is absent or incapacitated.

“(3) Scope of Authority.—

“(A) in general.—The CEO shall be subject to the policy guidance of the Board, report to the Board, and serve at the pleasure of the Board.

“(B) Authority of board.—The Board may modify or revoke actions of the CEO pursuant to procedures set forth in the bylaws of the Corporation.

“(b) Other Officers and Employees.—
“(1) IN GENERAL.—The CEO shall appoint such other officers and employees of the Corporation as the CEO determines appropriate.

“(2) CHIEF OPERATING OFFICER; CHIEF FINANCIAL OFFICER.—An appointment of an individual as chief operating officer or chief financial officer by the CEO shall be subject to the approval of the Board.

“(3) DELEGATION OF FUNCTIONS.—The CEO may delegate to the other officers and employees of the Corporation any of the functions of the Corporation.

“(4) COMPENSATION.—Compensation for the CEO, chief operating officer, and chief financial officer shall be set by the Board.

“(e) INTERIM CEO.—

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

“(2) AUTHORITY AND TERM.—

“(A) AUTHORITY.—The Interim CEO shall—
“(i) exercise the same authority as the CEO, including serving on the Board;

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

“(iii) be subject to the same prohibitions and limitations as the CEO.

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

“(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to restrict the ability of the Board to hire the individual serving as the Interim CEO to be the CEO.

“§ 90312. Authority of Corporation

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

“(1) shall have perpetual succession in its corporate name unless dissolved by law;

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

“(3) may own, lease, use, improve, and dispose of such property as the Corporation considers necessary to carry out the purposes of the Corporation;

“(4) may contract with other parties;

“(5) may sue or be sued;

“(6) may be held liable under civil and criminal law;
“(7) may indemnify the Directors, including the Interim CEO or CEO, and other officers, agents, and employees of the Corporation; and

“(8) shall have such other corporate powers as are necessary or appropriate to carry out the purposes of this subtitle and of the Corporation.

“(b) LIMITATIONS.—

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

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

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

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

§ 90313. Charges and fees for air traffic services

“(a) ASSESSMENT AND COLLECTION OF CHARGES AND FEES.—Beginning on the date of transfer, and subject to this section and section 90502, the Corporation may assess and collect charges and fees from air traffic services users for air traffic services provided by the Corporation in United States airspace or international airspace delegated to the United States.

“(b) BOARD APPROVAL OF CHARGES AND FEES.—The Board shall—
“(1) approve a proposal for—

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

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

“(2) provide air traffic services users and other interested persons notice of a proposal approved under paragraph (1) in a manner and form prescribed by the Secretary; and

“(3) submit a proposal approved under paragraph (1) (other than a proposal to decrease a charge or fee) to the Secretary 90 days prior to the effective date of the proposal in a manner and form prescribed by the Secretary.

“(c) SECRETARIAL REVIEW.—

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

“(2) SECRETARIAL APPROVAL.—

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

“(i) approve the proposal upon determining that the proposal complies with the standards in subsection (d); or
“(ii) disapprove the proposal upon determining that the proposal does not comply with the standards in subsection (d).

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

“(d) STANDARDS.—The Secretary shall apply the following standards in reviewing a proposal from the Corporation under subsection (c):

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

“(A) be determinant of the air traffic services provided to the user; or

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


“(3) Charges and fees may not be discriminatory.

“(4) Charges and fees shall be consistent with United States international obligations.
“(5) Certain categories of air traffic services users may be charged on a flat fee basis so long as the charge or fee is otherwise consistent with this subsection.

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

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

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

“(9) Charges and fees, based on reasonable and financially sound projections, may not generate revenues exceeding the Corporation’s current and anticipated financial requirements in relation to the provision of air traffic services.

“(e) CORPORATION’S FINANCIAL REQUIREMENTS.—

In determining whether a proposal received from the Corporation under subsection (b) would generate revenues in compliance with subsection (d)(9), the Secretary shall con-
sider costs and other liabilities of the Corporation, includ-
ing—

“(1) costs incurred before the date of transfer;
“(2) operations and maintenance costs;
“(3) management and administrative costs;
“(4) depreciation costs;
“(5) interest costs and other expenses related to
debt servicing;
“(6) cash reserves or other requirements needed
to maintain credit ratings or comply with debt cov-
enants; and
“(7) any tax liability.
“(f) PAYMENT OF CHARGES AND FEES.—
“(1) IN GENERAL.—An air traffic services user
shall pay a charge or fee assessed by the Corpora-
tion under subsection (a) for services rendered and
any interest and penalties assessed under paragraph
(2).
“(2) LATE PAYMENT OR NONPAYMENT.—The
Corporation may assess and collect interest and pen-
alties for late payment or nonpayment of a charge
or fee assessed by the Corporation under subsection
(a).
“(3) PRIVATE RIGHT OF ACTION.—The Cor-
poration may file suit in any district court of the
United States having jurisdiction over the parties, without respect to the amount in controversy and without regard to the citizenship of the parties, to enforce this subsection not later than 2 years after the date on which a claim accrues. A claim accrues, under this paragraph, upon the rendering of the relevant air traffic services by the Corporation.

“(g) INITIAL SCHEDULE.—Notwithstanding subsection (b)(3), the Corporation shall propose an initial schedule of charges and fees at least 180 days before the date of transfer.

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

“§ 90314. Preemption of authority over air traffic services

“(a) STATE DEFINED.—In this section, the term ‘State’ means a State, the District of Columbia, and a territory or possession of the United States.

“(b) PREEMPTION.—A State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to air traffic services.
“(c) Airport Owner or Operator.—Subsection (b) may not be construed to limit a State, political subdivision of a State, or political authority of at least 2 States that owns or operates a landing area from carrying out its proprietary powers and rights over the landing area.

§90315. Actions by and against Corporation

“(a) Jurisdiction for Legal Actions Generally.—

“(1) Jurisdiction of United States District Courts.—The United States district courts shall have original jurisdiction over all actions brought by or against the Corporation, except as otherwise provided in this subtitle.

“(2) Removal of Actions in State Courts.—Any action brought in a State court to which the Corporation is a party shall be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

“(b) Testimony of Corporation Employees.—

“(1) In General.—Except with the consent of the chief legal officer of the Corporation, employees of the Corporation may not provide expert opinion or expert testimony in civil litigation related to the Corporation.
“(2) EXCEPTIONS.—The Corporation may prescribe the circumstances, if any, under which employees of the Corporation may provide expert opinion or expert testimony in civil litigation related to the Corporation.

§90316. Transfer of Federal personnel to Corporation

“(a) TRANSFER OF FAA EMPLOYEES TO CORPORATION.—

“(1) PROCESS.—Not later than 180 days after the date of enactment of this subtitle, the Secretary, after meeting and conferring with the CEO and representatives of the labor organizations recognized under section 7111 of title 5 as exclusive representatives of FAA employees, shall commence a process to determine, consistent with the purposes of this subtitle, which activities and employees, or categories of employees, of the FAA shall be transferred to the Corporation on or before the date of transfer.

“(2) DETERMINATION; TRANSFER.—The Secretary shall—

“(A) not later than 180 days prior to the date of transfer, complete the determination of which activities, employees, or categories of emp-
ployees shall be transferred to the Corporation under paragraph (1);

“(B) upon completing the determination, notify the CEO, the labor organizations recognized under section 7111 of title 5 as exclusive representatives of FAA employees, and all affected employees of such determination; and

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

“(b) Subsequent Transfer of Employees.—

“(1) In General.—

“(A) Transfers from FAA to Corporation.—During the 180-day period beginning on the date of transfer, the Secretary, after meeting and conferring with the CEO and representatives of the certified labor organizations recognized under section 91105 and labor organizations recognized under section 7111 of title 5 as exclusive representatives of FAA employees, may transfer an employee from the FAA to the Corporation if the Secretary, after meeting and conferring with the CEO and the representatives, finds that the determination with respect
to the employee under subsection (a) was inconsistent with the purposes of this subtitle.

“(B) Transfers from corporation to FAA.—During the 180-day period beginning on the date of transfer, the Secretary, after meeting and conferring with the CEO and representatives of the certified labor organizations recognized under section 91105 and labor organizations recognized under section 7111 of title 5 as exclusive representatives of FAA employees, may transfer an employee from the Corporation to the FAA if the Secretary, after the consultation with the CEO and the representatives, finds that the determination with respect to the employee under subsection (a) was inconsistent with the purposes of this subtitle.

“(2) Reemployment of Federal Employees.—An employee transferred from the Corporation to the FAA under this subsection shall be entitled to the same rights and benefits, and reemployment, in the same manner as if covered by section 3582 of title 5 notwithstanding section 8347(o), 8713, or 8914 of such title.

“(3) Election of Benefits for Employees Subject to Delayed Transfer to Corpora-
tion.—In the case of an employee of the FAA transferred to the Corporation under this subsection, such employee shall be afforded the opportunity to make the election provided under section 91102(b) with respect to benefits.

“(c) Corporation Employee Benefits.—At least 180 days before the date of transfer, the Corporation shall establish a compensation and benefits program for—

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

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

“(d) Protections for Employees Not Transferred to Corporation.—For those employees of the FAA directly involved in the operation of air traffic services who are not transferred to the Corporation pursuant to subsection (a) or who transferred back to the FAA pursuant to subsection (b), the Secretary shall provide to such employees compensation and benefits consistent with the applicable collective-bargaining agreement that are not less than the level of compensation and benefits provided to such FAA employees prior to the date of transfer unless mutually agreed to by the FAA and representatives of the certified labor organization.
“(e) Suitability, Clearances, and Medical Qualifications.—All federally issued or federally required credentials, certificates, clearances, medical qualifications, access rights, substance testing results, and any other Federal permissions or approvals held by any employee of the FAA in the operation of air traffic services that are valid and effective on the day prior to the date of transfer shall remain valid and effective after the date of transfer—

“(1) unless revoked for cause; or

“(2) until equivalent or substantially equivalent credentials, certificates, clearances, medical qualifications, access rights, substance testing results, and any other Federal permissions or approvals have been issued to the employee on or after the date of transfer.

“(f) Transition Agreements.—

“(1) Bipartite Agreement.—

“(A) Meetings.—At least 180 days before the date of transfer, the Corporation shall meet with the labor organizations recognized under section 7111 of title 5 as exclusive representatives of FAA employees to resolve employment-related transition matters that affect employees represented by those labor organizations and...
that are not otherwise covered under this section.

“(B) Duty to bargain in good faith.—

The Corporation and the labor organizations described in subparagraph (A) (in this subsection referred to as the ‘parties’) shall be subject to the duty to bargain in good faith under chapter 911 in any meetings pursuant to this paragraph.

“(C) Dispute resolution procedures.—If the parties fail to reach an agreement over the initial or subsequent employment-related transition issues not otherwise covered under this section, the matters shall be subject to the dispute resolution procedures established under subsections (a), (b), and (e) of section 91107.

“(2) Tripartite agreement.—

“(A) Meetings.—At least 1 year before the date of transfer, the Corporation and the FAA shall meet with the labor organizations recognized under section 7111 of title 5 as exclusive representatives of FAA employees to resolve transition matters related to the separation of air traffic services from the FAA pursu-
ant to this subtitle that affect employees repre-
represented by those labor organizations and that 
are not otherwise covered under this section.

“(B) Duty to bargain in good faith.—
To the extent applicable, the Corporation and 
the labor organizations described in subpara-
graph (A) shall be subject to the duty to bar-
gain in good faith under chapter 911 in any 
meetings pursuant to this paragraph.

“(C) Dispute resolution procedures.—If the Corporation and the certified 
labor organizations described in subparagraph 
(A) fail to reach an agreement over the initial 
or subsequent transition issues related to the 
separation of air traffic services from the FAA, 
not otherwise covered under this section, the 
matters shall be subject to the dispute resolu-
tion procedures established under subsections 
(a), (b), and (e) of section 91107.

§90317. Transfer of facilities to Corporation

“(a) Inventory of FAA property and facili-
ties.—At least 1 year before the date of transfer, the Sec-
retary, in consultation with the CEO, shall identify the 
licenses, patents, software rights, and real and personal 
property, including air navigation facilities (as defined in
sections 40102(a) of the United States under FAA jurisdiction, that are necessary and appropriate for the Corporation to carry out the air traffic services transferred to the Corporation under this subtitle.

“(b) Transfer of Federal Property.—

“(1) Conveyance of Property to Corporation.—On the date of transfer, the Secretary shall convey, without charge, all right, title, and interest of the United States in, and the use, possession, and control of, properties identified under subsection (a).

“(2) Sale of Property by Corporation after Date of Transfer.—If the Corporation sells any of the property conveyed to the Corporation under paragraph (1), the Corporation shall use the proceeds received from the sale of such property for the acquisition or improvement of air navigation facilities or other capital assets.

“(3) Reversionary Interest.—Any conveyance of real property under this section located at an FAA technical facility shall be subject to the condition that all right, title, and interest in the real property shall revert to the United States and be placed under the administrative control of the Secretary if—
“(A) the Corporation determines the real
property is no longer necessary to carry out the
air traffic services transferred to the Corpora-
tion under this subtitle; and

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

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

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

“(B) EQUIPMENT CRITICAL TO SAFE PRO-
VISION OF AIR TRAFFIC SERVICES.—For pur-
poses of this paragraph, equipment critical to
the safe provision of air traffic services includes
GPS receivers, data link transeivers, ADS–B,
multi-function displays, flight information serv-
ices, moving map displays, terrain databases, airport lighting, and mountain pass cameras.

“(c) CONSOLIDATION AND REALIGNMENT OF TRANSFERRED SERVICES AND FACILITIES.—

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

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

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

“On the date of transfer, the Corporation is authorized to operate all air navigation facilities and other equipment conveyed pursuant to section 90317 without additional approval or certification by the Secretary.
§ 90319. Use of spectrum systems and data

Beginning on the date of transfer, the Secretary shall provide the Corporation with such access to the spectrum systems used by the FAA before the date of transfer to provide air traffic services, and any successor spectrum systems, and to the data from such systems, as is necessary to enable the Corporation to provide air traffic services under this subtitle.

§ 90320. Transition plan

(a) Transition Team.—Not later than 120 days after the date of enactment of this subtitle, the Secretary, after meeting and conferring with the CEO or Interim CEO, shall establish a transition team to develop, consistent with this subtitle, a transition plan to be reviewed by the Secretary and, if approved, utilized by the Department of Transportation during the period in which air traffic services are transferred from the FAA to the Corporation.

(b) Membership.—The transition team shall consist of 12 individuals, who are citizens of the United States, as follows:

(1) 5 representatives appointed by the Secretary, including—

(A) the Deputy Administrator of the FAA;
“(B) the Director of the FAA Mike Monroney Aeronautical Center;

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

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

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

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

“(4) 5 representatives appointed by the CEO.

“(c) TRANSITION PLAN.—

“(1) IN GENERAL.—Not later than 45 days after the establishment of the transition team, the transition team shall develop and submit to the Secretary an executable transition plan.

“(2) CONTENTS.—The transition plan shall set forth a plan for the Secretary, in consultation with the CEO or Interim CEO, to—
“(A) identify property, facilities, equipment, and obligations, contractual or otherwise, related to the provision of air traffic services; and

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

“(d) SECRETARIAL REVIEW.—

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

“(2) DISAPPROVAL.—If the Secretary does not approve a submitted transition plan, the transition team shall revise the plan and resubmit it to the Secretary not later than 30 days after receiving notice of the disapproval by the Secretary.

“(e) TERMINATION.—The transition team shall terminate upon approval of a transition plan by the Secretary.

“CHAPTER 905—REGULATION OF AIR 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.
§ 90501. Safety oversight and regulation of Corporation

(a) Performance-based regulations and minimum safety standards.—After consultation with the Corporation and the FAA’s certified bargaining representatives and before the date of transfer, the Secretary shall—

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

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

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

(b) Safety management system.—

“(1) In general.—The regulations and standards prescribed pursuant to subsection (a) shall in-
clude a safety management system for air traffic services provided by the Corporation.

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

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

“(4) FAA OVERSIGHT.—To the maximum extent practicable, for at least 2 years after the date of transfer, the Air Traffic Safety Oversight Service of the FAA shall employ the same oversight processes and procedures in use before the date of transfer.

“(c) PROPOSALS TO MODIFY AIR TRAFFIC MANAGEMENT PROCEDURES, ASSIGNMENTS, AND CLASSIFICATIONS OF AIRSPACE.—

“(1) SUBMISSION OF PROPOSALS TO SECRETARY.—The Corporation or another interested party may submit to the Secretary a proposal to modify—
“(A) air traffic management procedures, assignments, classifications of airspace, or other actions affecting airspace access that are developed pursuant to the safety management system; and

“(B) FAA policies and other administrative materials identified under subsection (a)(2).

“(2) REVIEW AND APPROVAL OF PROPOSALS.—The regulations and standards prescribed under subsection (a)(1) shall include a process for expedited review and approval of a proposal received under paragraph (1).

“(3) STANDARD FOR APPROVAL.—The Secretary shall approve a proposal received under paragraph (1) if the Secretary determines that the proposal complies with the regulations and standards prescribed under subsection (a)(1) and is otherwise consistent with the public interest, including that the proposal would not materially reduce access to a public-use airport.

“(4) APPROVALS AND DISAPPROVALS.—

“(A) IN GENERAL.—During the 45-day period beginning on the date of receipt of a pro-
posal under paragraph (1), the Secretary shall approve or disapprove the proposal.

“(B) Written Explanation.—If the Secretary disapproves the proposal, the Secretary shall provide—

“(i) a written explanation of the Secretary’s decision, including—

“(I) any instances of inconsistency with the regulations and standards prescribed under subsection (a)(1); and

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

“(ii) a description of any modifications to the proposal that are necessary to obtain approval.

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

“(d) Judicial Review.—
“(1) IN GENERAL.—Any decision made by the Secretary to approve or disapprove a proposal received under subsection (c)(1) shall be subject to judicial review pursuant to subsections (a), (b), (d), and (e) of section 46110.

“(2) STANDARD OF REVIEW.—

“(A) DISAPPROVALS.—In the case of a petition filed under section 46110(a) to review a decision of the Secretary that disapproves a proposal received from the Corporation under subsection (c)(1), the court shall, without deference to the Secretary’s determination, review de novo the record to determine if the Secretary’s determination is consistent with the regulations and standards prescribed under subsection (a)(1).

“(B) APPROVALS.—In the case of a petition filed under section 46110(a) to review a decision of the Secretary that approves a proposal received from the Corporation under subsection (c)(1), the court may overturn the approval only upon a finding of clear error or an abuse of discretion.

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

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

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

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

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

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

“(3) adjacent to or containing special use airspace.

“(g) **EXEMPTED AIRSPACE ACTIONS.**—The requirements of this section shall not apply to—
“(1) temporary airspace actions directed by the Administrator or Secretary;

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

“(3) certain emergency circumstances, as defined by the Secretary by regulation.

“(h) DELEGATION.—Notwithstanding section 90303(b), and except for the process and procedures required by section 90703(b), the Secretary may delegate safety oversight functions to the Administrator.

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

“(a) AUTHORITY TO REQUEST SECRETARY’S DETERMINATION.—

“(1) IN GENERAL.—The Secretary shall issue a determination as to whether a charge or fee assessed by the Corporation for the use of air traffic services in United States airspace or international airspace delegated to the United States is correct if a written complaint for such determination is filed with the Secretary by an air traffic services user not later than 60 days after the air traffic services user receives an assessment or invoice from the Corporation.
“(2) Treatment of Interest and Penalties.—In this section, the terms ‘charge’ and ‘fee’ include any interest and penalty relating there- to.

“(b) Procedural Regulations.—At least 270 days before the date of transfer, the Secretary shall publish in the Federal Register final regulations, policy statements, or guidelines establishing the procedures for acting upon written complaints filed under subsection (a)(1) and requests of the Corporation pursuant to subsection (e)(3).

“(c) Determination of Correctness.—In determining under subsection (a)(1) whether a charge or fee is correct, the Secretary shall determine only if the charge or fee is consistent with approved charges or fees pursuant to section 90313.

“(d) Decisions by Secretary.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide for the following:

“(1) Not later than 90 days after an air traffic services user files with the Secretary a written complaint relating to an assessed or invoiced air traffic services charge or fee, the Secretary shall issue a final order determining whether the charge or fee is correct.
“(2) Not later than 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge. Thereafter, the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, or as modified by the Secretary, to ensure an orderly disposition of the matter within the 90-day period referred to in paragraph (1) and any specifically applicable provisions of this section.

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

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

“(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the Circuit Court of Appeals for the District of Columbia Circuit or the court of appeals in the circuit with venue.
“(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order may be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

“(e) Payment under Protest; Guarantee of Air Traffic Services User Access.—

“(1) Payment under protest.—

“(A) In general.—Any charge or fee that is the subject of a complaint that is not dismissed by the Secretary shall be paid by the complainant air traffic services user to the Corporation under protest.

“(B) Referral or credit.—Any amounts paid under this subsection by a complainant air traffic services user to the Corporation under protest shall be subject to refund or credit to the air traffic services user in accordance with directions in the final order of the Secretary within 30 days of such order.
“(C) TIMELY REPAYMENT.—In order to ensure the timely repayment, with interest, of amounts in dispute determined not to be correct by the Secretary, the Corporation shall obtain a letter of credit, or surety bond, or other suitable credit facility, equal to the amount in dispute that is due during the 90-day period referred to in subsection (d)(1), plus interest, unless the Corporation and the air traffic services user agree otherwise.

“(D) DEADLINE.—The letter of credit, or surety bond, or other suitable credit facility shall be provided to the Secretary not later than 20 days after the filing of the complaint and shall remain in effect for 30 days after the issuance of a timely final order by the Secretary determining whether such charge or fee is correct.

“(2) GUARANTEE OF AIR TRAFFIC SERVICES USER ACCESS.—Contingent upon an air traffic services user’s compliance with the requirements of paragraph (1) and pending the issuance of a final order by the Secretary determining the correctness of a charge or fee that is the subject of a complaint filed under subsection (a)(1), the Corporation may
not withhold air traffic services as a means of enforcing the charge or fee.

“(3) NONCOMPLIANCE.—Prior to the issuance of a final order by the Secretary determining the correctness of a charge or fee that is the subject of a complaint filed under subsection (a)(1), if an air traffic services user does not comply with the requirements of paragraph (1), the Corporation shall withhold air traffic services from the user if the Corporation requests and receives approval from the Secretary to withhold air traffic services.

“§ 90503. International agreements and activities

“(a) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS AND LAWS OF OTHER COUNTRIES.—The Corporation shall provide air traffic services under this subtitle in a manner that is consistent with any obligation assumed by the United States in a treaty, convention, or agreement that may be in force between the United States and a foreign country or foreign countries or between the United States and an international organization, and shall take into consideration any applicable laws and requirements of foreign countries.

“(b) PROHIBITION.—The Corporation may not negotiate on behalf of or otherwise represent the United States
before any foreign government or international organization.

§90504. Availability of safety information

“(a) SAFETY INFORMATION.—The Corporation shall make available to air traffic services users and the public—

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

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

“(3) any updates or revisions to the safety information referred to in paragraphs (1) and (2).

“(b) METEOROLOGICAL SERVICES; AERONAUTICAL CHARTS.—The Corporation may provide for the dissemination of available aviation-related meteorological information and aeronautical charts to air traffic services users.

§90505. Reporting of safety violations to FAA

“(a) IN GENERAL.—In a manner, form, and process prescribed by the Administrator, the Corporation shall report to the Administrator complaints or instances of—

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

“(2) noncompliant operations in controlled airspace or special use airspace; and
“(3) any other observed activities endangering persons or property in the air or on the ground.

“(b) Assistance in Enforcement Actions.—The Corporation shall provide necessary assistance in any enforcement action taken by the Administrator resulting from a report of the Corporation or another person or entity.

“(c) Statutory Construction.—This section may not be construed to limit the authority of the Administrator to undertake enforcement actions upon the Administrator’s initiative.

§ 90506. Insurance requirements

“The Corporation shall maintain adequate liability insurance policies and coverages, as determined by the Secretary, including complete indemnification of employees of the Corporation for acts within the scope of employment.

CHAPTER 907—GENERAL RIGHTS OF ACCESS TO AIRSPACE, AIRPORTS, AND AIR TRAFFIC SERVICES VITAL FOR ENSURING SAFE OPERATIONS FOR ALL 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.
§ 90701. Access to airspace

“The Secretary shall take such actions as are necessary to ensure that an air traffic services user is not denied access to airspace or air traffic services on the basis that the user is exempt from charges and fees under section 90313.

§ 90702. Access to airports

“In carrying out section 90501(e)(3), the Secretary shall determine whether a proposal would materially reduce access to a public-use airport, including a general aviation or rural airport.

§ 90703. Contract tower service after date of transfer

“(a) Transfer of Contract Tower Agreements to Corporation.—In carrying out section 91302(e), the Secretary shall take such actions as are necessary to ensure that the Corporation assumes the contract and other obligations associated with the operation of an air traffic control tower that, prior to the date of transfer, was operated under a contract pursuant to section 47124.

“(b) Special Rules for Proposals Relating to Operation of Contract Towers.—

“(1) In general.—The regulations and standards prescribed under section 90501(a)(1) shall include procedures for the Secretary to evaluate, under
section 90501(c), a proposal for an airspace change, including an airspace reclassification, that results from the proposed closure of a tower that is operating under a contract with the Corporation and that, prior to the date of transfer, was operated under a contract with the Secretary pursuant to section 47124.

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

“(A) the advance submission by the Corporation of necessary supporting data, analysis, and documentation related to—

“(i) the safety risk management assessment of the proposed contract tower closure;

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

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

“(iv) an assessment, in consultation with the Secretary of Defense and the Secretary of Homeland Security, as appropriate, of any impact of the proposed clo-
sure on military aviation readiness and
training, homeland security aviation oper-
ations, emergency management and dis-
aster aviation operations, and law enforce-
ment aviation operations; and
“(v) any other safety or operational
information the Secretary determines to be
necessary to understand the safety impact
of the proposed closure; and
“(B) a process to receive input from the
public, impacted air traffic services users, local
communities, and the airport operator of the
airport where the contract tower proposed to be
closed is located.

“§ 90704. Availability of safety information to general
aviation operators
“In carrying out section 90504, the Corporation shall
ensure that the safety information referenced in that sec-
tion is made available to general aviation operators.

“§ 90705. Special rules and appeals process for air
trafﬁc management procedures, assign-
ments, and classiﬁcations of airspace
“(a) In General.—If the Corporation proposes to
modify, reduce, decommission, or eliminate an air trafﬁc
service or air navigation facility that would result in the
loss of or material reduction in access to a public-use air-
port or adjacent airspace for any class, category, or type
of aircraft or aircraft operation, as determined by the Sec-
retary, the Secretary shall designate an officer to issue
a notice in the Federal Register and establish a docket
that includes—

“(1) a copy of the Corporation’s proposal;
“(2) available data on the usage of the affected
air traffic service or air navigation facility;
“(3) an assessment of the designated officer on
the effects of the proposal; and
“(4) an assessment of the designated officer on
any proposed action to mitigate the loss of or mate-
rial reduction in access to the public-use airport or
adjacent airspace.

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

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

“(1) determine whether the proposal is in the
public interest, including whether any material re-
duction in access to a public-use airport or adjacent
airspace has been mitigated to the maximum extent practicable; and

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

“(d) Relationship to Other Requirements.—

Notwithstanding section 90501(c), a proposal described in subsection (a)—

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

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

“(e) Appeals and Secretarial Review.—

“(1) Written petition for review.—A petition for an appeal of a decision of the designated officer under subsection (c) shall be submitted in writing to the Secretary not later than 30 days after the date of the decision.

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

“(f) Decisional Standards.—In making a determination under this section, neither the Secretary nor the
designated officer may consider any factor not directly germane to—

“(1) the safe operation or navigation of an aircraft; or

“(2) the sufficiency of mitigation efforts related to a material reduction in access to a public-use airport or adjacent airspace.

“(g) JUDICIAL REVIEW.—

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

“(2) STANDARD OF REVIEW.—

“(A) DISAPPROVALS.—In the case of a petition filed under section 46110(a) to review a determination of the Secretary that disapproves a proposal, the court shall, without deference to the Secretary’s determination, review de novo the record to determine if the Secretary’s determination is in the public interest.

“(B) APPROVALS.—In the case of a petition filed under section 46110(a) to review a determination of the Secretary that approves a proposal, the court may overturn the approval
only upon a finding of clear error or an abuse
of discretion.

“§ 90706. Definitions

“In this chapter, the following definitions apply:

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

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

“CHAPTER 909—CONTINUITY OF AIR
TRAFFIC SERVICES TO DEPARTMENT
OF DEFENSE AND OTHER PUBLIC
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.
“§ 90901. Continuity of air traffic services provided by Department of Defense

“After the date of transfer, the Department of Defense, as directed by the President, is authorized and permitted to provide air traffic services within United States airspace and international airspace delegated to the United States.

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

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

“§ 90903. Air traffic services for Federal agencies

“Before the date of transfer, the Secretary shall establish processes, requirements, procedures, and regulations and take any other measure necessary, consistent with the purposes of this subtitle, to ensure that all United States Government activities supported by the FAA’s operation of air traffic services as of the date of transfer receive support from the Corporation after the date of transfer and on an ongoing basis.

“§ 90904. Emergency powers of Armed Forces

“The requirements of section 90501 shall not apply to airspace actions necessitated by an exercise of authority under section 40106.
§ 90905. Adherence to international agreements related to operations of Armed Forces

“In carrying out section 90503, the Corporation shall ensure that the obligations described in that section include obligations related to operations of the Armed Forces.

§ 90906. Primacy of Armed Forces in times of war

“The President may make temporary transfers to the Secretary of Defense pursuant to section 40107(b).

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

“At least 1 year prior to the date of transfer, the Corporation, the Department of Transportation, and each Federal department or agency supported by the FAA’s operation of air traffic services, including the Armed Forces, shall enter into a tripartite agreement to—

“(1) ensure cooperation between the Corporation and the department or agency on the delivery of air traffic services;

“(2) facilitate the safe provision of air traffic services to the department or agency; and

“(3) address how the Corporation and the department or agency will coordinate and communicate on the day-to-day operations of the national airspace system.
“CHAPTER 911—EMPLOYEE MANAGEMENT

§ 91101. Definitions

“In this chapter, the following definitions apply:

“(1) AGENCY.—The term ‘Agency’ means, as the context requires, the Department of Transportation or the FAA.

“(2) AIR TRAFFIC CONTROLLER.—

“(A) IN GENERAL.—The term ‘air traffic controller’ means an employee of the Corporation who, in an air traffic control facility or flight service station facility—

“(i) is actively engaged—

“(I) in the separation and control of air traffic; or

“(II) in providing preflight, inflight, or airport advisory service to aircraft operators; or

“(ii) is the immediate supervisor of any employee described in clause (i).
“(B) LIMITATION.—Notwithstanding subparagraph (A), the definition of ‘air traffic controller’ for purposes of section 8336(e) of chapter 83 of title 5 and section 8412(e) of chapter 84 of such title shall mean only employees actively engaged in the separation of air traffic and the immediate supervisors of such employees, as set forth in section 8331(30) of such title, and section 8401(35) of such title.

“(3) AUTHORITY.—The term ‘Authority’ means the Federal Labor Relations Authority, as described in section 7104(a) of title 5.


“§ 91102. Employee management and benefits election

“(a) AUTHORITY OF CEO.—

“(1) IN GENERAL.—Except as otherwise provided by law, the CEO shall classify and fix the compensation and benefits of employees in the Corporation.

“(2) NEGOTIATIONS.—In developing, making changes to, and implementing wages, hours, and
other terms and conditions of employment, including
when establishing the compensation and benefits
program under section 90316(c), the Corporation
shall negotiate with exclusive representatives recog-
nized under section 91105.

“(3) BEFORE DATE OF TRANSFER.—For pur-
poses of paragraph (2), before the date of transfer,
the term ‘exclusive representatives recognized under
section 91105’ shall refer to labor organizations rec-
ognized under section 7111 of title 5 as exclusive
representatives of FAA employees.

“(b) FORMER FEDERAL EMPLOYEES.—

“(1) FEDERAL RETIREMENT BENEFITS.—

“(A) ELECTION OF RETIREMENT BENE-
FITS.—At least 90 days before the date of
transfer, an employee transferring to the Cor-
poration who will be subject to either the Civil
Service Retirement System under chapter 83 of
title 5 (in this section referred to as ‘CSRS’) or
the Federal Employees Retirement System
under chapter 84 of title 5 (in this section re-
ferred to as ‘FERS’) on the day immediately
preceding the date of transfer shall elect either
to—
“(i) retain the employee’s coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's employee benefits system established under section 90316(c); or

“(ii) receive a deferred annuity, lump-sum benefit, or any other benefit available to the employee under CSRS or FERS, in the same manner that would have been available to the employee if the employee had voluntarily separated from Federal employment on the day before the date of transfer.

“(B) Thrift Savings Plan Accounts.—An employee who makes the election under subparagraph (A)(ii) shall have the option to transfer the balance in the employee’s Thrift Savings Plan account to the plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation’s plan.

“(C) Periodic Election.—The Corporation shall provide for periodic election seasons during which an employee who transferred to the Corporation on the date of transfer may be—
come eligible for retirement benefits under the Corporation’s employee benefits system established under section 90316(c) by making an election under subparagraph (A)(ii).

“(D) CONTINUITY OF ANNUITANT BENEFITS.—Notwithstanding any other provision of law, any individual who is receiving an annuity under chapter 83 or chapter 84 of title 5 may continue to receive such annuity while employed by the Corporation.

“(E) HIGH-3 DETERMINATION.—With respect to any employee who retains CSRS or FERS coverage pursuant to subparagraph (A), such employee’s basic pay while with the Corporation shall be included in any determination of such employee’s average pay under section 8331(4) or 8401(3), as the case may be, of title 5 when calculating the annuity (if any) of such employee. For purposes of this section, an employee’s basic pay shall be defined as such employee’s total annual salary or wages from the Corporation, including any location-based adjustment.

“(2) PAYMENTS TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—For employees of the
Corporation who elect to retain their coverage under either CSRS or FERS pursuant to paragraph (1), the Corporation shall only be required to pay to the Civil Service Retirement and Disability Fund—

“(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5; and

“(B) such additional amounts, not to exceed 2 percent of the amounts under subparagraph (A), as are determined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees who retire from the Corporation after the date of transfer under either CSRS or FERS, for their survivors, and for survivors of employees of the Corporation who die after the date of transfer (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5).

“(3) Thrift Savings Fund.—The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5 for employees who elect to retain their coverage under FERS pursuant to paragraph (1).
“(4) Health benefits plan election.—Any employee of the Corporation who was subject to the Federal Employees Health Benefits Program under chapter 89 of title 5 (in this section referred to as ‘FEHBP’) on the day immediately preceding the date of transfer shall have the option to receive health benefits from a health benefit plan established by the Corporation under section 90316(c) or to continue coverage under FEHBP without interruption.

“(5) Payments to employees health benefits fund.—For employees of the Corporation who elect to retain their coverage under FEHBP pursuant to paragraph (4), the Corporation shall pay to the Employees Health Benefits Fund—

“(A) such employee deductions and agency contributions as are required by subsections (a) through (f) of section 8906 of title 5; and

“(B) such amounts as are determined necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5.

“(6) Reimbursement amounts.—The amounts required to be paid by the Corporation
under paragraph (5)(B) shall be equal to the
amount of Government contributions for retired em-
ployees who retire from the Corporation after the
date of transfer under either CSRS or FERS, for
survivors of such retired employees, and for sur-
vivors of employees of the Corporation who die after
the date of transfer, with said amounts prorated to
reflect only that portion of the total service of such
employees and retired persons that was performed
for the Corporation after the date of transfer.

“(7) ADDITIONAL BENEFITS.—Subject to the
provisions of this chapter, any employee of the Cor-
poration who was subject to the provisions of sub-
chapter I of chapter 85 (concerning unemployment
compensation) and chapters 87 (concerning life in-
surance), 89A (concerning enhanced dental bene-
fits), and 89B (concerning enhanced vision benefits)
of title 5 shall have the option to continue coverage
under such provisions without interruption in lieu of
applicable coverage by the Corporation’s employee
benefits system established under section 90316(c).
The Corporation shall withhold from pay, and shall
make contributions, under the provisions of title 5
referred to in this subsection at the same rates ap-
applicable to agencies of the Federal Government for such employees.

“(8) WORKERS COMPENSATION.—Officers and employees of the Corporation shall be covered by, and shall be considered employees for purposes of, subchapter I of chapter 81 of title 5 (concerning compensation for work injuries). The Corporation shall make contributions to the Employees’ Compensation Fund under the provisions of section 8147 of title 5 at the same rates applicable to agencies of the Federal Government.

“(9) NON-FOREIGN AREA.—To the extent consistent with law, the Non-Foreign Area Retirement Equity Assurance Act of 2009 shall apply to officers and employees of the Corporation transferred under section 90316.

“(10) TRANSFER OF LEAVE.—Sick and annual leave, credit hours, and compensatory time of officers and employees of the Corporation, whether accrued before or after the date of transfer, shall be obligations of the Corporation under the provisions of this chapter.

“(11) WHISTLEBLOWER PROTECTION.—Neither the Corporation, nor any officer or employee of the Corporation, may take any action described in sub-
section (b)(8), (b)(9), or (b)(13), or the final paragraph of subsection (b), of section 2302 of title 5 (relating to whistleblower protection).

§ 91103. Labor and employment policy

“(a) Application of Chapter 71 of Title 5.— To the extent not inconsistent with this chapter, labor-management relations shall be subject to the provisions of chapter 71 of title 5, provided that the obligation of the Corporation and an exclusive bargaining representative recognized under section 91105 to bargain collectively in good faith over conditions of employment shall mean to bargain over the same wages, hours, and other terms and conditions of employment as are negotiable under section 8(d) of the Act of July 5, 1935, as amended (29 U.S.C. 158(d)), and without application of section 7103(a)(14) of title 5 and section 7117 of title 5, which shall not apply.

“(b) Applicability.—To the limited extent necessary for the implementation of this chapter, the Corporation shall have the rights and obligations of an agency under chapter 71 of title 5.

“(d) REPORTING AND DISCLOSURE.—The provisions of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 et seq.) shall be applicable to labor organizations that have or are seeking to attain recognition under section 91105, and to such organizations’ officers, agents, shop stewards, other representatives, and members.

“(e) RIGHT TO COLLECTIVELY BARGAIN.—Each employee of the Corporation shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right. Such right shall include the right to engage in collective bargaining with respect to the same wages, hours, and other terms and conditions of employment as are negotiable under section 8(d) of the Act of July 5, 1935, as amended (29 U.S.C. 158(d)).

“§ 91104. Bargaining units

“(a) IN GENERAL.—Pursuant to section 7112 of title 5 and subject to the requirements of this chapter, the Authority shall decide in each case the unit appropriate for collective bargaining with the Corporation.

“(b) PREVIOUSLY CERTIFIED UNITS.—Notwithstanding subsection (a), the Authority may not adopt, certify, or decide upon bargaining units that include employ-
ees in bargaining units previously certified by the Authority that are smaller in geographic scope than such previously certified bargaining units, unless the Authority finds by compelling evidence that such previously certified units would not, absent modification, remain units appropriate for collective bargaining with the Corporation.

“(c) Other Units.—

“(1) Previous certifications.—Notwithstanding subsection (a) or (b), the Authority shall not recognize or certify any bargaining unit different than the bargaining units previously certified by the Authority prior to the date described in section 91105(g).

“(2) Supervisors and management officials.—Notwithstanding section 7135(a)(2) of title 5, a bargaining unit may not include, or be modified to include, any supervisor or management official, as those terms are defined in section 7103(a) of title 5.

“§ 91105. Recognition of labor organizations

“(a) Application of Chapter 71 of Title 5.—To the extent not inconsistent with this chapter, section 7111 of title 5 shall apply to the recognition and certification of labor organizations for the employees of the Corporation and the Corporation shall accord exclusive recognition to and bargain collectively with a labor organiza-
tion when the organization has been selected by a majority
of the employees in an appropriate unit as their representa-
tive.

“(b) Recognition of Exclusive Representative.—Notwithstanding subsection (a), each labor organi-
ization that, immediately before the date of transfer, was
recognized as the exclusive representative for a bargaining
unit of employees of the Agency shall be deemed to be
recognized on the date of transfer or thereafter as the ex-
clusive representative for those employees of the Corpora-
tion in the same or similar bargaining unit unless another
representative for a bargaining unit of employees is cer-
tified pursuant to section 7111 of title 5 and this section.

“(c) Expiration of Term.—Every collective-barg-
ing agreement or arbitration award that applies to an
employee of the Agency and that is in force immediately
before the date of transfer continues in force until its term
expires. To the extent that the Corporation assumes the
functions and responsibilities that, prior to the date of
transfer, were conducted by the Agency, agreements and
supplements (including any arbitration award, as applica-
ble) covering employees of the Agency that are in effect
on the date of transfer shall continue to be recognized by
and binding on the Corporation, the bargaining represent-
ative, and all covered employees until altered or amended
pursuant to law. Any agreement, supplement, or arbitration award continued by this section is deemed to be an agreement, supplement, or arbitration award binding on the Corporation, the bargaining representative, and all covered employees for purposes of this chapter and title 5.

“(d) LIMITATION ON APPLICATION.—Notwithstanding section 91103, sections 7106 and 7113 of title 5 shall not apply to this chapter.

“(e) CONTINUATION OF BARGAINING.—If an exclusive representative and the Agency are engaged in bargaining (whether concerning a collective-bargaining agreement, issues related to the transfer of functions and responsibilities from the Agency to the Corporation, or otherwise) prior to the date of transfer, such bargaining shall continue between the exclusive representative and the Corporation, and the Corporation shall be bound by any commitments made during bargaining by the Agency.

“(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Authority.

“(g) LIMITATION.—Notwithstanding any other provision of this chapter or any provision of title 5, no bar-
gaining unit or part of a bargaining unit consisting of em-
ployees of the Corporation represented by a labor organi-
zation pursuant to subsection (b) may be reviewed, re-
sinded, amended, altered, or varied, other than—

“(1) to include in the unit any employees who
are not represented by a labor organization, or

“(2) to merge bargaining units that are re-
presented by the same labor organization,

before the first day of the last 3 months of the first collec-
tive agreement entered into after the date of transfer that
applies to those employees and that has resulted from col-
lective bargaining between such labor organization and the
Corporation.

“(h) DEDUCTION.—

“(1) IN GENERAL.—Notwithstanding section
91103, section 7115 of title 5 shall not apply to this
chapter.

“(2) DUES.—When a labor organization holds
exclusive recognition, the Corporation shall deduct
the regular and periodic dues, initiation fees, and as-
sessments (not including fines and penalties) of the
organization from the pay of all members of the or-
ganization in the unit of recognition if the Corpora-
tion (or, before the date of transfer, the Agency) has
received from each employee, on whose account such
deductions are made, a written assignment which
shall be irrevocable for a period of not more than 1
year.

“(3) CONTINUATION.—Any agreement de-
scribed in subsection (c) that provides for deduction
by the Agency of the regular and periodic dues, initia-
tion fees, and assessments (not including fines and
penalties) of the labor organization from the pay of
its members shall continue in full force and effect
and the obligation for such deductions shall be as-
sumed by the Corporation. No such deduction may
be made from the pay of any employee except on the
employee’s written assignment, which shall be irrev-
ocable for a period of not more than 1 year.

“§ 91106. Collective-bargaining agreements

“(a) IN GENERAL.—Except as provided under section
91105(c), collective-bargaining agreements between the
Corporation and bargaining representatives shall be effec-
tive for not less than 2 years.

“(b) PROCEDURES.—Collective-bargaining agree-
ments between the Corporation and bargaining represent-
atives recognized under section 91105 may include proce-
dures for resolution by the parties of grievances and ad-
verse actions arising under the agreement, including pro-
cedures culminating in binding third-party arbitration, or
the parties may adopt such procedures by mutual agree-
ment in the event of a dispute. Such procedures shall be
applicable to disputes arising under section 91109.

"(c) LIMITATION ON APPLICATION.—Notwith-
standing section 91103, section 7121(c) of title 5 shall not
apply to this chapter.

"(d) DISPUTE RESOLUTION PROCEDURES.—The
Corporation and bargaining representatives recognized
under section 91105 may by mutual agreement adopt pro-
cedures for the resolution of disputes or impasses arising
in the negotiation of a collective-bargaining agreement.

§ 91107. Collective-bargaining dispute resolution

"(a) RESOLUTION OF DISPUTES.—

"(1) IN GENERAL.—If, prior to 90 days after
the expiration of the term collective-bargaining
agreement or 90 days after the parties begin mid-
term negotiations, the Corporation and the exclusive
bargaining representative of the employees of the
Corporation (in this section referred to collectively
as the ‘parties’) do not reach an agreement under
sections 7114(a)(1), 7114(a)(4), and 7114(b) of title
5 (as such sections apply to the Corporation under
this chapter), or section 91106(d) of this chapter,
the Corporation and the bargaining representative
shall use the mediation services of the Service to at-
tempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of this subtitle).

“(2) MEDIATION PERIOD.—The mediation period under paragraph (1) may not exceed 60 days unless extended by written agreement of the parties.

“(b) BINDING ARBITRATION FOR TERM BARGAINING.—

“(1) THREE MEMBER PRIVATE ARBITRATION BOARD.—If the mediation services of the Service under subsection (a)(1) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the parties shall submit their issues in controversy to a private arbitration board consisting of 3 members.

“(2) APPOINTMENT OF ARBITRATION BOARD.—

“(A) PREPARATION OF LIST OF ARBITRATORS.—The Director of the Service shall provide for the appointment of the 3 members of an arbitration board by—

“(i) preparing a list of not fewer than 15 names of arbitrators of nationwide reputation and professional stature with at least 20 years of experience in labor-man-
agement arbitration and considerable experience in interest arbitration in major industries; and

“(ii) providing the list to the parties.

“(B) Selection of arbitrators by parties.—Not later than 10 days after receiving a list of names under subparagraph (A), the parties shall each select one arbitrator. The arbitrators selected by the parties do not need to be arbitrators whose names appear on the list.

“(C) Selection of third arbitrator.—Not later than 7 days after the date on which the 2 arbitrators are selected by the parties under subparagraph (B), the 2 arbitrators, acting jointly, shall select a third person from the list prepared under subparagraph (A).

“(D) Failure to act.—If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list prepared under subparagraph (A), beginning with the party chosen on a random basis, until one arbitrator remains.
“(3) Framing issues in controversy.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

“(4) Hearings.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence and witnesses in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

“(5) Decisions.—The arbitration board shall render its written decision not later than 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

“(6) Evidence.—The arbitration board shall consider and afford the proper weight to all of the evidence presented by the parties.

“(7) Costs.—The parties shall share costs of the arbitration equally.

“(c) Ratification of agreements.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subsection (b), the final agreement, except for those matters decided by a private arbitration board, shall be—
“(1) subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative; and

“(2) subject to approval by the head of the Corporation in accordance with section 7114(c) of title 5.

“(d) MID-TERM BARGAINING.—

“(1) Preparation of list of arbitrators.—If the mediation services of the Service under subsection (a) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Director shall provide the parties a list of not fewer than 10 names of arbitrators of nationwide reputation and professional stature with at least 20 years of experience in labor-management arbitration and considerable experience in interest arbitration in major industries.

“(2) Selection of arbitrator.—The parties shall alternately strike names on the list, beginning with the party chosen on a random basis, until one arbitrator remains.

“(3) Decision.—The arbitrator shall hold a hearing, and not later than 90 days after date of the appointment of the arbitrator, issue a written deci-
tion resolving the issues in controversy. The decision shall be conclusive and binding upon the parties.

“(e) Enforcement.—To enforce this section, either party may bring suit in the United States District Court for the District of Columbia, which shall hear and resolve the enforcement action on an expedited basis.

“(f) Application.—Notwithstanding section 91103(a), section 7119 of title 5 shall not apply to this chapter.

“§ 91108. Potential and pending grievances, arbitrations, and settlements

“(a) In General.—The Corporation is deemed to be the employer referred to in any agreement or supplement referred to in section 91105(c) for the purpose of any arbitration proceeding or arbitration award. Any agreement concerning any employee that resolves a potential or filed grievance that is binding on the Agency shall, to the extent that the employee becomes an employee of the Corporation, become binding on the Corporation.

“(b) Existing Binding Agreements.—Any agreement or supplement referred to in section 91105(c) is binding on—

“(1) the Corporation as if it were the employer referred to in such agreement or supplement;
“(2) the bargaining representative that is a party to the agreement or supplement; and

“(3) the employees of the Corporation in the bargaining unit with respect to whom that bargaining representative has been certified.

“(c) JURISDICTION.—Subject to section 91103, the Authority shall retain jurisdiction over all matters arising before the date of transfer in relation to the interpretation and application of any agreement or supplement referred to in section 91105(c), whether or not such agreement or supplement has expired.

“(d) EXISTING GRIEVANCES OR ARBITRATIONS.—Grievances or arbitrations that were filed or commenced before the date of transfer with respect to any agreement or supplement referred to in section 91105(c) shall be continued as though the Corporation were the employer referred to in the agreement or supplement.

“(e) PROCEEDINGS AFTER DATE OF TRANSFER.—Where events giving rise to a grievance under any agreement or supplement referred to in section 91105(c) occurred before the date of transfer but the proceedings had not commenced before that date, the proceedings may be commenced on or after the date of transfer in accordance with such agreement or supplement as though the Cor-
poration were the employer referred to in such agreement or supplement.

“(f) Actions Deemed To Be by Corporation.—

For the purposes of subsections (c), (d), and (e), anything done, or not done, by the Agency is deemed to have been done, or to have not been done, as the case may be, by the Corporation.

“(g) Exceptions to Arbitral Awards.—

“(1) In general.—Notwithstanding section 91103, section 7122 of title 5 shall not apply to this chapter.

“(2) Actions to Vacate.—Either party to grievance arbitration under this chapter may file an action pursuant to section 91110(a) to enforce the arbitration process or to vacate or enforce an arbitration award. An arbitration award may only be vacated on the grounds, and pursuant to the standards, that would be applicable to an action to vacate an arbitration award brought in the Federal courts under section 301 of the Labor Management Relations Act, 1947 (29 U.S.C. 185).

“§91109. Prohibition on striking and other activities

“(a) In general.—Employees of the Corporation are prohibited from—
“(1) participating in a strike, work stoppage, or slowdown against the Corporation; or

“(2) picketing the Corporation in a labor-management dispute if such picketing interferes with the Corporation’s operations.

“(b) TERMINATION.—An employee who participates in an activity described in subsection (a) shall be terminated from employment with the Corporation.

“§ 91110. Legal action

“(a) IN GENERAL.—Consistent with the requirements of section 90315, actions to enforce the arbitration process or vacate or enforce an arbitral award under section 91108(g)(2) between the Corporation and a labor organization representing Corporation employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

“(b) AUTHORIZED ACTS.—A labor organization recognized under section 91105 and the Corporation shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and on behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be
enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

“(c) **JURISDICTION.**—Under this subtitle, for the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization—

“(1) in the district in which such organization maintains its principal offices; or

“(2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

“(d) **SUMMONS OR SUBPOENA.**—The service of summons, subpoena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

**CHAPTER 913—OTHER MATTERS**

“Sec.


“91302. Savings provisions.

“§ 91301. **Termination of Government functions**

“Except as otherwise provided in this subtitle, whenever any function vested by law in the Secretary, Administrator, Department of Transportation, or FAA has been
transferred to the Corporation pursuant to this subtitle,
it shall no longer be a function of the Government.

“§ 91302. Savings provisions

“(a) Completed Administrative Actions.—

“(1) In general.—Completed administrative
actions of the Department of Transportation or the
FAA shall not be affected by the enactment of this
subtitle, but shall continue in effect according to
their terms until amended, modified, superseded,
terminated, set aside, or revoked in accordance with
law.

“(2) Completed Administrative Action Defined.—In paragraph (1), the term ‘completed ad-
ministrative action’ includes orders, determinations,
rules, regulations, personnel actions, permits, agree-
ments, grants, contracts, certificates, licenses, reg-
istrations, and privileges.

“(b) Continued Effectiveness of Pending Ac-
tions.—

“(1) Pending Actions and Proceedings.—
The provisions of this subtitle shall not affect any
proceedings of the Department of Transportation or
the FAA pending on the date of transfer, includ-
ing—
“(A) notices of proposed rulemaking related to activities of the FAA, without regard to whether the activities are transferred to the Corporation; and

“(B) an application for a license, a permit, a certificate, or financial assistance pending on the date of transfer before the Department of Transportation or the FAA, or any officer thereof, with respect to activities of the Department or the FAA, without regard to whether the activities are transferred to the Corporation.

“(2) EFFECT OF ORDERS.—Orders issued in any proceedings referred to in paragraph (1) shall continue in effect until modified, terminated, superseded, or revoked in accordance with law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

“(c) CONTINUED EFFECTIVENESS OF ADMINISTRATIVE AND JUDICIAL ACTIONS.—No causes of action or actions by or against the Department of Transportation or the FAA arising from acts or omissions occurring before

•HR 2997 IH
the date of transfer shall abate by reason of the enactment of this subtitle.

“(d) Substitution or Addition of Parties to Judicial Actions.—Except as provided by subsection (e)(2), if, on the date of transfer, the Department of Transportation or the FAA, or any officer thereof in the officer’s capacity, is a party to an action and, under this subtitle, the performance of that activity of the Department, FAA, or officer is transferred to the Corporation, such action shall be continued with the CEO substituted or added as a party.

“(e) Air Traffic Services Liabilities and Obligations.—

“(1) Assumption of obligations.—Except as provided in paragraph (2), the Corporation shall assume—

“(A) all obligations (tangible and incorporeal, present, and executory) associated with the air traffic services transferred under this subtitle on the date of transfer, including leases, permits, licenses, contracts, agreements, accounts receivable, and accounts payable; and

“(B) all claims and liabilities associated with the air traffic services transferred under this subtitle pending on the date of transfer.
“(2) Claims and actions that remain liabilities of United States.—

“(A) Claims and actions arising in tort.—All claims and actions arising in tort pending on the date of transfer and arising out of the alleged acts or omissions of employees of the FAA who transfer to the Corporation shall remain liabilities of the United States.

“(B) Contingent liabilities.—All contingent liabilities existing on the date of transfer shall remain with the United States, including (without limitation) environmental and intellectual property infringement claims.

“(C) Other claims and liabilities.—All other claims and liabilities arising out of the alleged acts or omissions of the United States before the date of transfer (including those arising under an agreement referred to in section 91105(c)) whose remedy is financial or monetary in nature shall remain liabilities of the United States.

“(D) Access of Federal representatives to employees and records.—The Secretary shall ensure that, before the date of transfer, the Corporation has agreed to allow
representatives of the Secretary and the Attorney General such access as they may require to employees and records of the Corporation for all purposes relating to the handling of such claims under this paragraph.

“CHAPTER 915—CONGRESSIONAL OVERSIGHT OF AIR TRAFFIC SERVICES PROVIDER

“§ 91501. Inspector General reports to Congress on transition

“(a) IN GENERAL.—Before the date of transfer, the Inspector General of the Department of Transportation shall submit regular reports to Congress on the progress of the preparation of the Department of Transportation and of the Corporation for the transfer of operational control of air traffic services under this subtitle.

“(b) TIMING.—The reports described in subsection (a) shall be submitted, at a minimum, on a quarterly basis until the date of transfer.

“(c) SUNSET.—This section shall expire on the date of transfer.

“(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the In-

•HR 2997 IH
spector General of the Department of Transportation to
conduct oversight of the Department of Transportation’s
interactions with the Corporation after the date of trans-
fer.

§ 91502. State of air traffic services

“(a) REPORT.—Not later than 2 years after the date
of transfer, and every 2 years thereafter—

“(1) the Corporation shall submit to the Sec-
retary a report on the state of air traffic services;
and

“(2) the Secretary shall submit the report to
Congress.

“(b) CONTENTS.—The report shall include, as appro-
priate, information on—

“(1) access to airports and services for all
users, including access with respect to rural areas;

“(2) charges and fees, safety, and areas in
which the Corporation has identified efficiencies in
the system, including staffing and facilities realign-
ment or consolidation;

“(3) the safe, fair, and timely provision of air
traffic services by the Corporation;

“(4) the sound operation of the Corporation
and the impact of any activities of the Corporation
on United States airspace;
“(5) the cooperation and interaction of the Corporation with the Department of Defense, the Department of Transportation, the FAA, and other Federal departments and agencies, including any agreements between the Corporation and those departments and agencies;

“(6) compliance of the Corporation with United States obligations under international treaties and agreements;

“(7) compliance of the Corporation with Federal safety, environmental, corporate, and tax laws and regulations;

“(8) compliance of the Corporation with Federal laws related to employees of the Corporation;

“(9) follow-up on Inspector General and Government Accountability Office audits, investigations, and reports involving the Corporation, including any recommendations included in such reports;

“(10) compliance of the Corporation with other Federal requirements, including requirements relating to public disclosure, publication of fees, annual reporting, and establishment of the Advisory Board and other committees;
“(11) actions and activities of the CEO and Board and their adherence to their duties and responsibilities;

“(12) compliance of the Corporation with requirements related to rural, remote, and small community air traffic services;

“(13) compliance of the Corporation with requirements related to claims of incorrect fees and resolution of fee disputes;

“(14) compliance of the Corporation with requirements to report safety violations to the FAA, cooperate with FAA investigations, and assist in FAA enforcement actions;

“(15) actions in times of emergencies and times of war; and

“(16) such other matters as the Secretary, in consultation with the Administrator, determines appropriate.

§ 91503. Submission of annual financial report

“(a) Annual Financial Report.—

“(1) In general.—Not later than 1 year after the date of transfer, and annually thereafter, the Corporation shall publish a report on the activities of the Corporation during the prior year.
“(2) CONTENTS; AVAILABILITY.—The annual report shall contain financial and operational performance information regarding the Corporation, as well as information on the compensation (including bonuses and other financial incentives) of each Director, the CEO, and officers of the Corporation, and shall be made publicly available.

“(3) PROPRIETY INFORMATION.—The Corporation shall ensure that any propriety information that may be contained in the annual report is not made public.

“(b) SUBMISSION.—Each year, on the date the annual report required pursuant to subsection (a) is published—

“(1) the Corporation shall submit the report to the Secretary; and

“(2) the Secretary shall submit the report to Congress.

“§ 91504. Submission of strategic plan

“(a) SUBMISSION OF STRATEGIC PLAN.—Not later than 15 days after the initial strategic plan is approved by the Board pursuant to section 90308(c)—

“(1) the Corporation shall submit the strategic plan to the Secretary; and
“(2) the Secretary shall submit the strategic plan to Congress.

“(b) UPDATES TO STRATEGIC PLAN.—Not later than 15 days after an update to the strategic plan is approved by the Board pursuant to section 90308(c)—

“(1) the Corporation shall submit the updated strategic plan to the Secretary; and

“(2) the Secretary shall submit the updated strategic plan to Congress.”.

(b) ANALYSIS FOR TITLE 49.—The analysis for title 49, United States Code, is amended by adding at the end the following:

“XI. American Air Navigation Services Corporation ........90101”.

Subtitle B—Amendments to Federal Aviation Laws

SEC. 221. DEFINITIONS.

Section 40102(a) of title 49, United States Code, is amended by adding at the end the following:

“(48) ‘American Air Navigation Services Corporation’ means the American Air Navigation Services Corporation established by subtitle XI.”.

SEC. 222. SUNSET OF FAA AIR TRAFFIC ENTITIES AND OFFICERS.

(a) AIR TRAFFIC SERVICES COMMITTEE.—Section 106(p) of title 49, United States Code, is amended—
(1) in paragraph (7) by adding at the end the following:

“(I) SUNSET.—The Committee shall terminate and this paragraph shall cease to be effective beginning on the date of transfer (as defined in section 90101(a)).”; and

(2) by adding at the end the following:

“(9) SUNSET OF AIR TRAFFIC ADVISORY ROLE.—Beginning on the date of transfer (as defined in section 90101(a)), the Council shall not develop or submit comments, recommended modifications, or dissenting views directly regarding the American Air Navigation Services Corporation or air traffic services.”.

(b) CHIEF OPERATING OFFICER.—Section 106(r) of title 49, United States Code, is amended by adding at the end the following:

“(6) SUNSET.—The position of Chief Operating Officer shall terminate and this subsection shall cease to be effective beginning on the date of transfer (as defined in section 90101(a)).”.

(c) CHIEF NEXTGEN OFFICER.—Section 106(s) of title 49, United States Code, is amended by adding at the end the following:
“(8) SUNSET.—The position of Chief NextGen Officer shall terminate and this subsection shall cease to be effective beginning on the date of transfer (as defined in section 90101(a)).”.

SEC. 223. ROLE OF ADMINISTRATOR.

Section 40103(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “The Administrator” each place it appears and inserting “Before the date of transfer (as defined in section 90101(a)), the Administrator”;

(2) by striking paragraph (2) and inserting the following:

“(2) The Administrator shall—

“(A) before the date of transfer (as defined in section 90101(a)), prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

“(i) navigating, protecting, and identifying aircraft;

“(ii) protecting individuals and property on the ground;

“(iii) using the navigable airspace efficiently; and
“(iv) preventing collisions between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects; and

“(B) on and after the date of transfer (as defined in section 90101(a)), prescribe safety regulations on the flight of aircraft (including regulations on safe altitudes) for—

“(i) navigating, protecting, and identifying aircraft;

“(ii) protecting individuals and property on the ground;

“(iii) ensuring equitable access to and use of airspace; and

“(iv) preventing collisions between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.”; and

(3) in paragraph (3) by striking “Administrator” each place it appears and inserting “Secretary”.

SEC. 224. EMERGENCY POWERS.

Section 40106(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking “air traffic”;
(2) in paragraph (1) by inserting “and the
American Air Navigation Services Corporation”
after “Administration”; and

(3) in paragraph (2) by inserting “and the
American Air Navigation Services Corporation”
after “Administrator”.

SEC. 225. PRESIDENTIAL TRANSFERS IN TIME OF WAR.

Section 40107(b) of title 49, United States Code, is
amended to read as follows:

“(b) DURING WAR.—If war occurs, the President by
Executive order may temporarily transfer to the Secretary
of Defense a duty, power, activity, or facility of the Ad-
ministrator or the American Air Navigation Services Cor-
poration. In making the transfer, the President may tem-
porarily transfer records, property, officers, and employees
of the Administration or the American Air Navigation
Services Corporation to the Department of Defense.”.

SEC. 226. AIRWAY CAPITAL INVESTMENT PLAN BEFORE
DATE OF TRANSFER.

Section 44501(b) of title 49, United States Code, is
amended—

(1) in the first sentence by striking “The Ad-
ministrator” and inserting “Before the date of
transfer (as defined in section 90101(a)), the Ad-
ministrator”;
(2) in paragraph (4)(B) by striking “and” at the end;

(3) in paragraph (5) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(6) for fiscal years 2017 through 2020, a process under which the Administrator shall continue to comply with the requirements of this section before the date of transfer (as defined in section 90101(a)).”.

SEC. 227. AVIATION FACILITIES BEFORE DATE OF TRANSFER.

(a) GENERAL AUTHORITY.—Section 44502(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “The Administrator of the Federal Aviation Administration may” and inserting “Before the date of transfer (as defined in section 90101(a)), the Secretary of Transportation may”;

(2) in paragraph (2) by striking “The cost” and inserting “Before the date of transfer (as defined in section 90101(a)), the cost”;

(3) in paragraph (3) by striking “The Secretary” and inserting “Before the date of transfer (as defined in section 90101(a)), the Secretary”;

(4) by adding at the end the following:

“(6) for fiscal years 2017 through 2020, a process under which the Administrator shall continue to comply with the requirements of this section before the date of transfer (as defined in section 90101(a)).”).
(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4); and

(6) in paragraph (4) (as so redesignated) by striking “The Administrator” and inserting “Before the date of transfer (as defined in section 90101(a)), the Secretary of Transportation”.

(b) Certification of Necessity.—Section 44502(b) of title 49, United States Code, is amended—

(1) by striking “Except” and inserting “Before the date of transfer (as defined in section 90101(a)), except”; and

(2) by striking “the Administrator of the Federal Aviation Administration” and inserting “the Secretary of Transportation”.

(c) Ensuring Conformity with Plans and Policies.—Section 44502(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “Administrator of the Federal Aviation Administration” the second, third, and fourth places it appears and inserting “Secretary of Transportation”;
(B) by striking “by the Administrator of the Federal Aviation Administration under section 40103(b)(1) of this title”; and

(C) by striking “Congress” and inserting “Congress, the American Air Navigation Services Corporation,”; and

(2) in paragraph (2)—

(A) by striking “Administrator of the Federal Aviation Administration” and inserting “Secretary of Transportation”; and

(B) by striking “that the Administrator” and inserting “that the Secretary”.

(d) TRANSFERS OF INSTRUMENT LANDING SYSTEMS.—Section 44502(e) of title 49, United States Code, is amended by striking “An airport may transfer” and inserting “Before the date of transfer (as defined in section 90101(a)), an airport may transfer”.

SEC. 228. JUDICIAL REVIEW.

Section 46110(a) of title 49, United States Code, is amended by striking “or subsection (l) or (s) of section 114” and inserting “subsection (l) or (s) of section 114, or section 90501”.

•HR 2997 IH
SEC. 229. CIVIL PENALTIES.

Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking “or section 47133” and inserting “section 47133, or section 90501(b)(3)”.

Subtitle C—Other Matters

SEC. 241. USE OF FEDERAL TECHNICAL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall make Administration technical facilities available to the American Air Navigation Services Corporation for air traffic control research and development projects.

(b) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—To ensure the safe transition of air traffic services, not later than 180 days prior to the date of transfer (as defined in section 90101(a) of title 49, United States Code, as added by this Act), the Administrator shall enter into an agreement with the American Air Navigation Services Corporation, for a period of not less than 5 years, concerning services that could be provided at the Federal Aviation Administration technical center, including the integrated air traffic control laboratories.

(2) SERVICES DEFINED.—In this subsection, the term “services” includes—
(A) activities associated with the approval of a safety management system under chapter 905 of title 49, United States Code, as added by this Act; and

(B) any other activity the Secretary considers necessary to promote safety in air traffic services, including verification of the safety functions of new air traffic control technologies.

(e) STATUTORY CONSTRUCTION.—Nothing in this title, or the amendments made by this title, may be construed to limit the safety regulatory authority of the Department of Transportation, including the research and development functions of the Department.

(d) SAFETY.—Before the date of transfer (as defined by section 90101(a) of title 49, United States Code, as added by this Act) all operational testing and integration of air traffic control systems conducted by the Administration shall continue.

SEC. 242. ENSURING PROGRESS ON NEXTGEN PRIORITIES BEFORE DATE OF TRANSFER.

(a) NEAR-TERM NEXTGEN PRIORITIES.—Prior to the date of transfer (as defined by section 90101(a) of title 49, United States Code, as added by this Act), the Administrator of the Federal Aviation Administration, in
consultation with the NextGen Advisory Committee, shall prioritize the implementation of the following programs:

(1) Multiple runway operations.

(2) Performance-based navigation.

(3) Surface operations and data sharing.

(4) Data communications.

(b) Near-Term NextGen Performance Goals.—

(1) In general.—The Administrator, in consultation with the NextGen Advisory Committee, shall establish quantifiable near-term NextGen performance goals for each of the programs prioritized under subsection (a).

(2) Tracking.—The Administrator shall track the performance goals in a publicly available and transparent manner.

(3) Measuring Benefits.—The Administrator shall establish the performance goals in a manner that allows Congress, stakeholders, and the public to clearly measure the delivery of NextGen benefits between 2018 and 2020, including with respect to—

(A) increasing safety;

(B) reducing aviation’s impact on the environment;

(C) enhancing controller productivity; and
(D) increasing predictability, airspace capacity, and efficiency.

(c) NextGen Metrics Report.—Section 106(s)(5) of title 49, United States Code, is amended by adding at the end the following:

“(I) Developing, as part of the annual report required under paragraph (4), a description of the progress made in meeting the near-term NextGen performance goals required pursuant to section 242 of the 21st Century AIRR Act and delivering near-term NextGen benefits.”.

(d) Chief NextGen Officer Responsibility for Meeting Near-Term NextGen Goals.—Section 106(s)(3) of title 49, United States Code, is amended by adding at the end the following: “In evaluating the performance of the Chief NextGen Officer, the Administrator shall consider the progress made in meeting the near-term NextGen performance goals required pursuant to section 242 of the 21st Century AIRR Act and delivering near-term NextGen benefits.”.

SEC. 243. Severability.

If a provision of this title (including any amendment made by this title) or its application to any person or circumstance is held invalid, neither the remainder of this
TITLE III—FAA SAFETY
CERTIFICATION REFORM
Subtitle A—General Provisions

SEC. 301. DEFINITIONS.

In this title, the following definitions apply:

(1) FAA.—The term “FAA” means the Federal Aviation Administration.

(2) SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.—The term “Safety Oversight and Certification Advisory Committee” means the Safety Oversight and Certification Advisory Committee established under section 302.

(3) SYSTEMS SAFETY APPROACH.—The term “systems safety approach” means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

SEC. 302. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall establish a Safety Oversight and Certification
Advisory Committee (in this section referred to as the “Advisory Committee”).

(b) DUTIES.—The Advisory Committee shall provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA certification and safety oversight programs and activities, including, at a minimum, the following:

(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

(2) Implementation and oversight of safety management systems.

(3) Risk-based oversight efforts.

(4) Utilization of delegation and designation authorities.

(5) Regulatory interpretation standardization efforts.

(6) Training programs.

(7) Expediting the rulemaking process and giving priority to rules related to safety.

c) FUNCTIONS.—The Advisory Committee shall carry out the following functions (as the functions relate to FAA certification and safety oversight programs and activities):

• HR 2997 IH
(1) Foster industry collaboration in an open and transparent manner.

(2) Consult with, and ensure participation by—

(A) the private sector, including representatives of—

(i) general aviation;

(ii) commercial aviation;

(iii) aviation labor;

(iv) aviation, aerospace, and avionics manufacturing;

(v) unmanned aircraft systems operators and manufacturers; and

(vi) the commercial space transportation industry;

(B) members of the public; and

(C) other interested parties.

(3) Establish consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace.
(4) Provide policy guidance for the FAA’s certification and safety oversight efforts.

(5) Provide ongoing policy reviews of the FAA’s certification and safety oversight efforts.

(6) Make appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment.

(7) Establish performance objectives for the FAA and industry.

(8) Establish performance metrics and goals for the FAA and the regulated aviation industry to be tracked and reviewed as streamlining and certification reform and regulation standardization efforts progress.

(9) Provide a venue for tracking progress toward national goals and sustaining joint commitments.

(10) Develop recruiting, hiring, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors.

(11) Provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects.
(12) Improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues.

(13) Facilitate the validation of United States products abroad.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be composed of the following members:

(A) The Administrator of the FAA (or the Administrator’s designee).

(B) Individuals appointed by the Secretary to represent the following interests:

(i) Aircraft and engine manufacturers.

(ii) Avionics and equipment manufacturers.

(iii) Labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

(iv) General aviation operators.

(v) Air carriers.

(vi) Business aviation operators.

(vii) Unmanned aircraft systems manufacturers and operators.
• Aviation safety management expertise.

(2) NONVOTING MEMBERS.—

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

(B) DUTIES.—The nonvoting members shall—

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

(ii) provide input with respect to any final reports or recommendations of the Advisory Committee.

(C) LIMITATION.—The nonvoting members may not represent any stakeholder interest other than FAA safety oversight program offices.

(3) TERMS.—Each member and nonvoting member of the Advisory Committee appointed by the Secretary shall be appointed for a term of 2 years.
(4) Committee Characteristics.—The Advisory Committee shall have the following characteristics:

(A) An executive-level membership, with members who can represent and enter into commitments for their organizations.

(B) The ability to obtain necessary information from experts in the aviation and aerospace communities.

(C) A membership size that enables the Committee to have substantive discussions and reach consensus on issues in a timely manner.

(D) Appropriate expertise, including expertise in certification and risk-based safety oversight processes, operations, policy, technology, labor relations, training, and finance.

(5) Limitation on Statutory Construction.—Public Law 104–65 (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

(e) Chairperson.—

(1) In General.—The Chairperson of the Advisory Committee shall be appointed by the Secretary from among those members of the Advisory
Committee that are executive-level members of the
aviation industry.

(2) TERM.—Each member appointed under
paragraph (1) shall serve a term of 1 year as Chair-
person.

(f) MEETINGS.—

(1) FREQUENCY.—The Advisory Committee
shall meet at least twice each year at the call of the
Chairperson.

(2) PUBLIC ATTENDANCE.—The meetings of
the Advisory Committee shall be open to the public.

(g) SPECIAL COMMITTEES.—

(1) ESTABLISHMENT.—The Advisory Com-
mittee may establish special committees composed of
private sector representatives, members of the pub-
lic, labor representatives, and other interested par-
ties in complying with consultation and participation
requirements under this section.

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

(A) provide rulemaking advice and recom-
mendations to the Administrator with re-
spect to aviation-related issues;

(B) afford the FAA additional opportuni-
ties to obtain firsthand information and insight
from those parties that are most affected by ex-
isting and proposed regulations; and

(C) expedite the development, revision, or
elimination of rules without circumventing pub-
lic rulemaking processes and procedures.

(3) **APPLICABLE LAW.**—Public Law 92–463
shall not apply to a special committee established by
the Advisory Committee.

(h) **SUNSET.**—The Advisory Committee shall termi-
nate on the last day of the 6-year period beginning on
the date of the initial appointment of the members of the
Advisory Committee.

(i) **TERMINATION OF AIR TRAFFIC PROCEDURES AD-
VISORY COMMITTEE.**—The Air Traffic Procedures Advi-
sory Committee established by the FAA shall terminate
on the date of the initial appointment of the members of
the Advisory Committee.

**Subtitle B—Aircraft Certification Reform**

**SEC. 311. AIRCRAFT CERTIFICATION PERFORMANCE OBJ-
JECTIVES AND METRICS.**

(a) **IN GENERAL.**—Not later than 120 days after the
date on which the Safety Oversight and Certification Advis-
sory Committee is established under section 302, the Ad-
ministrator of the FAA shall establish performance objec-
tives and apply and track metrics for the FAA and the aviation industry relating to aircraft certification in accordance with this section.

(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Safety Oversight and Certification Advisory Committee.

(c) PERFORMANCE OBJECTIVES.—In carrying out subsection (a), the Administrator shall establish performance objectives for the FAA and the aviation industry to ensure that, with respect to aircraft certification, progress is made toward, at a minimum—

(1) eliminating certification delays and improving cycle times;

(2) increasing accountability for both FAA and industry entities;

(3) achieving full utilization of FAA delegation and designation authorities;

(4) fully implementing risk management principles and a systems safety approach;

(5) reducing duplication of effort;

(6) increasing transparency;

(7) establishing and providing training, including recurrent training, in auditing and a systems safety approach to certification oversight;
(8) improving the process for approving or accept-
certification actions between the FAA and bilateral partners;

(9) maintaining and improving safety;

(10) streamlining the hiring process for—

(A) qualified systems safety engineers to support FAA efforts to implement a systems safety approach; and

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

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

(d) PERFORMANCE METRICS.—In carrying out sub-
section (a), the Administrator shall apply and track per-
formance metrics for the FAA and the regulated aviation industry established by the Safety Oversight and Certifi-
cation Advisory Committee.

(e) DATA GENERATION.—

(1) BASELINES.—Not later than 1 year after the date on which the Safety Oversight and Certifi-
cation Advisory Committee establishes initial per-
formance metrics for the FAA and the regulated aviation industry under section 302, the Adminis-
trator shall generate initial data with respect to each
of the metrics applied and tracked under this section.

(2) Measuring progress toward goals.—The Administrator shall use the metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the achievement of national goals established by the Safety Oversight and Certification Advisory Committee.

(f) Publication.—The Administrator shall make data generated using the metrics applied and tracked under this section available to the public in a searchable, sortable, and downloadable format through the internet website of the FAA and other appropriate methods and shall ensure that the data is made available in a manner that—

(1) does not provide identifying information regarding an individual or entity; and

(2) protects proprietary information.

SEC. 312. ORGANIZATION DESIGNATION AUTHORIZATIONS.

(a) In general.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

“§ 44736. Organization designation authorizations

“(a) Delegations of Functions.—
“(1) IN GENERAL.—Except as provided in paragraph (3), when overseeing an ODA holder, the Administrator of the FAA shall—

“(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator’s designee), a procedures manual that addresses all procedures and limitations regarding the functions to be performed by the ODA holder;

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

“(C) conduct regular oversight activities by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

“(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—
“(A) perform each function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

“(B) make the procedures manual available to each member of the appropriate ODA unit; and

“(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

“(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures manual approved by the Administrator before the date of enactment of this section, the Administrator shall—

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

“(B) delegate fully to the ODA holder each of the functions to be performed as specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to one or more of the functions; and
“(C) conduct regular oversight activities by inspecting the ODA holder delegated functions and taking action based on validated inspection findings.

“(b) ODA Office.—

“(1) Establishment.—Not later than 90 days after the date of enactment of this section, the Administrator of the FAA shall identify, within the FAA Office of Aviation Safety, a centralized policy office to be known as the Organization Designation Authorization Office or the ODA Office.

“(2) Purpose.—The purpose of the ODA Office shall be to oversee and ensure the consistency of the FAA’s audit functions under the ODA program across the FAA.

“(3) Functions.—The ODA Office shall—

“(A) improve performance and ensure full utilization of the authorities delegated under the ODA program;

“(B) create a more consistent approach to audit priorities, procedures, and training under the ODA program;

“(C) review, in a timely fashion, a random sample of limitations on delegated authorities
under the ODA program to determine if the limitations are appropriate;

“(D) ensure national consistency in the interpretation and application of the requirements of the ODA program, including any limitations, and in the performance of the ODA program; and

“(E) at the request of an ODA holder, review and approve new limitations to ODA functions.

“(c) DEFINITIONS.—In this section, the following definitions apply:

“(1) FAA.—The term ‘FAA’ means the Federal Aviation Administration.

“(2) ODA HOLDER.—The term ‘ODA holder’ means an entity authorized to perform functions pursuant to a delegation made by the Administrator of the FAA under section 44702(d).

“(3) ODA UNIT.—The term “ODA unit” means a group of 2 or more individuals who perform, under the supervision of an ODA holder, authorized functions under an ODA.

“(4) ORGANIZATION.—The term “organization” means a firm, partnership, corporation, company,
association, joint-stock association, or governmental entity.

“(5) ORGANIZATION DESIGNATION AUTHORIZATION; ODA.—The term ‘Organization Designation Authorization’ or ‘ODA’ means an authorization by the FAA under section 44702(d) for an organization comprised of 1 or more ODA units to perform approved functions on behalf of the FAA.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

“44736. Organization designation authorizations.”.

SEC. 313. ODA REVIEW.

(a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

(1) EXPERT PANEL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the FAA shall convene a multidisciplinary expert review panel (in this section referred to as the “Panel”).

(2) COMPOSITION OF PANEL.—

(A) APPOINTMENT OF MEMBERS.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

(B) QUALIFICATIONS.—The members appointed to the Panel shall—
(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

(ii) represent, at a minimum, ODA holders, aviation manufacturers, safety experts, and FAA labor organizations, including labor representatives of FAA aviation safety inspectors and aviation safety engineers.

(b) Survey.—The Panel shall conduct a survey of ODA holders and ODA program applicants to document and assess FAA certification and oversight activities, including use of the ODA program and the timeliness and efficiency of the certification process.

(c) Assessment and Recommendations.—The Panel shall assess and make recommendations concerning—

(1) the FAA’s processes and procedures under the ODA program and whether the processes and procedures function as intended;

(2) the best practices of and lessons learned by ODA holders and individuals who provide oversight of ODA holders;

(3) performance incentive policies related to the ODA program for FAA personnel;
(4) training activities related to the ODA program for FAA personnel and ODA holders;

(5) the impact, if any, that oversight of the ODA program has on FAA resources and the FAA’s ability to process applications for certifications outside of the ODA program; and

(6) the results of the survey conducted under subsection (b).

(d) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Safety Oversight and Certification Advisory Committee, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings and recommendations of the Panel.

(e) DEFINITIONS.—The definitions contained in section 44736 of title 49, United States Code, as added by this Act, apply to this section.

(f) APPLICABLE LAW.—Public Law 92–463 shall not apply to the Panel.

(g) SUNSET.—The Panel shall terminate on the date of submission of the report under subsection (d), or on the date that is 1 year after the Panel is convened under subsection (a), whichever occurs first.
SEC. 314. TYPE CERTIFICATION RESOLUTION PROCESS.

(a) In General.—Section 44704(a) of title 49, United States Code, is amended by adding at the end the following:

“(6) TYPE CERTIFICATION RESOLUTION PROCESS.—

“(A) In general.—Not later than 15 months after the date of enactment of this paragraph, the Administrator shall establish an effective, timely, and milestone-based issue resolution process for type certification activities under this subsection.

“(B) Process requirements.—The resolution process shall provide for—

“(i) resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

“(ii) automatic elevation to appropriate management personnel of the Federal Aviation Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant; and
“(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant.

“(C) MAJOR CERTIFICATION PROCESS MILESTONE DEFINED.—In this paragraph, the term ‘major certification process milestone’ means a milestone related to a type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.”.

(b) TECHNICAL AMENDMENT.—Section 44704 of title 49, United States Code, is amended in the section heading by striking “airworthiness certificates,” and inserting “airworthiness certificates,”.

SEC. 315. SAFETY ENHANCING EQUIPMENT AND SYSTEMS FOR SMALL GENERAL AVIATION AIRPLANES.

(a) POLICY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the FAA shall establish and begin implementation of a risk-based policy that streamlines the installation of safety enhancing equipment and systems for small general aviation air-
planes in a manner that reduces regulatory delays and significantly improves safety.

(b) INCLUSION OF CERTAIN EQUIPMENT AND SYSTEMS.—The safety enhancing equipment and systems for small general aviation airplanes referred to in subsection (a) shall include, at a minimum, the replacement or retrofit of primary flight displays, auto pilots, engine monitors, and navigation equipment.

e) COLLABORATION.—In carrying out this section, the Administrator shall collaborate with general aviation operators, general aviation manufacturers, and appropriate FAA labor groups, including representatives of FAA aviation safety inspectors and aviation safety engineers certified under section 7111 of title 5, United States Code.

d) SMALL GENERAL AVIATION AIRPLANE DEFINED.—In this section, the term “small general aviation airplane” means an airplane that—

(1) is certified to the standards of part 23 of title 14, Code of Federal Regulations;

(2) has a seating capacity of fewer than 9 passengers; and

(3) is not used in scheduled passenger-carrying operations under part 121 or 135 of title 14, Code of Federal Regulations.
SEC. 316. REVIEW OF CERTIFICATION PROCESS FOR SMALL GENERAL AVIATION AIRPLANES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate a review of the Federal Aviation Administration’s implementation of the final rule titled “Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes” (81 Fed. Reg. 96572).

(b) Considerations.—In carrying out the review, the Inspector General shall assess—

(1) how the rule puts into practice the Administration’s efforts to implement performance and risk-based safety standards;

(2) whether the Administration’s implementation of the rule has improved safety and reduced the regulatory cost burden for the Administration and the aviation industry; and

(3) if there are lessons learned from, and best practices developed as a result of, the rule that could be applied to airworthiness standards for other categories of aircraft.

(c) Report.—Not later than 180 days after the date of initiation of the review, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee
on Commerce, Science, and Transportation of the Senate
a report on the results of the review, including findings
and recommendations.

Subtitle C—Flight Standards
Reform

SEC. 331. FLIGHT STANDARDS PERFORMANCE OBJECTIVES
AND METRICS.

(a) IN GENERAL.—Not later than 120 days after the
date on which the Safety Oversight and Certification Advi-
sory Committee is established under section 302, the Ad-
ministrator of the FAA shall establish performance objec-
tives and apply and track metrics for the FAA and the
aviation industry relating to flight standards activities in
accordance with this section.

(b) COLLABORATION.—The Administrator shall carry
out this section in collaboration with the Safety Oversight
and Certification Advisory Committee.

(c) PERFORMANCE OBJECTIVES.—In carrying out
subsection (a), the Administrator shall establish perform-
ance objectives for the FAA and the aviation industry to
ensure that, with respect to flight standards activities,
progress is made toward, at a minimum—

(1) eliminating delays with respect to such ac-
tivities;
(2) increasing accountability for both FAA and industry entities;

(3) achieving full utilization of FAA delegation and designation authorities;

(4) fully implementing risk management principles and a systems safety approach;

(5) reducing duplication of effort;

(6) eliminating inconsistent regulatory interpretations and inconsistent enforcement activities;

(7) improving and providing greater opportunities for training, including recurrent training, in auditing and a systems safety approach to oversight;

(8) developing and allowing utilization of a single master source for guidance;

(9) providing and utilizing a streamlined appeal process for the resolution of regulatory interpretation questions;

(10) maintaining and improving safety; and

(11) increasing transparency.

(d) METRICS.—In carrying out subsection (a), the Administrator shall apply and track performance metrics for the FAA and the regulated aviation industry established by the Safety Oversight and Certification Advisory Committee.

(e) DATA GENERATION.—
(1) Baselines.—Not later than 1 year after the date on which the Safety Oversight and Certification Advisory Committee establishes initial performance metrics for the FAA and the regulated aviation industry under section 302, the Administrator shall generate initial data with respect to each of the metrics applied and tracked under this section.

(2) Measuring progress toward goals.—The Administrator shall use the metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the achievement of national goals established by the Safety Oversight and Certification Advisory Committee.

(f) Publication.—The Administrator shall make data generated using the metrics applied and tracked under this section available to the public in a searchable, sortable, and downloadable format through the internet website of the FAA and other appropriate methods and shall ensure that the data is made available in a manner that—

(1) does not provide identifying information regarding an individual or entity; and

(2) protects proprietary information.
SEC. 332. FAA TASK FORCE ON FLIGHT STANDARDS REFORM.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Administrator of the FAA shall establish the FAA Task Force on Flight Standards Reform (in this section referred to as the “Task Force”).

(b) Membership.—

(1) Appointment.—The membership of the Task Force shall be appointed by the Administrator.

(2) Number.—The Task Force shall be composed of not more than 20 members.

(3) Representation requirements.—The membership of the Task Force shall include representatives, with knowledge of flight standards regulatory processes and requirements, of—

(A) air carriers;

(B) general aviation;

(C) business aviation;

(D) repair stations;

(E) unmanned aircraft systems operators;

(F) flight schools;

(G) labor unions, including those representing FAA aviation safety inspectors; and

(H) aviation safety experts.
(c) DUTIES.—The duties of the Task Force shall include, at a minimum, identifying best practices and providing recommendations, for current and anticipated budgetary environments, with respect to—

(1) simplifying and streamlining flight standards regulatory processes;

(2) reorganizing Flight Standards Services to establish an entity organized by function rather than geographic region, if appropriate;

(3) FAA aviation safety inspector training opportunities;

(4) FAA aviation safety inspector standards and performance; and

(5) achieving, across the FAA, consistent—

(A) regulatory interpretations; and

(B) application of oversight activities.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the best practices identified and recommendations provided by the Task Force under subsection (c); and
(2) any recommendations of the Task Force for additional regulatory action or cost-effective legislative action.

(e) APPLICABLE LAW.—Public Law 92–463 shall not apply to the Task Force.

(f) TERMINATION.—The Task Force shall terminate on the earlier of—

(1) the date on which the Task Force submits the report required under subsection (d); or

(2) the date that is 18 months after the date on which the Task Force is established under subsection (a).

SEC. 333. CENTRALIZED SAFETY GUIDANCE DATABASE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the FAA shall establish a centralized safety guidance database that will—

(1) encompass all of the regulatory guidance documents of the FAA Office of Aviation Safety;

(2) contain, for each such guidance document, a link to the Code of Federal Regulations provision to which the document relates; and

(3) be publicly available in a manner that—

(A) does not provide identifying information regarding an individual or entity; and
(B) protects proprietary information.

(b) **Data Entry Timing.**—

(1) **Existing Documents.**—Not later than 14 months after the date of enactment of this Act, the Administrator shall begin entering into the database established under subsection (a) all of the regulatory guidance documents of the Office of Aviation Safety that are in effect and were issued before the date on which the Administrator begins such entry process.

(2) **New Documents and Changes.**—On and after the date on which the Administrator begins the document entry process under paragraph (1), the Administrator shall ensure that all new regulatory guidance documents of the Office of Aviation Safety and any changes to existing documents are included in the database established under subsection (a).

(c) **Consultation Requirement.**—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers and FAA aviation safety inspectors) and industry stakeholders.

(d) **Regulatory Guidance Documents Defined.**—In this section, the term “regulatory guidance documents” means all forms of written information issued
by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements.

SEC. 334. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Administrator of the FAA shall establish a Regulatory Consistency Communications Board (in this section referred to as the “Board”).

(b) Consultation Requirement.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors) and industry stakeholders.

(c) Membership.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

(1) the Flight Standards Service;

(2) the Aircraft Certification Service; and

(3) the Office of the Chief Counsel.

(d) Functions.—The Board shall carry out the following functions:
(1) Establish, at a minimum, processes by which—

(A) FAA personnel and regulated entities may submit anonymous regulatory interpretation questions without fear of retaliation; and

(B) FAA personnel may submit written questions, and receive written responses, as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect.

(2) Meet on a regular basis to discuss and resolve questions submitted pursuant to paragraph (1) and the appropriate application of regulations and policy with respect to each question.

(3) Provide to an individual or entity that submitted a question pursuant to paragraph (1) a timely response to the question.

(4) Establish a process to make resolutions of common regulatory interpretation questions publicly available to FAA personnel and regulated entities without providing any identifying data of the individuals or entities that submitted the questions and in a manner that protects any proprietary information.
(5) Ensure the incorporation of resolutions of
questions submitted pursuant to paragraph (1) into
regulatory guidance documents.

(e) PERFORMANCE METRICS, TIMELINES, AND
GOALS.—Not later than 180 days after the date on which
the Safety Oversight and Certification Advisory Com-
mittee establishes performance metrics for the FAA and
the regulated aviation industry under section 302, the Ad-
ministrator, in collaboration with the Advisory Committee,
shall—

(1) establish performance metrics, timelines,
and goals to measure the progress of the Board in
resolving regulatory interpretation questions sub-
mitted pursuant to subsection (d)(1); and

(2) implement a process for tracking the
progress of the Board in meeting the metrics,
timelines, and goals established under paragraph
(1).

Subtitle D—Safety Workforce

SEC. 341. SAFETY WORKFORCE TRAINING STRATEGY.

(a) SAFETY WORKFORCE TRAINING STRATEGY.—
Not later than 60 days after the date of enactment of this
Act, the Administrator of the FAA shall establish a safety
workforce training strategy that—
(1) allows employees participating in organization management teams or conducting ODA program audits to complete, in a timely fashion, appropriate training, including recurrent training, in auditing and a systems safety approach to oversight;

(2) seeks knowledge-sharing opportunities between the FAA and the aviation industry regarding new equipment and systems, best practices, and other areas of interest;

(3) functions within the current and anticipated budgetary environments; and

(4) includes milestones and metrics for meeting the requirements of paragraphs (1), (2), and (3).

(b) REPORT.—Not later than 270 days after the date of establishment of the strategy required under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the strategy and progress in meeting any milestones and metrics included in the strategy.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ODA; ODA HOLDER.—The terms “ODA” and “ODA holder” have the meanings given those
terms in section 44736 of title 49, United States Code, as added by this Act.

(2) Organization management team.—The term “organization management team” means a team consisting of FAA aviation safety engineers, flight test pilots, and aviation safety inspectors overseeing an ODA holder and its certification activity.

SEC. 342. WORKFORCE REVIEW.

(a) Workforce review.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review to assess the workforce and training needs of the FAA Office of Aviation Safety in the anticipated budgetary environment.

(b) Contents.—The review required under subsection (a) shall include—

(1) a review of current aviation safety inspector and aviation safety engineer hiring, training, and recurrent training requirements;

(2) an analysis of the skills and qualifications required of aviation safety inspectors and aviation safety engineers for successful performance in the current and future projected aviation safety regulatory environment, including the need for a systems engineering discipline within the FAA to guide the
engineering of complex systems, with an emphasis
on auditing designated authorities;

(3) a review of current performance incentive
policies of the FAA, as applied to the Office of Avia-
tion Safety, including awards for performance;

(4) an analysis of ways the FAA can work with
industry and labor, including labor groups rep-
resenting FAA aviation safety inspectors and avia-
tion safety engineers, to establish knowledge-sharing
opportunities between the FAA and the aviation in-
dustry regarding new equipment and systems, best
practices, and other areas of interest; and

(5) recommendations on the most effective
qualifications, training programs (including e-learn-
ing training), and performance incentive approaches
to address the needs of the future projected aviation
safety regulatory system in the anticipated budg-
etary environment.

(c) REPORT.—Not later than 270 days after the date
of enactment of this Act, the Comptroller General shall
submit to the Committee on Transportation and Infra-
structure of the House of Representatives and the Com-
mittee on Commerce, Science, and Transportation of the
Senate a report on the results of the review required under
subsection (a).
Subtitle E—International Aviation

SEC. 351. PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.

Section 40104 of title 49, United States Code, is amended by adding at the end the following:

“(d) PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The Administrator shall take appropriate actions to—

“(1) promote United States aerospace safety standards abroad;

“(2) facilitate and vigorously defend approvals of United States aerospace products and services abroad;

“(3) with respect to bilateral partners, utilize bilateral safety agreements and other mechanisms to improve validation of United States type certificated aeronautical products and appliances and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and

“(4) with respect to foreign safety authorities, streamline validation and coordination processes.”.
SEC. 352. BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.

Section 44701(e) of title 49, United States Code, is amended by adding at the end the following:

“(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

“(A) ACCEPTANCE.—The Administrator may accept an airworthiness directive issued by an aeronautical safety authority of a foreign country, and leverage that authority’s regulatory process, if—

“(i) the country is the state of design for the product that is the subject of the airworthiness directive;

“(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

“(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that such aeronautical safety authority has a certification system relating to safety that produces a level of safety equivalent to the level produced by the system of the Federal Aviation Administration;

“(iv) the aeronautical safety authority of the country utilizes an open and trans-
parent notice and comment process in the
issuance of airworthiness directives; and

“(v) the airworthiness directive is nec-
essary to provide for the safe operation of
the aircraft subject to the directive.

“(B) ALTERNATIVE APPROVAL PROCESS.—
Notwithstanding subparagraph (A), the Admin-
istrator may issue a Federal Aviation Adminis-
tration airworthiness directive instead of accept-
ing an airworthiness directive otherwise eligible
for acceptance under such subparagraph, if the
Administrator determines that such issuance is
necessary for safety or operational reasons due
to the complexity or unique features of the Fed-
eral Aviation Administration airworthiness di-
rective or the United States aviation system.

“(C) ALTERNATIVE MEANS OF COMPLI-
ANCE.—The Administrator may—

“(i) accept an alternative means of
compliance, with respect to an airworthi-
ness directive accepted under subpara-
graph (A), that was approved by the aero-
nautical safety authority of the foreign
country that issued the airworthiness di-
rective; or
“(ii) notwithstanding subparagraph (A), and at the request of any person affected by an airworthiness directive accepted under such subparagraph, approve an alternative means of compliance with respect to the airworthiness directive.

“(D) LIMITATION.—The Administrator may not accept an airworthiness directive issued by an aeronautical safety authority of a foreign country if the airworthiness directive addresses matters other than those involving the safe operation of an aircraft.”.

SEC. 353. FAA LEADERSHIP ABROAD.

(a) IN GENERAL.—To promote United States aerospace safety standards, reduce redundant regulatory activity, and facilitate acceptance of FAA design and production approvals abroad, the Administrator of the FAA shall—

(1) attain greater expertise in issues related to dispute resolution, intellectual property, and export control laws to better support FAA certification and other aerospace regulatory activities abroad;

(2) work with United States companies to more accurately track the amount of time it takes foreign authorities, including bilateral partners, to validate
United States type certificated aeronautical products;

(3) provide assistance to United States companies that have experienced significantly long foreign validation wait times;

(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States type certificated aeronautical products abroad; and

(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the FAA shall submit to the Committee on Transportation and In-
frastructure of the House of Representatives and the Com-
mittee on Commerce, Science, and Transportation of the
Senate a report that—

(1) describes the FAA’s strategic plan for inter-
national engagement;

(2) describes the structure and responsibilities
of all FAA offices that have international respon-
sibilities, including the Aircraft Certification Office,
and all the activities conducted by those offices re-
lated to certification and production;

(3) describes current and forecasted staffing
and travel needs for the FAA’s international engage-
ment activities, including the needs of the Aircraft
Certification Office in the current and forecasted
budgetary environment;

(4) provides recommendations, if appropriate,
to improve the existing structure and personnel and
travel policies supporting the FAA’s international
engagement activities, including the activities of the
Aviation Certification Office, to better support the
growth of United States aerospace exports; and

(5) identifies cost-effective policy initiatives,
regulatory initiatives, or legislative initiatives needed
to improve and enhance the timely acceptance of
United States aerospace products abroad.
(c) INTERNATIONAL TRAVEL.—The Administrator of the FAA, or the Administrator’s designee, may authorize international travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—

(1) to promote United States aerospace safety standards; or

(2) to support expedited acceptance of FAA design and production approvals.

SEC. 354. REGISTRATION, CERTIFICATION, AND RELATED FEES.

Section 45305 of title 49, United States Code, is amended—

(1) in subsection (a) by striking “Subject to subsection (b)” and inserting “Subject to subsection (e)”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

“(b) CERTIFICATION SERVICES.—Subject to subsection (e), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—
“(1) is established and collected in a manner consistent with aviation safety agreements; and
“(2) does not exceed the estimated costs of the services.”.

TITLE IV—SAFETY
Subtitle A—General Provisions

SEC. 401. FAA TECHNICAL TRAINING.
(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

(b) CURRICULUM.—The pilot program shall—
(1) include a recurrent training curriculum for covered FAA personnel to ensure that the personnel receive instruction on the latest aviation technologies, processes, and procedures;
(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;
(3) include training courses on applicable regulations of the Federal Aviation Administration; and
4 consider the efficacy of instructor-led online training.

(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall establish an e-learning training program that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

(e) DEFINITIONS.—In this section, the following definitions apply:

1. COVERED FAA PERSONNEL.—The term “covered FAA personnel” means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

2. E-LEARNING TRAINING.—The term “e-learning training” means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.

SEC. 402. SAFETY CRITICAL STAFFING.

(a) UPDATE OF FAA’S SAFETY CRITICAL STAFFING MODEL.—Not later than 270 days after the date of enactment of this Act, and at least 2 years before the date of transfer, the Administrator of the Federal Aviation Ad-
ministration shall update the safety critical staffing model
of the Administration to determine the number of aviation
safety inspectors that will be needed to fulfill the safety
oversight mission of the Administration before and after
the date of transfer, including safety oversight of the
American Air Navigation Services Corporation.

(b) Audit by DOT Inspector General.—

(1) IN GENERAL.—Not later than 90 days after
the date on which the Administrator has updated
the safety critical staffing model under subsection
(a), the Inspector General of the Department of
Transportation shall conduct an audit of the staffing
model.

(2) CONTENTS.—The audit shall include, at a
minimum—

(A) a review of the assumptions and meth-
odologies used in devising and implementing the
staffing model to assess the adequacy of the
staffing model in predicting the number of avia-
tion safety inspectors needed—

(i) to properly fulfill the mission of
the Administration before and after the
date of transfer;

(ii) to meet the future growth of the
aviation industry; and
(iii) to provide proper oversight of air traffic services after the date of transfer; and

(B) a determination on whether the staffing model takes into account the Administration’s authority to fully utilize designees before and after the date of transfer.

(3) REPORT ON AUDIT.—

(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the Inspector General shall submit to the Secretary a report on the results of the audit.

(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

(e) DATE OF TRANSFER DEFINED.—In this section, the term “date of transfer” has the meaning given that
term in section 90101(a) of title 49, United States Code, as added by this Act.

SEC. 403. INTERNATIONAL EFFORTS REGARDING TRACKING OF CIVIL AIRCRAFT.

The Administrator of the Federal Aviation Administration shall exercise leadership on creating a global approach to improving aircraft tracking by working with—

(1) foreign counterparts of the Administrator in the International Civil Aviation Organization and its subsidiary organizations;

(2) other international organizations and fora; and

(3) the private sector.

SEC. 404. AIRCRAFT DATA ACCESS AND RETRIEVAL SYSTEMS.

(a) ASSESSMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate an assessment of aircraft data access and retrieval systems for part 121 air carrier aircraft that are used in extended overwater operations to—

(1) determine if the systems provide improved access and retrieval of aircraft data and cockpit voice recordings in the event of an aircraft accident; and
(2) assess the cost effectiveness of each system assessed.

(b) SYSTEMS TO BE EXAMINED.—The systems to be examined under this section shall include, at a minimum—

(1) automatic deployable flight recorders;

(2) emergency locator transmitters; and

(3) satellite-based solutions.

(c) REPORT.—Not later than 1 year after the date of initiation of the assessment, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment.

(d) PART 121 AIR CARRIER DEFINED.—In this section, the term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

SEC. 405. ADVANCED COCKPIT DISPLAYS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a review of heads-up display systems, heads-down display systems employing synthetic vision systems, and enhanced vision systems (in this section referred to as “HUD systems”, “SVS”, and “EVS”, respectively).
(b) CONTENTS.—The review shall—

(1) evaluate the impacts of single- and dual-installed HUD systems, SVS, and EVS on the safety and efficiency of aircraft operations within the national airspace system; and

(2) review a sufficient quantity of commercial aviation accidents or incidents in order to evaluate if HUD systems, SVS, and EVS would have produced a better outcome in that accident or incident.

(c) CONSULTATION.—In conducting the review, the Administrator shall consult with aviation manufacturers, representatives of pilot groups, aviation safety organizations, and any government agencies the Administrator considers appropriate.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review, the actions the Administrator plans to take with respect to the systems reviewed, and the associated timeline for such actions.
SEC. 406. MARKING OF TOWERS.


(1) in subclause (IV) by striking “or” at the end;

(2) in subclause (V) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(VI) is located within the right-of-way of a rail carrier, including within the boundaries of a rail yard, and is used for a railroad purpose.”.

SEC. 407. CABIN EVACUATION.

(a) Review.—The Administrator of the Federal Aviation Administration shall review—

(1) evacuation certification of transport-category aircraft used in air transportation, with regard to—

(A) emergency conditions, including impacts into water;

(B) crew procedures used for evacuations under actual emergency conditions; and

(C) any relevant changes to passenger demographics and legal requirements (including
the Americans with Disabilities Act of 1990)

that affect emergency evacuations; and

(2) recent accidents and incidents where pas-
sengers evacuated such aircraft.

(b) Consultation; Review of Data.—In con-
ducting the review, the Administrator shall—

(1) consult with the National Transportation
Safety Board, transport-category aircraft manufac-
turers, air carriers, and other relevant experts and
Federal agencies, including groups representing pas-
sengers, airline crewmembers, maintenance employ-
ees, and emergency responders; and

(2) review relevant data with respect to evacu-
ation certification of transport-category aircraft.

(c) Report to Congress.—Not later than 1 year
after the date of enactment of this Act, the Administrator
shall submit to the Committee on Transportation and In-
frastructure of the House of Representatives and the Com-
mittee on Commerce, Science, and Transportation of the
Senate a report on the results of the review and related
recommendations, if any, including any recommendations
for revisions to the assumptions and methods used for as-
sessing evacuation certification of transport-category air-
craft.
(a) Report to Congress.—Not later than 270 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Administration’s progress with respect to—

(1) determining what additional model inputs and labor distribution codes are needed to identify ODA oversight staffing needs prior to and after the date of transfer;

(2) developing and implementing system-based evaluation criteria and risk-based tools to aid ODA team members in targeting their oversight activities;

(3) developing agreements and processes for sharing resources to ensure adequate oversight of ODA personnel performing certification and inspection work at supplier and company facilities; and

(4) ensuring full utilization of ODA authority prior to and after the date of transfer.

(b) Definitions.—In this section, the following definitions apply:

(1) Date of Transfer.—The term “date of transfer” has the meaning given that term in section
90101(a) of title 49, United States Code, as added by this Act.

(2) ODA.—the term “ODA” has the meaning given that term in section 44736 of title 49, United States Code, as added by this Act.

SEC. 409. FUNDING FOR ADDITIONAL SAFETY NEEDS.

Section 44704 of title 49, United States Code, is amended by adding at the end the following:

“(f) FUNDING FOR ADDITIONAL SAFETY NEEDS.—

“(1) ACCEPTANCE OF APPLICANT-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator may accept funds from an applicant for a certificate under this section to hire additional staff or obtain the services of consultants and experts to facilitate the timely processing, review, and issuance of certificates under this section.

“(2) RULES OF CONSTRUCTION.—

“(A) IN GENERAL.—Nothing in this section may be construed as permitting the Administrator to grant priority or afford any preference to an applicant providing funds under paragraph (1).

“(B) POLICIES AND PROCEDURES.—The Administrator shall implement such policies and procedures as may be required to ensure that
the acceptance of funds under paragraph (1) does not prejudice the Administrator in the issuance of any certificate to an applicant.

“(3) Receipts credited as offsetting collections.—Notwithstanding section 3302 of title 31, any funds accepted under this subsection—

“(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

“(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

“(C) shall remain available until expended.”.

SEC. 410. FUNDING FOR ADDITIONAL FAA LICENSING NEEDS.

(a) In General.—Chapter 509 of title 51, United States Code, is amended by adding at the end the following:

§ 50924. Funding to facilitate FAA licensing

“(a) In General.—Notwithstanding any other provision of law, the Secretary of Transportation may accept funds from a person applying for a license or permit under this chapter to hire additional staff or obtain the services of consultants and experts—
“(1) to facilitate the timely processing, review, and issuance of licenses or permits issued under this chapter;

“(2) to conduct environmental activities, studies, or reviews associated with such licenses or permits; or

“(3) to conduct additional activities associated with or necessitated by such licenses or permits, including pre-application consultation, hazard area determination, or on-site inspection.

“(b) Rules of Construction.—

“(1) In general.—Nothing in this section may be construed as permitting the Secretary to grant priority or afford any preference to an applicant providing funds under subsection (a).

“(2) Policies and Procedures.—The Secretary shall implement such policies and procedures as may be required to ensure that the acceptance of funds under subsection (a) does not prejudice the Secretary in the issuance of any license or permit to an applicant.

“(c) Receipts Credited as Offsetting Collections.—Notwithstanding section 3302 of title 31, any funds accepted under this section—
“(1) shall be credited as offsetting collections to
the account that finances the activities and services
for which the funds are accepted;
“(2) shall be available for expenditure only to
pay the costs of activities and services for which the
funds are accepted; and
“(3) shall remain available until expended.”.
(b) CLERICAL AMENDMENT.—The analysis for chap-
ter 509 of title 51, United States Code, is amended by
adding at the end the following:
“50924. Funding to facilitate FAA licensing.”.
SEC. 411. EMERGENCY MEDICAL EQUIPMENT ON PAS-
SENGER AIRCRAFT.
(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Administrator of the
Federal Aviation Administration shall evaluate and revise,
as appropriate, regulations in part 121 of title 14, Code
of Federal Regulations, regarding emergency medical
equipment, including the contents of first-aid kits, applica-
table to all certificate holders operating passenger aircraft
under that part.
(b) CONSIDERATION.—In carrying out subsection (a),
the Administrator shall consider whether the minimum
contents of approved emergency medical kits, including
approved first-aid kits, include appropriate medications
and equipment to meet the emergency medical needs of children.

SEC. 412. HIMS PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a human intervention motivation study (HIMS) program for flight crewmembers employed by commercial air carriers operating in United States airspace.

SEC. 413. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFETY INFORMATION.

(a) IN GENERAL.—There shall be a presumption that an individual’s voluntary disclosure of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid disclosure under such program.

(b) DISCLAIMER REQUIRED.—Any dissemination of a disclosure that was submitted and accepted under an aviation safety action program pursuant to the presumption under subsection (a), but that has not undergone review by an event review committee, shall be accompanied by a disclaimer stating that the disclosure—

(1) has not been reviewed by an event review committee tasked with reviewing such disclosures; and
(2) may subsequently be determined to be ineligible for inclusion in the aviation safety action program.

(c) Rejection of Disclosure.—A disclosure described under subsection (a) shall be rejected from an aviation safety action program if, after a review of the disclosure, an event review committee tasked with reviewing such disclosures determines that the disclosure fails to meet the criteria for acceptance under such program.

(d) Aviation Safety Action Program Defined.—In this section, the term “aviation safety action program” means a program established in accordance with Federal Aviation Administration Advisory Circular 120–66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety.

SEC. 414. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS.

(a) Modification of Final Rule.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall modify the final rule of the Federal Aviation Administration published in the Federal Register on August 19, 1994 (59 Fed. Reg.
42974; relating to flight attendant duty period limitations and rest requirements) in accordance with the requirements of this subsection.

(2) CONTENTS.—The final rule, as modified under paragraph (1), shall ensure that—

(A) a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours; and

(B) the rest period is not reduced under any circumstances.

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a “part 121 air carrier”), shall submit to the Administrator of the Federal Aviation Administration for review and acceptance a fatigue risk management plan for the carrier’s flight attendants.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.
(B) A rest scheme consistent with such limitations that enables the management of flight attendant fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on flight attendants; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of implementation of the plan, including the ability of the plan—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review and accept or reject each fatigue risk management plan submitted under this subsection. If the Administrator rejects a plan, the Administrator shall provide suggested modifications for resubmission of the plan.

(4) PLAN UPDATES.—

(A) IN GENERAL.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit
the update to the Administrator for review and acceptance.

(B) REVIEW.—Not later than 1 year after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator shall provide suggested modifications for resubmission of the update.

(5) COMPLIANCE.—A part 121 air carrier shall comply with the fatigue risk management plan of the air carrier that is accepted by the Administrator under this subsection.

(6) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

Subtitle B—Unmanned Aircraft Systems

SEC. 431. DEFINITIONS.

Except as otherwise provided, the definitions contained in section 45501 of title 49, United States Code (as added by this Act), shall apply to this subtitle.
SEC. 432. CODIFICATION OF EXISTING LAW; ADDITIONAL PROVISIONS.

(a) IN GENERAL.—Subtitle VII of title 49, United States Code, is amended by inserting after chapter 453 the following:

“CHAPTER 455—UNMANNED AIRCRAFT SYSTEMS

§ 45501. Definitions

“In this chapter, the following definitions apply:

“(1) AERIAL DATA COLLECTION.—The term ‘aerial data collection’ means the gathering of data by a device aboard an unmanned aircraft during flight, including imagery, sensing, and measurement by such device.

“(2) ARCTIC.—The term ‘Arctic’ means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

“(3) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms ‘certificate of waiv-
er’ and ‘certificate of authorization’ mean a Federal Aviation Administration grant of approval for a specific flight operation.

“(4) CNS.—The term ‘CNS’ means a communication, navigation, or surveillance system or service.

“(5) MODEL AIRCRAFT.—the term ‘model aircraft’ means an unmanned aircraft that is—

“(A) capable of sustained flight in the atmosphere;

“(B) flown within visual line of sight of the person operating the aircraft; and

“(C) flown for hobby or recreational purposes.

“(6) PERMANENT AREAS.—The term ‘permanent areas’ means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

“(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
The term ‘public unmanned aircraft system’ means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102(a)).

“(8) SENSE-AND-AVOID CAPABILITY.—The term ‘sense-and-avoid capability’ means the capability of
an unmanned aircraft to remain a safe distance
from and to avoid collisions with other airborne air-
craft.

“(9) SMALL UNMANNED AIRCRAFT.—The term
‘small unmanned aircraft’ means an unmanned air-
craft weighing less than 55 pounds, including every-
thing that is on board the aircraft.

“(10) UNMANNED AIRCRAFT.—The term ‘un-
manned aircraft’ means an aircraft that is operated
without the possibility of direct human intervention
from within or on the aircraft.

“(11) UNMANNED AIRCRAFT SYSTEM.—The
term ‘unmanned aircraft system’ means an un-
manned aircraft and associated elements (including
communication links and the components that con-
trol the unmanned aircraft) that are required for the
pilot in command to operate safely and efficiently in
the national airspace system.

“(12) UTM.—The term ‘UTM’ means an un-
manned aircraft traffic management system or serv-

§ 45502. Integration of civil unmanned aircraft sys-
tems into national airspace system

“(a) REQUIRED PLANNING FOR INTEGRATION.—
“(1) COMPREHENSIVE PLAN.—Not later than November 10, 2012, the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

“(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

“(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

“(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

“(ii) ensure that any civil unmanned aircraft system includes a sense-and-avoid capability; and

“(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including
standards and requirements for registration and licensing;

“(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

“(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

“(D) a timeline for the phased-in approach described under subparagraph (C);

“(E) creation of a safe airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

“(F) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

“(G) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and
“(II) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

“(3) DEADLINE.—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.

“(4) REPORT TO CONGRESS.—Not later than February 14, 2013, the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

“(5) ROADMAP.—Not later than February 14, 2013, the Secretary shall approve and make available in print and on the Administration’s internet website a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update the roadmap annually.

“(b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—
“(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 45508;

“(2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

“(3) an update to the Administration’s most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA–2006–25714.

“(c) Expanding Use of Unmanned Aircraft Systems in Arctic.—

“(1) In general.—Not later than August 12, 2012, the Secretary shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes. The plan for operations in these permanent areas shall include the development of processes to facilitate the safe oper-
ation of unmanned aircraft beyond line of sight. Such areas shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

“(2) AGREEMENTS.—To implement the plan under paragraph (1), the Secretary may enter into an agreement with relevant national and international communities.

“(3) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this subsection, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

“§ 45503. Risk-based permitting of unmanned aircraft systems

“(a) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish pro-
cedures for issuing permits under this section with respect to certain unmanned aircraft systems and operations thereof.

“(b) PERMITTING STANDARDS.—Upon the submission of an application in accordance with subsection (d), the Administrator shall issue a permit with respect to the proposed operation of an unmanned aircraft system if the Administrator determines that the unmanned aircraft system and the proposed operation achieve a level of safety that is equivalent to—

“(1) other unmanned aircraft systems and operations permitted under regulation, exemption, or other authority granted by the Administrator; or

“(2) any other aircraft operation approved by the Administrator with similar risk characteristics or profiles.

“(c) SAFETY CRITERIA FOR CONSIDERATION.—In determining whether a proposed operation meets the standards described in subsection (b), the Administrator shall consider the following safety criteria:

“(1) The kinetic energy of the unmanned aircraft system.

“(2) The location of the proposed operation, including the proximity to—

“(A) structures;
“(B) congested areas;
“(C) special-use airspace; and
“(D) persons on the ground.
“(3) The nature of the operation, including any proposed risk mitigation.
“(4) Any known hazard of the proposed operation and the severity and likelihood of such hazard.
“(5) Any known failure modes of the unmanned aircraft system, failure mode effects and criticality, and any mitigating features or capabilities.
“(6) The operational history of relevant technologies, if available.
“(7) Any history of civil penalties or certificate actions by the Administrator against the applicant seeking the permit.
“(8) Any other safety criteria the Administrator considers appropriate.
“(d) APPLICATION.—An application under this section shall include evidence that the unmanned aircraft system and the proposed operation thereof meet the standards described in subsection (b) based on the criteria described in subsection (c).
“(e) SCOPE OF PERMIT.—A permit issued under this section shall—
“(1) be valid for 5 years;
“(2) constitute approval of both the airworthiness of the unmanned aircraft system and the proposed operation of such system;

“(3) be renewable for additional 5-year periods; and

“(4) contain any terms necessary to ensure aviation safety.

“(f) Notice.—Not later than 120 days after the Administrator receives a complete application under subsection (d), the Administrator shall provide the applicant written notice of a decision to approve or disapprove of the application or to request a modification of the application that is necessary for approval of the application.

“(g) Permitting Process.—The Administrator shall issue a permit under this section without regard to subsections (b) through (d) of section 553 of title 5 and chapter 35 of title 44 if the Administrator determines that the operation permitted will not occur near a congested area.

“(h) Exemption From Certain Requirements.—To the extent consistent with aviation safety, the Administrator may exempt applicants under this section from paragraphs (1) through (3) of section 44711(a).
“(i) Withdrawal.—The Administrator may, at any time, modify or withdraw a permit issued under this section.

“(j) Applicability.—This section shall not apply to small unmanned aircraft systems and operations authorized by the final rule on small unmanned aircraft systems issued pursuant to section 45502(b)(1).

“(k) Expedited Review.—The Administrator shall review and act upon applications under this section on an expedited basis for unmanned aircraft systems and operations thereof to be used primarily in, or primarily in direct support of, emergency preparedness, emergency response, or disaster recovery efforts, including efforts in connection with natural disasters and severe weather events.

§ 45504. Public unmanned aircraft systems

“(a) Guidance.—Not later than November 10, 2012, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

“(1) expedite the issuance of a certificate of authorization process;

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

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

“(4) provide guidance on a public entity’s responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

“(b) Standards for Operation and Certification.—Not later than December 31, 2015, the Administrator shall develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system.

“(c) Agreements with Government Agencies.—

“(1) In general.—Not later than May 14, 2012, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking author-
ization to operate public unmanned aircraft systems in the national airspace system.

“(2) CONTENTS.—The agreements shall—

“(A) with respect to an application described in paragraph (1)—

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

“(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

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

“(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

“(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, if operated—

“(i) within the line of sight of the operator;

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

“(iii) during daylight conditions;

“(iv) within Class G airspace; and
“(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

“§ 45505. Special rules for certain unmanned aircraft systems

“(a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than August 12, 2012, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 45502 or the guidance required under section 45504.

“(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

“(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

“(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under
section 44704 is required for the operation of unmanned aircraft systems identified under paragraph (1).

“(c) Requirements for Safe Operation.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

“§ 45506. Certification of new air navigation facilities for unmanned aircraft and other aircraft

“(a) In General.—Not later than 18 months after the date of enactment of this section, and notwithstanding section 2208 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 40101 note), the Administrator of the Federal Aviation Administration shall initiate a rulemaking to establish procedures for issuing air navigation facility certificates pursuant to section 44702 to operators of—

“(1) UTM for unmanned aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below; and

“(2) low-altitude CNS for aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below.
“(b) MINIMUM REQUIREMENTS.—In issuing a final rule pursuant to subsection (a), the Administrator, at a minimum, shall provide for the following:

“(1) CERTIFICATION STANDARDS.—The Administrator shall issue an air navigation facility certificate under the final rule if the Administrator determines that a UTM or low-altitude CNS facilitates or improves the safety of unmanned aircraft or other aircraft operations that occur primarily or exclusively in airspace 400 feet above ground level and below, including operations conducted under a waiver issued pursuant to subpart D of part 107 of title 14, Code of Federal Regulations.

“(2) CRITERIA FOR CONSIDERATION.—In determining whether a UTM or low-altitude CNS meets the standard described in paragraph (1), the Administrator shall, as appropriate, consider—

“(A) protection of persons and property on the ground;

“(B) remote identification of aircraft;

“(C) collision avoidance with respect to obstacles and aircraft;

“(D) deconfliction of aircraft trajectories;

“(E) safe and reliable interoperability or noninterference with air traffic control and...
other systems operated in the national airspace
system;

“(F) detection of noncooperative aircraft;
“(G) geographic and local factors;
“(H) aircraft equipage; and
“(I) qualifications, if any, necessary to op-
erate the UTM or low-altitude CNS.

“(3) APPLICATION.—An application for an air
navigation facility certificate under the final rule
shall include evidence that the UTM or low-altitude
CNS meets the standard described in paragraph (1)
based on the criteria described in paragraph (2).

“(4) SCOPE OF CERTIFICATE.—The Adminis-
trator shall ensure that an air navigation facility
certificate issued under the final rule—

“(A) constitutes approval of the UTM or
low-altitude CNS for the duration of the term
of the certificate;

“(B) constitutes authorization to operate
the UTM or low-altitude CNS for the duration
of the term of the certificate; and

“(C) contains such limitations and condi-
tions as may be necessary to ensure aviation
safety.
“(5) Notice.—Not later than 120 days after the Administrator receives a complete application under the final rule, the Administrator shall provide the applicant with a written approval, disapproval, or request to modify the application.

“(6) Low Risk Areas.—Under the final rule, the Administrator shall establish expedited procedures for approval of UTM or low-altitude CNS operated in—

“(A) airspace away from congested areas;

or

“(B) other airspace above areas in which operations of unmanned aircraft pose very low risk.

“(7) Exemption from Certain Requirements.—To the extent consistent with aviation safety, the Administrator may exempt applicants under the final rule from requirements under sections 44702, 44703, and 44711.

“(8) Certificate Modifications and Revocations.—A certificate issued under the final rule may, at any time, be modified or revoked by the Administrator.
“(c) Consultation.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

§ 45507. Special rules for certain UTM and low-altitude CNS

“(a) In general.—Notwithstanding any other requirement of this chapter, and not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall determine if certain UTM and low-altitude CNS may operate safely in the national airspace system before completion of the rulemaking required by section 45506.

“(b) Assessment of UTM and low-altitude CNS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum, which types of UTM and low-altitude CNS, if any, as a result of their operational capabilities, reliability, intended use, and areas of operation, and the characteristics of the aircraft involved, do not create a hazard to users of the national airspace system or the public.

“(c) Requirements for safe operation.—If the Secretary determines that certain UTM and low-altitude CNS may operate safely in the national airspace system, the Secretary shall establish requirements for their safe operation in the national airspace system.
“(d) EXPEDITED PROCEDURES.—The Secretary shall provide expedited procedures for reviewing and approving UTM or low-altitude CNS operated to monitor or control aircraft operated primarily or exclusively in airspace above—

“(1) croplands;
“(2) areas other than congested areas; and
“(3) other areas in which the operation of unmanned aircraft poses very low risk.

“(e) CONSULTATION.—In carrying out this section, the Administrator shall consult with other Federal agencies, as appropriate.

§ 45508. Operation of small unmanned aircraft

“(a) EXEMPTION AND CERTIFICATE OF WAIVER OR AUTHORIZATION FOR CERTAIN OPERATIONS.—Not later than 270 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a procedure for granting an exemption and issuing a certificate of waiver or authorization for the operation of a small unmanned aircraft system in United States airspace for the purposes described in section 45501(1).

“(b) OPERATION OF EXEMPTION AND CERTIFICATE OF WAIVER OR AUTHORIZATION.—
“(1) EXEMPTION.—An exemption granted under this section shall—

“(A) exempt the operator of a small unmanned aircraft from the provisions of title 14, Code of Federal Regulations, that are exempted in Exemption No. 11687, issued on May 26, 2015, Regulatory Docket Number FAA–2015–0117, or in a subsequent exemption; and

“(B) contain conditions and limitations described in paragraphs 3 through 31 of such Exemption No. 11687, or conditions and limitations of a subsequent exemption.

“(2) CERTIFICATE OF WAIVER OR AUTHORIZATION.—A certificate of waiver or authorization issued under this section shall allow the operation of small unmanned aircraft according to—

“(A) the standard provisions and air traffic control special provisions of the certificate of waiver or authorization FAA Form 7711–1 (7–74); or

“(B) the standard and special provisions of a subsequent certificate of waiver or authorization.

“(c) NOTICE TO ADMINISTRATOR.—Before operating a small unmanned aircraft pursuant to a certificate of
waiver or authorization granted under this section, the operator shall provide written notice to the Administrator, in a form and manner specified by the Administrator, that contains such information and assurances as the Administrator determines necessary in the interest of aviation safety and the efficiency of the national airspace system, including a certification that the operator has read, understands, and will comply with all terms, conditions, and limitations of the certificate of waiver or authorization.

“(d) WAIVER OF AIRWORTHINESS CERTIFICATE.—Notwithstanding section 44711(a)(1), the holder of a certificate of waiver or authorization granted under this section may operate a small unmanned aircraft under the terms, conditions, and limitations of such certificate without an airworthiness certificate.

“(e) PROCEDURE.—The granting of an exemption or the issuance of a certificate of waiver or authorization, or any other action authorized by this section, shall be made without regard to—

“(1) section 553 of title 5; or

“(2) chapter 35 of title 44.

“(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

“(1) affect the issuance of a rule by or any other activity of the Secretary of Transportation or

•HR 2997 IH
the Administrator under any other provision of law;

or

“(2) invalidate an exemption or certificate of waiver or authorization issued by the Administrator before the date of enactment of this section.

“(g) EFFECTIVE PERIODS.—An exemption or certificate of waiver or authorization issued under this section, or an amendment of such exemption or certificate, shall cease to be valid on the effective date of a final rule on small unmanned aircraft systems issued under section 45502(b)(1).

§ 45509. Special rules for model aircraft

“(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft or an aircraft being developed as a model aircraft (other than the registration of certain model aircraft pursuant to section 44103), if—

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

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

“(3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;

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

“(5) the aircraft is not operated over or within the property of a fixed site facility that operates amusement rides available for use by the general public or the property extending 500 lateral feet beyond the perimeter of such facility unless the operation is authorized by the owner of the amusement facility; and

“(6) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually agreed upon operating procedure with the airport operator.
and the airport air traffic control tower (when an air traffic facility is located at the airport)).

“(b) COMMERCIAL OPERATION FOR INSTRUCTIONAL OR EDUCATIONAL PURPOSES.—A flight of an unmanned aircraft shall be treated as a flight of a model aircraft for purposes of subsection (a) (regardless of any compensation, reimbursement, or other consideration exchanged or incidental economic benefit gained in the course of planning, operating, or supervising the flight), if the flight is—

“(1) conducted for instructional or educational purposes; and

“(2) operated or supervised by a member of a community-based organization recognized pursuant to subsection (e).

“(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.

“(d) COMMUNITY-BASED ORGANIZATION DEFINED.—In this section, the term ‘community-based organization’ means an entity that—

“(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986;
“(2) is exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

“(3) the mission of which is demonstrably the furtherance of model aviation;

“(4) provides a comprehensive set of safety guidelines for all aspects of model aviation addressing the assembly and operation of model aircraft and that emphasize safe aeromodeling operations within the national airspace system and the protection and safety of individuals and property on the ground;

“(5) provides programming and support for any local charter organizations, affiliates, or clubs; and

“(6) provides assistance and support in the development and operation of locally designated model aircraft flying sites.

“(e) RECOGNITION OF COMMUNITY-BASED ORGANIZATIONS.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish, and make available to the public, a process for recognizing community-based organizations that meet the eligibility criteria under subsection (d).

“§ 45510. Carriage of property for compensation or hire

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Trans-
portation shall issue a final rule authorizing the carriage
of property by operators of small unmanned aircraft sys-
tems for compensation or hire within the United States.

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

“(1) SMALL UAS AIR CARRIER CERTIFICATE.—
The Administrator of the Federal Aviation Adminis-
tration, at the direction of the Secretary, shall estab-
lish a small UAS air carrier certificate for persons
that undertake directly, or by lease or other arrange-
ment, the operation of small unmanned aircraft sys-
tems to carry property in air transportation, includ-
ing commercial fleet operations with highly auto-
mated unmanned aircraft systems. The requirements
to obtain a small UAS air carrier certificate shall—

“(A) account for the unique characteristics
of highly automated small unmanned aircraft
systems; and

“(B) include only those obligations nec-
essary for the safe operation of small unmanned
aircraft systems.

“(2) SMALL UAS AIR CARRIER CERTIFICATION
PROCESS.—The Administrator, at the direction of
the Secretary, shall establish a process for the
issuance of a small UAS air carrier certificate de-
scribed in paragraph (1) that is streamlined, simple, performance-based, and risk-based. Such certification process shall consider—

“(A) safety and the mitigation of operational risks from highly automated small unmanned aircraft systems to the safety of other aircraft, and persons and property on the ground;

“(B) the safety and reliability of highly automated small unmanned aircraft system design, including technological capabilities and operational limitations to mitigate such risks; and

“(C) the competencies and compliance programs of manufacturers, operators, and companies that both manufacture and operate small unmanned aircraft systems and components.

“(3) SMALL UAS AIR CARRIER CLASSIFICATION.—The Secretary shall develop a classification system for small unmanned aircraft systems air carriers to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such classification shall only require—
“(A) registration with the Department of Transportation; and

“(B) a valid small UAS air carrier certificate as described in paragraph (1).”.

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—

(A) IN GENERAL.—Sections 332(a), 332(b), 332(d), 333, 334, and 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) are repealed.

(B) CLERICAL AMENDMENT.—The items relating to sections 333, 334, and 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) in the table of contents contained in section 1(b) of that Act are repealed.

(2) PENALTIES.—Section 46301 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A) by inserting “chapter 455,” after “chapter 451,”; and

(ii) in paragraph (5)(A)(i) by striking “or chapter 451,” and inserting “chapter 451, chapter 455,”;
(B) in subsection (d)(2) by inserting “chapter 455,” after “chapter 451,”; and

(C) in subsection (f)(1)(A)(i) by striking “or chapter 451” and inserting “chapter 451, or chapter 455”.

(3) CLERICAL AMENDMENT.—The analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 453 the following:

“455. Unmanned aircraft systems ..............................................45501”.

SEC. 433. UNMANNED AIRCRAFT TEST RANGES.

(a) EXTENSION OF PROGRAM.—Section 332(c)(1) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking “September 30, 2019” and inserting “the date that is 6 years after the date of enactment of the 21st Century AIRR Act”.

(b) SENSE-AND-AVOID AND BEYOND LINE OF SIGHT SYSTEMS AT TEST RANGES.—

(1) IN GENERAL.—To the extent consistent with aviation safety, the Administrator of the Federal Aviation Administration shall permit and encourage flights of unmanned aircraft equipped with sense-and-avoid and beyond line of sight systems at the 6 test ranges designated under section 332(c) of the FAA Modernization and Reform Act of 2012.
(2) Waivers.—In carrying out paragraph (1), the Administrator may waive the requirements of section 44711 of title 49, United States Code, including related regulations, to the extent consistent with aviation safety.

(c) Test Range Defined.—In this section, the term “test range” means a defined geographic area where research and development are conducted.

SEC. 434. SENSE OF CONGRESS REGARDING UNMANNED AIRCRAFT SAFETY.

It is the sense of Congress that—

(1) the unauthorized operation of unmanned aircraft near airports presents a serious hazard to aviation safety;

(2) a collision between an unmanned aircraft and a conventional aircraft in flight could jeopardize the safety of persons aboard the aircraft and on the ground;

(3) Federal aviation regulations, including sections 91.126 through 91.131 of title 14, Code of Federal Regulations, prohibit unauthorized operation of an aircraft in controlled airspace near an airport;

(4) Federal aviation regulations, including section 91.13 of title 14, Code of Federal Regulations, prohibit the operation of an aircraft in a careless or
reckless manner so as to endanger the life or property of another;

(5) the Administrator of the Federal Aviation Administration should pursue all available civil and administrative remedies available to the Administrator, including referrals to other government agencies for criminal investigations, with respect to persons who operate unmanned aircraft in an unauthorized manner;

(6) the Administrator should place particular priority on continuing measures, including partnerships with nongovernmental organizations, to educate the public about the dangers to the public safety of operating unmanned aircraft near airports without the appropriate approvals or authorizations; and

(7) manufacturers and retail sellers of small unmanned aircraft systems should take steps to educate consumers about the safe and lawful operation of such systems.

SEC. 435. UAS PRIVACY REVIEW.

(a) Review.—The Secretary of Transportation, in consultation with the heads of appropriate Federal agencies, appropriate State and local officials, and subject-matter experts and in consideration of relevant efforts led by
the National Telecommunications and Information Ad-
ministration, shall carry out a review to identify any po-
tential reduction of privacy specifically caused by the inte-
gration of unmanned aircraft systems into the national
airspace system.

(b) CONSULTATION.—In carrying out the review, the
Secretary shall consult with the National Telecommuni-
cations and Information Administration of the Depart-
ment of Commerce on its ongoing efforts responsive to the
President’s memorandum titled “Promoting Economic
Competitiveness While Safeguarding Privacy, Civil Rights,
and Civil Liberties in Domestic Use of Unmanned Aircraft
Systems” and dated February 15, 2015.

(e) REPORT.—Not later than 180 days after the date
of enactment of this Act, the Secretary shall submit to
the Committee on Transportation and Infrastructure of
the House of Representatives and the Committee on Com-
merce, Science, and Transportation of the Senate a report
on the results of the review required under subsection (a).

SEC. 436. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
MENTS.

(a) Public UAS Operations by Tribal Govern-
ments.—Section 40102(a)(41) of title 49, United States
Code, is amended by adding at the end the following:
“(F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), except as provided in section 40125(b).”.

(b) CONFORMING AMENDMENT.—Section 40125(b) of title 49, United States Code, is amended by striking “or (D)” and inserting “(D), or (F)”.

SEC. 437. EVALUATION OF AIRCRAFT REGISTRATION FOR SMALL UNMANNED AIRCRAFT.

(a) METRICS.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and track metrics to assess compliance with and effectiveness of the registration of small unmanned aircraft systems by the Federal Aviation Administration pursuant to the interim final rule issued on December 16, 2015, entitled “Registration and Marking Requirements for Small Unmanned Aircraft” (80 Fed. Reg. 78593) and any subsequent final rule, including metrics with respect to—

(1) the levels of compliance with the interim final rule and any subsequent final rule;
(2) the number of enforcement actions taken by
the Administration for violations of or noncompli-
ance with the interim final rule and any subsequent
final rule, together with a description of the actions;
and

(3) the effect of the interim final rule and any
subsequent final rule on compliance with any fees
associated with the use of small unmanned aircraft
systems.

(b) EVALUATION.—The Inspector General of the De-
partment of Transportation shall evaluate—

(1) the Administration’s progress in developing
and tracking the metrics set forth in subsection (a);
and

(2) the reliability, effectiveness, and efficiency
of the Administration’s registration program for
small unmanned aircraft.

(c) REPORT.—Not later than 1 year after the date
of enactment of this Act, the Inspector General of the De-
partment of Transportation shall submit to the Committee
on Transportation and Infrastructure of the House of
Representatives and the Committee on Commerce,
Science, and Transportation of the Senate a report con-
taining—
(1) the results of the evaluation required under subsection (b); and

(2) recommendations to the Administrator and Congress for improvements to the registration process for small unmanned aircraft.

SEC. 438. STUDY ON ROLES OF GOVERNMENTS RELATING TO LOW-ALTITUDE OPERATION OF SMALL UNMANNED AIRCRAFT.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate a study on—

(1) the regulation and oversight of the low-altitude operations of small unmanned aircraft and small unmanned aircraft systems; and

(2) the appropriate roles and responsibilities of Federal, State, local, and Tribal governments in regulating and overseeing the operations of small unmanned aircraft in airspace 400 feet above ground level and below.

(b) Considerations.—In carrying out the study, the Inspector General shall consider, at a minimum—

(1) the recommendations of Task Group 1 of the Drone Advisory Committee chartered by the
Federal Aviation Administration on August 31, 2016;

(2) the legal and policy requirements necessary for the safe and financially viable development and growth of the unmanned aircraft industry;

(3) the interests of Federal, State, local, and Tribal governments affected by low-altitude operations of small unmanned aircraft;

(4) the existing authorities of Federal, State, local, and Tribal governments to protect the interests referenced in paragraph (3);

(5) the degree of regulatory consistency required for the safe and financially viable growth and development of the unmanned aircraft industry;

(6) the degree of local variance possible among regulations consistent with the safe and financially viable growth and development of the unmanned aircraft industry;

(7) the appropriate roles of State, local, and Tribal governments in regulating the operations of small unmanned aircraft within the lateral boundaries of their jurisdiction in the categories of airspace described in subsection (a)(2);

(8) the subjects and types of regulatory authority that should remain with the Federal Government;
(9) the infrastructure requirements necessary for monitoring the low-altitude operations of small unmanned aircraft and enforcing applicable laws;

(10) the number of small businesses involved in the various sectors of the unmanned aircraft industry and operating as primary users of small unmanned aircraft; and

(11) any best practices, lessons learned, or policies of jurisdictions outside the United States relating to local or regional regulation and oversight of small unmanned aircraft and other emergent technologies.

(e) REPORT TO CONGRESS.—Not later than 180 days after initiating the study, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 439. STUDY ON FINANCING OF UNMANNED AIRCRAFT SERVICES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study on appropriate fee mechanisms to recover the costs of—
the regulation and safety oversight of unmanned aircraft and unmanned aircraft systems; and

(2) the provision of air navigation services to unmanned aircraft and unmanned aircraft systems.

(b) CONSIDERATIONS.—In carrying out the study, the Comptroller General shall consider, at a minimum—

(1) the recommendations of Task Group 3 of the Drone Advisory Committee chartered by the Federal Aviation Administration on August 31, 2016;

(2) the total annual costs incurred by the Federal Aviation Administration for the regulation and safety oversight of activities related to unmanned aircraft;

(3) the annual costs attributable to various types, classes, and categories of unmanned aircraft activities;

(4) air traffic services provided to unmanned aircraft operating under instrument flight rules, excluding public aircraft;

(5) the number of full-time Federal Aviation Administration employees dedicated to unmanned aircraft programs;
(6) the use of privately operated UTM and other privately operated unmanned aircraft systems;

(7) the projected growth of unmanned aircraft operations for various applications and the estimated need for regulation, oversight, and other services;

(8) the number of small businesses involved in the various sectors of the unmanned aircraft industry and operating as primary users of unmanned aircraft; and

(9) any best practices or policies utilized by jurisdictions outside the United States relating to partial or total recovery of regulation and safety oversight costs related to unmanned aircraft and other emergent technologies.

(c) REPORT TO CONGRESS.—Not later than 180 days after initiating the study, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing recommendations on appropriate fee mechanisms to recover the costs of regulating and providing air navigation services to unmanned aircraft and unmanned aircraft systems.
SEC. 440. UPDATE OF FAA COMPREHENSIVE PLAN.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall update the comprehensive plan required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to develop a concept of operations for the integration of unmanned aircraft into the national airspace system.

(b) CONSIDERATIONS.—In carrying out the update, the Secretary shall consider, at a minimum—

(1) the potential use of UTM and other technologies to ensure the safe and lawful operation of unmanned aircraft in the national airspace system;

(2) the appropriate roles, responsibilities, and authorities of government agencies and the private sector in identifying and reporting unlawful or harmful operations and operators of unmanned aircraft;

(3) the use of models, threat assessments, probabilities, and other methods to distinguish between lawful and unlawful operations of unmanned aircraft; and

(4) appropriate systems, training, intergovernmental processes, protocols, and procedures to mitigate risks and hazards posed by unlawful or harmful operations of unmanned aircraft systems.
(c) Consultation.—The Secretary shall carry out the update in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry.

SEC. 441. COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY.

In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.

TITLE V—AIR SERVICE IMPROVEMENTS
Subtitle A—Airline Customer Service Improvements

SEC. 501. RELIABLE AIR SERVICE IN AMERICAN SAMOA.

Section 40109(g) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking subparagraph (C) and inserting the following:
“(C) review the exemption at least every 30 days (or, in the case of an exemption that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu’a, at least every 180 days) to ensure that the unusual circumstances that established the need for the exemption still exist.”; and

(2) by striking paragraph (3) and inserting the following:

“(3) Renewal of exemptions.—

“(A) In general.—Except as provided in subparagraph (B), the Secretary may renew an exemption (including renewals) under this subsection for not more than 30 days.

“(B) Exception.—The Secretary may renew an exemption (including renewals) under this subsection that is necessary to provide and sustain air transportation in American Samoa between the islands of Tutuila and Manu’a for not more than 180 days.

“(4) Continuation of exemptions.—An exemption granted by the Secretary under this subsection may continue for not more than 5 days after the unusual circumstances that established the need for the exemption cease.”.
SEC. 502. CELL PHONE VOICE COMMUNICATION BAN.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

§ 41725. Prohibition on certain cell phone voice communications

“(a) PROHIBITION.—The Secretary of Transportation shall issue regulations—

“(1) to prohibit an individual on an aircraft from engaging in voice communications using a mobile communications device during a flight of that aircraft in scheduled passenger interstate or intrastate air transportation; and

“(2) that exempt from the prohibition described in paragraph (1) any—

“(A) member of the flight crew on duty on an aircraft;

“(B) flight attendant on duty on an aircraft; and

“(C) Federal law enforcement officer acting in an official capacity.

“(b) DEFINITIONS.—In this section, the following definitions apply:

“(1) FLIGHT.—The term ‘flight’ means, with respect to an aircraft, the period beginning when the

VerDate Sep 11 2014 00:46 Jun 23, 2017 Jkt 069200 PO 00000 Frm 00273 Fmt 6652 Sfmt 6201 E:\BILLS\H2997.IH H2997lotter on DSKBCFDHB2PROD with BILLS
aircraft takes off and ending when the aircraft
lands.

“(2) MOBILE COMMUNICATIONS DEVICE.—

“(A) IN GENERAL.—The term ‘mobile
communications device’ means any portable
wireless telecommunications equipment utilized
for the transmission or reception of voice data.

“(B) LIMITATION.—The term ‘mobile com-
munications device’ does not include a phone in-
stalled on an aircraft.”.

(b) CLERICAL AMENDMENT.—The analysis for chap-
ter 417 of title 49, United States Code, is amended by
inserting after the item relating to section 41724 the fol-
lowing:

“41725. Prohibition on certain cell phone voice communications.”.

SEC. 503. ADVISORY COMMITTEE FOR AVIATION CON-
SUMER PROTECTION.

Section 411 of the FAA Modernization and Reform
Act of 2012 (49 U.S.C. 42301 prec. note) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (3) and

(4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the

following:

“(3) independent distributors of travel;”;

•HR 2997 IH
(2) in subsection (g) by striking “first 2 calendar years” and inserting “first 6 calendar years”; and

(3) in subsection (h) by striking “September 30, 2017” and inserting “September 30, 2023”.

SEC. 504. IMPROVED NOTIFICATION OF INSECTICIDE USE.

Section 42303(b) of title 49, United States Code, is amended to read as follows:

“(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the internet website established under subsection (a) shall—

“(1) disclose, on its own internet website or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

“(2) refer the purchaser of the ticket to the internet website established under subsection (a) for additional information.”.
SEC. 505. ADVERTISEMENTS AND DISCLOSURE OF FEES FOR PASSENGER AIR TRANSPORTATION.

(a) FULL FARE ADVERTISING.—

(1) IN GENERAL.—Section 41712 of title 49, United States Code, is amended by adding at the end the following:

“(d) FULL FARE ADVERTISING.—

“(1) IN GENERAL.—It shall not be an unfair or deceptive practice under subsection (a) for a covered entity to state in an advertisement or solicitation for passenger air transportation the base airfare for the air transportation if the covered entity clearly and separately discloses—

“(A) the government-imposed fees and taxes associated with the air transportation; and

“(B) the total cost of the air transportation.

“(2) FORM OF DISCLOSURE.—

“(A) IN GENERAL.—For purposes of paragraph (1), the information described in paragraphs (1)(A) and (1)(B) shall be disclosed in the advertisement or solicitation in a manner that clearly presents the information to the consumer.
“(B) INTERNET ADVERTISEMENTS AND
solicitations.—For purposes of paragraph
(1), with respect to an advertisement or solicita-
tion for passenger air transportation that ap-
ppears on an internet website or a mobile appli-
cation, the information described in paragraphs
(1)(A) and (1)(B) may be disclosed through a
link or pop-up, as such terms may be defined
by the Secretary, that displays the information
in a manner that is easily accessible and
viewable by the consumer.

“(3) DEFINITIONS.—In this subsection, the fol-
lowing definitions apply:

“(A) BASE AIRFARE.—The term ‘base air-
fare’ means the cost of passenger air transpor-
tation, excluding government-imposed fees and
taxes.

“(B) COVERED ENTITY.—The term ‘cov-
ered entity’ means an air carrier, including an
indirect air carrier, foreign air carrier, ticket
agent, or other person offering to sell tickets for
passenger air transportation or a tour or tour
component that must be purchased with air
transportation.”.
(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to affect any obligation of a person that sells air transportation to disclose the total cost of the air transportation, including government-imposed fees and taxes, prior to purchase of the air transportation.

(3) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to carry out the amendment made by paragraph (1).

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall take effect on the earlier of—

(A) the effective date of regulations issued under paragraph (3); and

(B) the date that is 180 days after the date of enactment of this Act.

(b) DISCLOSURE OF FEES.—Section 41712 of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

“(e) DISCLOSURE OF FEES.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent to fail to in-
clude, in an internet fare quotation for a specific itinerary in air transportation selected by a consumer—

“(A) a clear and prominent statement that additional fees for checked baggage and carry-on baggage may apply; and

“(B) a prominent link that connects directly to a list of all such fees.

“(2) SAVINGS PROVISION.—Nothing in this subsection may be construed to derogate or limit any responsibilities of an air carrier, foreign air carrier, or ticket agent under section 399.85 of title 14, Code of Federal Regulations, or any successor provision.”.

SEC. 506. INVOLUNTARILY BUMPING PASSENGERS AFTER AIRCRAFT BOARDED.

Section 41712 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

“(f) INVOLUNTARILY DENIED BOARDING AFTER AIRCRAFT BOARDED.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier or foreign air carrier subject to part 250 of title 14, Code of Federal Regulations, to involuntarily
deplane a revenue passenger onboard an aircraft, if
the revenue passenger—

“(A) is traveling on a confirmed reserva-
tion; and

“(B) checked-in for the relevant flight
prior to the check-in deadline.

“(2) SAVINGS PROVISION.—Nothing in this sub-
section may be construed to limit the authority of an
air carrier, foreign air carrier, or airman to remove
a passenger in accordance with—

“(A) section 91.3, 121.533(d), or 121.580
of title 14, Code of Federal Regulations, or any
successor provision; or

“(B) any other applicable Federal, State,
or local law.”.

SEC. 507. AVAILABILITY OF CONSUMER RIGHTS INFORMA-
TION.

Section 42302(b) of title 49, United States Code, is
amended—

(1) in the matter preceding paragraph (1) by
striking “on the” and inserting “in a prominent
place on the homepage of the primary”;

(2) in paragraph (2) by striking “and” at the
end;
(3) in paragraph (3) by striking the period at the end and inserting “; and”; and
(4) by adding at the end the following:
“(4) the air carrier’s customer service plan.”.

SEC. 508. CONSUMER COMPLAINTS HOTLINE.

Section 42302 of title 49, United States Code, is amended by adding at the end the following:
“(d) USE OF NEW TECHNOLOGIES.—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to provide new means for air passengers to communicate complaints in addition to the telephone number established under subsection (a) and shall provide such new means as the Secretary determines appropriate.”.

SEC. 509. WIDESPREAD DISRUPTIONS.

(a) In General.—Chapter 423 of title 49, United States Code, is amended by adding at the end the following:

“§ 42304. Widespread disruptions
“(a) GENERAL REQUIREMENTS.—In the event of a widespread disruption, a covered air carrier shall immediately publish, via a prominent link on the air carrier’s public internet website, a clear statement indicating whether, with respect to a passenger of the air carrier
whose travel is interrupted as a result of the widespread

disruption, the air carrier will—

“(1) provide for hotel accommodations;
“(2) arrange for ground transportation;
“(3) provide meal vouchers;
“(4) arrange for air transportation on another
air carrier or foreign air carrier to the passenger’s
destination; and
“(5) provide for sleeping facilities inside the air-
port terminal.

“(b) Definitions.—In this section, the following
definitions apply:

“(1) Widespread Disruption.—The term
‘widespread disruption’ means, with respect to a cov-
ered air carrier, the interruption of all or the over-
whelming majority of the air carrier’s systemwide
flight operations, including flight delays and can-
cellations, as the result of the failure of 1 or more
computer systems or computer networks of the air
carrier.

“(2) Covered Air Carrier.—The term ‘cov-
ered air carrier’ means an air carrier that provides
scheduled passenger air transportation by operating
an aircraft that as originally designed has a pas-
senger capacity of 30 or more seats.
“(c) SAVINGS PROVISION.—Nothing in this section may be construed to modify, abridge, or repeal any obligation of an air carrier under section 42301.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 423 of title 49, United States Code, is amended by adding at the end the following:

“42304. Widespread disruptions.”.

SEC. 510. INVOLUNTARILY DENIED BOARDING COMPENSATION.

Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule to revise part 250 of title 14, Code of Federal Regulations, to clarify that—

(1) there is not a maximum level of compensation an air carrier or foreign air carrier may pay to a passenger who is involuntarily denied boarding as the result of an oversold flight;

(2) the compensation levels set forth in that part are the minimum levels of compensation an air carrier or foreign air carrier must pay to a passenger who is involuntarily denied boarding as the result of an oversold flight; and

(3) an air carrier or foreign air carrier must proactively offer to pay compensation to a passenger who is voluntarily or involuntarily denied boarding
on an oversold flight, rather than waiting until the
passenger requests the compensation.

Subtitle B—Aviation Consumers
With Disabilities

SEC. 541. SELECT SUBCOMMITTEE.

Section 411 of the FAA Modernization and Reform
Act of 2012 (49 U.S.C. 42301 prec. note), as amended
by this Act, is further amended—

(1) by redesignating subsections (g) and (h) as
subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the fol-
lowing:

“(g) SELECT SUBCOMMITTEE FOR AVIATION CON-
SUMERS WITH DISABILITIES.—

“(1) IN GENERAL.—The Secretary shall estab-
lish a select subcommittee of the advisory committee
to advise the Secretary and the advisory committee
on issues related to the air travel needs of pas-
sengers with disabilities.

“(2) DUTIES.—The select subcommittee shall—

“(A) identify the disability-related access
barriers encountered by passengers with disabil-
ities;

“(B) determine the extent to which the
programs and activities of the Department of
Transportation are addressing the barriers identified under subparagraph (A);

“(C) recommend consumer protection improvements related to the air travel experience of passengers with disabilities;

“(D) advise the Secretary with regard to the implementation of section 41705 of title 49, United States Code; and

“(E) conduct such other activities as the Secretary considers necessary to carry out this subsection.

“(3) Membership.—

“(A) Composition.—The select subcommittee shall be composed of members appointed by the Secretary, including at least 1 individual representing each of the following:

“(i) National disability organizations.

“(ii) Air carriers and foreign air carriers with flights in air transportation.

“(iii) Airport operators.

“(iv) Contractor service providers.

“(B) Inclusion.—A member of the select subcommittee may also be a member of the advisory committee.

“(4) Reports.—
“(A) IN GENERAL.—Not later than 1 year after the date of establishment of the select subcommittee, the select subcommittee shall submit to the advisory committee and the Secretary a report on the air travel needs of passengers with disabilities that includes—

“(i) an assessment of existing disability-related access barriers and any emerging disability-related access barriers that will likely be an issue in the next 5 years;

“(ii) an evaluation of the extent to which the programs and activities of the Department of Transportation are eliminating disability-related access barriers;

“(iii) a description of consumer protection improvements related to the air travel experience of passengers with disabilities; and

“(iv) any recommendations for legislation, regulations, or other actions that the select subcommittee considers appropriate.

“(B) REPORT TO CONGRESS.—Not later than 60 days after the date on which the Secretary receives the report under subparagraph
(A), the Secretary shall submit to Congress a copy of the report, including any additional findings or recommendations that the Secretary considers appropriate.

“(5) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under paragraph (3), an individual to serve as chairperson of the select subcommittee.

“(6) VACANCIES AND TRAVEL EXPENSES.—Subsections (c) and (d) shall apply to the select subcommittee.

“(7) TERMINATION.—The select subcommittee established under this subsection shall terminate upon submission of the report required under paragraph (4)(A).”.

SEC. 542. AVIATION CONSUMERS WITH DISABILITIES STUDY.

(a) Study.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study that includes—

(1) a review of airport accessibility best practices for individuals with disabilities, including best practices that improve infrastructure facilities and communications methods, including those related to wayfinding, amenities, and passenger care;
(2) a review of air carrier and airport training policies related to section 41705 of title 49, United States Code;

(3) a review of air carrier training policies related to properly assisting passengers with disabilities; and


(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the study, including findings and recommendations.

SEC. 543. FEASIBILITY STUDY ON IN-CABIN WHEELCHAIR RESTRRAINT SYSTEMS.

(a) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation,
in consultation with the Architectural and Transportation Barriers Compliance Board, aircraft manufacturers, and air carriers, shall conduct a study to determine—

(1) the feasibility of in-cabin wheelchair restraint systems; and

(2) if feasible, the ways in which individuals with significant disabilities using wheelchairs, including power wheelchairs, can be accommodated with in-cabin wheelchair restraint systems.

(b) REPORT.—Not later than 1 year after the initiation of the study under subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study.

Subtitle C—Small Community Air Service

SEC. 551. ESSENTIAL AIR SERVICE AUTHORIZATION.

Section 41742(a)(2) of title 49, United States Code, is amended by striking “$150,000,000 for fiscal year 2011” and all that follows before “to carry out” and inserting “$178,000,000 for fiscal year 2018, $182,000,000 for fiscal year 2019, $185,000,000 for fiscal year 2020,
SEC. 552. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2017” and inserting “September 30, 2023”.

SEC. 553. STUDY ON ESSENTIAL AIR SERVICE REFORM.

(a) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study on the effects of section 6 of the Airport and Airway Extension Act of 2011, Part IV (Public Law 112–27), section 421 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95), and other relevant Federal laws enacted after 2010, including the amendments made by those laws, on the Essential Air Service program.

(2) Scope.—In conducting the study under paragraph (1), the Comptroller General shall analyze, at a minimum—

(A) the impact of each relevant Federal law, including the amendments made by each law, on the Essential Air Service program;
(B) what actions communities and air carriers have taken to reduce ticket prices or increase enplanements as a result of each law;

(C) the issuance of waivers by the Secretary under section 41731(e) of title 49, United States Code;

(D) whether budgetary savings resulted from each law; and

(E) options for further reform of the Essential Air Service program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 554. SMALL COMMUNITY AIR SERVICE.

(a) ELIGIBILITY.—Section 41743(c) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) SIZE.—On the date of submission of the relevant application under subsection (b), the airport serving the community or consortium—
“(A) is not larger than a small hub airport, as determined using the Department of Transportation’s most recently published classification; and

“(B) has—

“(i) insufficient air carrier service; or

“(ii) unreasonably high air fares.”;

and

(2) in paragraph (5)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following:

“(E) the assistance will be used to help restore scheduled passenger air service that has been terminated;”.

(b) Authorization of Appropriations.—Section 41743(e)(2) of title 49, United States Code, is amended to read as follows:

“(2) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $6,000,000 for each of fiscal years 2018 through 2023 to carry out this section, of which $4,800,000 per fiscal year shall be used to carry out
the pilot program established under subsection (i). Such sums shall remain available until expended.”.

(c) **Regional Air Transportation Pilot Program.**—Section 41743 of title 49, United States Code, is amended by adding at the end the following:

“(i) **Regional Air Transportation Pilot Program.**—

“(1) **Establishment.**—The Secretary shall estab-


lish a regional air transportation pilot program to

provide operating assistance to air carriers in order

to provide air service to communities not receiving


sufficient air carrier service.

“(2) **Grants.**—The Secretary shall provide


grants under the program to encourage and main-

tain air service at reasonable airfares between com-

munities that have experienced, as determined by

the Secretary, significant declines in air service.

“(3) **Application Required.**—In order to


participate in the program, a State, local govern-


ment, economic development authority, or other pub-


clic entity shall submit to the Secretary an applica-


tion, in a manner that the Secretary prescribes, that


contains—
“(A) an identification of an air carrier that has provided a written agreement to provide the air service in partnership with the applicant;

“(B) assurances that the applicant will provide the non-Federal share and that the non-Federal share is not derived from airport revenue;

“(C) a proposed route structure serving not more than 8 communities; and

“(D) a timeline for commencing the air service to the communities within the proposed route structure.

“(4) CRITERIA FOR PARTICIPATION.—The Secretary may approve up to 3 applications each fiscal year, subject to the availability of funds, if the Secretary determines that—

“(A) the proposal of the applicant can reasonably be expected to encourage and improve levels of air service between the relevant communities;

“(B) the applicant has adequate financial resources to ensure the commitment to the communities;

“(C) the airports serving the communities are nonhub, small hub, or medium hub airports,
as determined using the Department of Trans-
portation’s most recently published classifica-
tions; and

“(D) the air carrier commits to serving the
communities for at least 2 years.

“(5) PRIORITIES.—The Secretary shall
prioritize applications that—

“(A) would initiate new or reestablish air
service in communities where air fares are high-
er than the average air fares for all commu-
nities;

“(B) are more likely to result in self-sus-
taining air service at the end of the program;

“(C) request a Federal share lower than
50 percent; and

“(D) propose to use grant funds in a time-
ly fashion.

“(6) FEDERAL SHARE.—The Federal share of
the cost of operating assistance provided under the
program may not exceed 50 percent.

“(7) SUNSET.—This subsection shall cease to
be effective on October 1, 2023.”.

SEC. 555. AIR TRANSPORTATION TO NONELIGIBLE PLACES.

(a) DEFINITIONS.—Section 41731(a)(1)(A)(ii) of
title 49, United States Code, is amended by striking
(b) PROGRAM SUNSET.—Section 41736 of title 49, United States Code, is amended by adding at the end the following:

“(h) SUNSET.—

“(1) PROPOSALS.—No proposal under subsection (a) may be accepted by the Secretary after the date of enactment of this subsection.

“(2) PROGRAM.—The Secretary may not provide any compensation under this section after the date that is 2 years after the date of enactment of this subsection.”.

TITLE VI—MISCELLANEOUS

SEC. 601. REVIEW OF FAA STRATEGIC CYBERSECURITY PLAN.

(a) IN GENERAL.—Not later than 120 days after the date on which the Interim Chief Executive Officer (CEO) of the American Air Navigation Services Corporation is hired, the Administrator of the Federal Aviation Administration, in consultation with the Interim CEO (or the CEO of the American Air Navigation Services Corporation, as appropriate), shall initiate a review of the comprehensive and strategic framework of principles and policies (re-
ferred to in this section as the “framework”) developed pursuant to section 2111 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44903 note).

(b) CONTENTS.—In undertaking the review, the Administrator shall—

(1) determine how the framework should be updated to reflect the transfer from the Federal Aviation Administration to the American Air Navigation Services Corporation of operational control of air traffic services within United States airspace and international airspace delegated to the United States; and

(2) modify the framework to support the Federal Aviation Administration in establishing cybersecurity standards to assist the American Air Navigation Services Corporation in responsibilities associated with managing air traffic services in a secure manner after the date of transfer (as defined in section 90101(a) of title 49, United States Code, as added by this Act).

(c) REPORT TO CONGRESS.—Not later than 120 days after initiating the review required by subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and
Transportation of the Senate a report on the results of
the review, including a description of any modifications
made to the framework.

SEC. 602. CONSOLIDATION AND REALIGNMENT OF FAA
SERVICES AND FACILITIES.

(a) IN GENERAL.—Section 804(a) of the FAA Modern-
ization and Reform Act of 2012 (49 U.S.C. 44501
note) is amended—

(1) in paragraph (2) by striking “The purpose
of the report shall be—” and all that follows
through “(B) to reduce” and inserting “The purpose
of the report shall be to reduce”; and

(2) by striking paragraph (4) and inserting the
following:

“(4) INPUT.—The report shall be prepared by
the Administrator (or the Administrator’s designee)
with the participation of—

“(A) representatives of labor organizations
representing air traffic control system employ-
ees of the FAA; and

“(B) industry stakeholders.”.

(b) FAA AIR TRAFFIC CONTROL FACILITY CONSOLI-
DATION AND REALIGNMENT PROJECTS.—Notwith-
standing section 90317(c) of title 49, United States Code,
as added by this Act, the Secretary of Transportation shall
continue to carry out any consolidation or realignment
project commenced under section 804 of the FAA Mod-
ernization and Reform Act of 2012.

SEC. 603. FAA REVIEW AND REFORM.

(a) AGENCY REPORT.—Not later than 60 days after
the date of enactment of this Act, the Administrator of
the Federal Aviation Administration shall submit to the
Committee on Transportation and Infrastructure of the
House of Representatives and the Committee on Com-
merce, Science, and Transportation of the Senate a de-
tailed analysis of any actions taken to address the findings
and recommendations included in the report required
under section 812(d) of the FAA Modernization and Re-
form Act of 2012 (49 U.S.C. 106 note), including—

(1) consolidating, phasing-out, or eliminating
duplicative positions, programs, roles, or offices;

(2) eliminating or streamlining wasteful prac-
tices;

(3) eliminating or phasing-out redundant, obso-
lete, or unnecessary functions;

(4) reforming and streamlining inefficient proc-
esses so that the activities of the Administration are
completed in an expedited and efficient manner; and

(5) reforming or eliminating ineffectual or out-
dated policies.
(b) ADDITIONAL REVIEW.—Not later than 1 year after the date of transfer, as defined in section 90101(a) of title 49, United States Code, as added by this Act, the Administrator shall undertake and complete a thorough review of each program, office, and organization within the Administration to identify—

(1) duplicative positions, programs, roles, or offices;

(2) wasteful practices;

(3) redundant, obsolete, or unnecessary functions;

(4) inefficient processes; and

(5) ineffectual or outdated policies.

(e) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 60 days after the date of completion of the review under subsection (b), the Administrator shall undertake such actions as may be necessary to address the findings of the Administrator under such subsection.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of completion of the review under subsection (b), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actions taken by the Administrator pursuant to subsection (e), in-
Sec. 604. Aviation Fuel.

(a) Use of Unleaded Aviation Gasoline.—The Administrator of the Federal Aviation Administration shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

(1) determines that an unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and

(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

(b) Timing.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

(1) the date of completion of the Piston Aviation Fuels Initiative of the Administration; or
(2) the date of publication of an American Soci-
ety for Testing and Materials Production Specifica-
tion for an unleaded aviation gasoline.

SEC. 605. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC
CONTROL SYSTEM.

Notwithstanding any other provision of law, the Ad-
ministrator of the Federal Aviation Administration shall,
upon request of a private aircraft owner or operator, block
the registration number of the aircraft of the owner or
operator from any public dissemination or display, except
in data made available to a Government agency, for the
noncommercial flights of the owner or operator.

SEC. 606. AIR SHOWS.

On an annual basis, the Administrator of the Federal
Aviation Administration shall work with representatives of
Administration-approved air shows, the general aviation
community, and stadiums and other large outdoor events
and venues to identify and resolve, to the maximum extent
practicable, scheduling conflicts between Administration-
approved air shows and large outdoor events and venues
where—

(1) flight restrictions will be imposed pursuant
to section 521 of title V of division F of Public Law
108–199 (118 Stat. 343); or
(2) any other restriction will be imposed pursuant to Federal Aviation Administration Flight Data Center Notice to Airmen 4/3621 (or any successor notice to airmen).

SEC. 607. PART 91 REVIEW, REFORM, AND STREAMLINING.

(a) Establishment of Task Force.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a task force comprised of representatives of the general aviation industry who regularly perform part 91 operations, labor unions (including those representing FAA aviation safety inspectors and FAA aviation safety engineers), manufacturers, and the Government to—

(1) conduct an assessment of the FAA oversight and authorization processes and requirements for aircraft under part 91; and

(2) make recommendations to streamline the applicable authorization and approval processes, improve safety, and reduce regulatory cost burdens and delays for the FAA and aircraft owners and operators who operate pursuant to part 91.

(b) Contents.—In conducting the assessment and making recommendations under subsection (a), the task force shall consider—
(1) process reforms and improvements to allow the FAA to review and approve applications in a fair and timely fashion;

(2) the appropriateness of requiring an authorization for each experimental aircraft rather than using a broader all makes and models approach;

(3) ways to improve the timely response to letters of authorization applications for aircraft owners and operators who operate pursuant to part 91, including setting deadlines and granting temporary or automatic authorizations if deadlines are missed by the FAA;

(4) methods for enhancing the effective use of delegation systems;

(5) methods for training the FAA’s field office employees in risk-based and safety management system oversight; and

(6) such other matters related to streamlining part 91 authorization and approval processes as the task force considers appropriate.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives
and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the task force’s assessment.

(2) CONTENTS.—The report shall include an explanation of how the Administrator will—

(A) implement the recommendations of the task force;

(B) measure progress in implementing the recommendations; and

(C) measure the effectiveness of the implemented recommendations.

(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall implement the recommendations made under this section.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term “FAA” means the Federal Aviation Administration.

(2) PART 91.—The term “part 91” means part 91 of title 14, Code of Federal Regulations.

(f) APPLICABLE LAW.—Public Law 92–463 shall not apply to the task force.
(g) Sunset.—The task force shall terminate on the day the Administrator submits the report required under subsection (e).

SEC. 608. AIRCRAFT REGISTRATION.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to increase the duration of aircraft registrations for noncommercial general aviation aircraft to 10 years.

SEC. 609. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) Cooperative Efforts To Ensure Compliance With Safety Regulations.—

(1) In General.—The Secretary of Transportation, in coordination with appropriate Federal agencies, shall carry out cooperative efforts to ensure that shippers who offer lithium ion and lithium metal batteries for air transport to or from the United States comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(2) Cooperative Efforts.—The cooperative efforts the Secretary shall carry out pursuant to paragraph (1) include the following:

(A) Encouraging training programs at locations outside the United States from which
substantial cargo shipments of lithium ion or
lithium metal batteries originate for manufac-
turers, freight forwarders, and other shippers
and potential shippers of lithium ion and lith-
ium metal batteries.

(B) Working with Federal, regional, and
international transportation agencies to ensure
enforcement of U.S. Hazardous Materials Reg-
ulations and ICAO Technical Instructions with
respect to shippers who offer noncompliant
shipments of lithium ion and lithium metal bat-
teries.

(C) Sharing information, as appropriate,
with Federal, regional, and international trans-
portation agencies regarding noncompliant ship-
ments.

(D) Pursuing a joint effort with the inter-
national aviation community to develop a proc-
ess to obtain assurances that appropriate en-
forcement actions are taken to reduce the likeli-
hood of noncompliant shipments, especially with
respect to jurisdictions in which enforcement
activities historically have been limited.

(E) Providing information in brochures
and on the internet in appropriate foreign lan-
languages and dialects that describes the actions required to comply with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(F) Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.

(3) REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.

(b) LITHIUM BATTERY AIR SAFETY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish, in accordance with the re-
quirements of the Federal Advisory Committee Act (5 U.S.C. App.), a lithium ion and lithium metal battery air safety advisory committee (in this subsection referred to as the “Committee”).

(2) DUTIES.—The Committee shall—

(A) facilitate communication between manufacturers of lithium ion and lithium metal cells and batteries, manufacturers of products incorporating both large and small lithium ion and lithium metal batteries, air carriers, and the Federal Government regarding the safe air transportation of lithium ion and lithium metal cells and batteries and the effectiveness and economic and social impacts of the regulation of such transportation;

(B) provide the Secretary, the Federal Aviation Administration, and the Pipeline and Hazardous Materials Safety Administration with timely information about new lithium ion and lithium metal battery technology and transportation safety practices and methodologies;

(C) provide a forum for the Secretary to provide information on and to discuss the activities of the Department of Transportation relating to lithium ion and lithium metal battery
transportation safety, the policies underlying
the activities, and positions to be advocated in
international forums;

(D) provide a forum for the Secretary to
provide information and receive advice on—

(i) activities carried out throughout
the world to communicate and enforce rel-
evant United States regulations and the
ICAO Technical Instructions; and

(ii) the effectiveness of the activities;

(E) provide advice and recommendations to
the Secretary with respect to lithium ion and
lithium metal battery air transportation safety,
including how best to implement activities to in-
crease awareness of relevant requirements and
their importance to travelers and shippers; and

(F) review methods to decrease the risk
posed by air shipment of undeclared hazardous
materials and efforts to educate those who pre-
pare and offer hazardous materials for ship-
ment via air transport.

(3) MEMBERSHIP.—The Committee shall be
composed of the following members:

(A) Individuals appointed by the Secretary
to represent—
(i) large volume manufacturers of lithium ion and lithium metal cells and batteries;

(ii) domestic manufacturers of lithium ion and lithium metal batteries or battery packs;

(iii) manufacturers of consumer products powered by lithium ion and lithium metal batteries;

(iv) manufacturers of vehicles powered by lithium ion and lithium metal batteries;

(v) marketers of products powered by lithium ion and lithium metal batteries;

(vi) cargo air service providers based in the United States;

(vii) passenger air service providers based in the United States;

(viii) pilots and employees of air service providers described in clauses (vi) and (vii);

(ix) shippers of lithium ion and lithium metal batteries for air transportation;

(x) manufacturers of battery-powered medical devices or batteries used in medical devices; and
(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.

(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the establishment of the Committee, the Committee shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk
shipments of lithium ion cells and batteries; and

(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).

(5) MEETINGS.—

(A) IN GENERAL.—The Committee shall meet at the direction of the Secretary and at least twice a year.

(B) PREPARATION FOR ICAO MEETINGS.—Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and
provide Committee members a meaningful opportunity to comment.

(6) TERMINATION.—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established.

(7) TERMINATION OF FUTURE OF AVIATION ADVISORY COMMITTEE.—The Future of Aviation Advisory Committee shall terminate on the date on which the lithium ion battery air safety advisory committee is established.

(c) MEDICAL DEVICE BATTERIES.—

(1) LIMITED EXCEPTIONS TO RESTRICTIONS ON AIR TRANSPORTATION OF MEDICAL DEVICE BATTERIES.—The Secretary shall issue limited exceptions to the restrictions on transportation of lithium ion and lithium metal batteries to allow the shipment on a passenger aircraft of not more than 2 replacement batteries specifically used for a medical device if—

(A) the intended destination of the batteries is not serviced daily by cargo aircraft if a battery is required for medically necessary care; or

(B) with regard to a shipper of lithium ion or lithium metal batteries for medical devices
that cannot comply with a charge limitation in place at the time, each battery is—

(i) individually packed in an inner packaging that completely encloses the battery;

(ii) placed in a rigid outer packaging; and

(iii) protected to prevent a short circuit.

(2) MEDICAL DEVICE DEFINED.—In this subsection, the term “medical device” means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in a person.

(3) SAVINGS CLAUSE.—Nothing in this subsection may be construed as expanding or restricting any authority of the Secretary under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(d) PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall
submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an evaluation of current practices for the packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.

(e) Department of Transportation Policy on International Representation.—It shall be the policy of the Department of Transportation to support the participation of industry in all panels and working groups of the Dangerous Goods Panel of the International Civil Aviation Organization and any other international test or standard setting organization that considers proposals on the safety or transportation of lithium ion and lithium metal batteries in which the United States participates.

(f) Harmonization With ICAO Technical Instructions.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), not later than 30 days after the date of enactment of this Act, the Secretary shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and batteries requirements in the 2015–2016 edition of the ICAO Technical Instructions
(including all addenda), including the revised standards adopted by the International Civil Aviation Organization that became effective on April 1, 2016.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) ICAO TECHNICAL INSTRUCTIONS.—The term “ICAO Technical Instructions” has the meaning given that term in section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(2) U.S. HAZARDOUS MATERIALS REGULATIONS.—The term “U.S. Hazardous Materials Regulations” means the regulations in parts 100 through 177 of title 49, Code of Federal Regulations (including amendments adopted after the date of enactment of this Act).

SEC. 610. REMOTE TOWER PILOT PROGRAM FOR RURAL AND SMALL COMMUNITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a pilot program under which, upon approval of an application submitted by an operator of a public-use airport, the Secretary shall install and operate at the airport a remote air traffic control tower in order
to assess the operational benefits of remote air traffic control towers.

(b) APPLICATIONS.—The operator of an airport seeking to participate in the pilot program shall submit to the Secretary for approval an application that is in such form and contains such information as the Secretary may require.

(c) SELECTION CRITERIA.—

(1) SELECTION OF AIRPORTS.—From among the applications submitted under subsection (b), the Secretary, after consultation with representatives of labor organizations representing operators and employees of the air traffic control system, shall select for participation in the pilot program 7 airports as follows:

(A) 1 nonhub, primary airport.
(B) 3 nonprimary airports without existing air traffic control towers.
(C) 2 airports with air traffic control towers participating in a program established under section 47124 of title 49, United States Code.
(D) 1 airport selected at the discretion of the Secretary.
(2) **Priority Selection.**—In selecting from among the applications submitted under subsection (b), the Secretary shall give priority to applicants that can best demonstrate the capabilities and potential of remote air traffic control towers, including applicants proposing to operate multiple remote air traffic control towers from a single facility.

(3) **Authority to Reallocate Airport Selection.**—If the Secretary receives an insufficient number of applications, the Secretary may reallocate the distribution of airport sites described in paragraph (1).

(d) **Asset Classification.**—For purposes of section 90317 of title 49, United States Code, as added by this Act, a remote air traffic control tower, including ancillary equipment, installed with Government funds pursuant to this section shall be considered to be an air navigation facility.

(e) **Safety Risk Management Panel.**—

(1) **Safety Risk Management Panel Meeting.**—Prior to the operational use of a remote air traffic control tower, the Secretary shall convene a safety risk management panel for the tower to address any safety issues with respect to the tower.
(2) **Safety risk management panel best practices.**—The safety risk management panels shall be created and utilized in a manner similar to that of safety risk management panels previously established for remote air traffic control towers, taking into account—

(A) best practices that have been developed; and

(B) operational data from remote air traffic control towers located in the United States.

(f) **Definitions.**—

(1) **In general.**—In this section, the following definitions apply:

(A) **Air navigation facility.**—The term “air navigation facility” has the meaning given that term in section 40102(a) of title 49, United States Code.

(B) **Remote air traffic control tower.**—The term “remote air traffic control tower” means a remotely operated air navigation facility, including all necessary system components, that provides the functions and capabilities of an air traffic control tower.

(2) **Applicability of other definitions.**—

The terms “nonhub airport”, “primary airport”, and
“public-use airport” have the meanings given such terms in section 47102 of title 49, United States Code.

(g) **SUNSET.**—The pilot program shall terminate on the day before the date of transfer, as defined in section 90101(a) of title 49, United States Code, as added by this Act.

**SEC. 611. ENSURING FAA READINESS TO PROVIDE SEAMLESS OCEANIC OPERATIONS.**

Not later than September 30, 2018, the Secretary of Transportation shall make a final investment decision for the implementation of a reduced oceanic separation capability that, by March 31, 2019, shall be operational and in use providing capabilities at least equivalent to that offered in neighboring airspace, and such service shall be provided in the same manner as terrestrial surveillance is provided.

**SEC. 612. SENSE OF CONGRESS REGARDING WOMEN IN AVIATION.**

It is the sense of Congress that the aviation industry should explore all opportunities, including pilot training, science, technology, engineering, and mathematics education, and mentorship programs, to encourage and support female students and aviators to pursue a career in aviation.
SEC. 613. OBSTRUCTION EVALUATION AERONAUTICAL STUDIES.

The Secretary of Transportation may implement the policy set forth in the notice of proposed policy titled “Proposal to Consider the Impact of One Engine Inoperative Procedures in Obstruction Evaluation Aeronautical Studies” published by the Department of Transportation on April 28, 2014 (79 Fed. Reg. 23300), only if the policy is adopted pursuant to a notice and comment rulemaking and, for purposes of Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), is treated as a significant regulatory action within the scope of section 3(f)(1) of such Order.

SEC. 614. AIRCRAFT LEASING.

Section 44112(b) of title 49, United States Code, is amended—

(1) by striking “on land or water”; and

(2) by inserting “operational” before “control”.

SEC. 615. REPORT ON OBSOLETE TEST EQUIPMENT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representives and the Committee on Commerce, Science, and Transportation of the Senate a report on the National
Test Equipment Program of the Federal Aviation Admin-
istration (in this section referred to as the “Program”).

(b) CONTENTS.—The report shall include—

(1) a list of all known outstanding requests for
test equipment, cataloged by type and location,
under the Program;

(2) a description of the current method under
the Program of ensuring calibrated equipment is in
place for utilization;

(3) a plan by the Administrator for appropriate
inventory of such equipment;

(4) the Administrator’s recommendations for
increasing multifunctionality in future test equip-
ment and all known and foreseeable manufacturer
technological advances; and

(5) a plan to replace, as appropriate, obsolete
test equipment throughout the service areas.

SEC. 616. RETIRED MILITARY CONTROLLERS.

Section 44506(f) of title 49, United States Code, is
amended—

(1) in paragraph (3) by inserting “except for
individuals covered by a program described in para-
graph (4),” after “section 3307 of title 5,”; and

(2) by adding at the end the following:
“(4) Retired military controllers.—The Administrator may establish a program to provide an original appointment to a position as an air traffic controller for individuals who—

“(A) are on terminal leave pending retirement from active duty military service or have retired from active duty military service within 5 years of applying for the appointment; and

“(B) within 5 years of applying for the appointment, have held either an air traffic control specialist certification or a facility rating according to Administration standards.”.

SEC. 617. PILOTS SHARING FLIGHT EXPENSES WITH PASSENGERS.

(a) Guidance.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make publicly available, in a clear and concise format, advisory guidance that describes how a pilot may share flight expenses with passengers in a manner consistent with Federal law, including regulations.

(2) Examples included.—The guidance shall include examples of—
(A) flights for which pilots and passengers may share expenses;

(B) flights for which pilots and passengers may not share expenses;

(C) the methods of communication that pilots and passengers may use to arrange flights for which expenses are shared; and

(D) the methods of communication that pilots and passengers may not use to arrange flights for which expenses are shared.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which guidance is made publicly available under subsection (a), the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing Federal policy with respect to pilots sharing flight expenses with passengers.

(2) EVALUATIONS INCLUDED.—The report submitted under paragraph (1) shall include an evaluation of—

(A) the rationale for such Federal policy;
(B) safety and other concerns related to pilots sharing flight expenses with passengers; and

(C) benefits related to pilots sharing flight expenses with passengers.

SEC. 618. AVIATION RULEMAKING COMMITTEE FOR PART 135 PILOT REST AND DUTY RULES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, pilot rest and duty rules under part 135 of title 14, Code of Federal Regulations.

(b) DUTIES.—The Administrator shall—

(1) not later than 2 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report based on the findings of the aviation rulemaking committee; and

(2) not later than 1 year after the date of submission of the report under paragraph (1), issue a notice of proposed rulemaking based on any con-
sensus recommendations reached by the aviation rulemaking committee.

(c) COMPOSITION.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

(1) representatives of industry;

(2) representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by part 135 of title 14, Code of Federal Regulations, and subpart K of part 91 of such title; and

(3) aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135 of such title.

(d) CONSIDERATIONS.—The Administrator shall direct the aviation rulemaking committee to consider—

(1) recommendations of prior part 135 rulemaking committees;

(2) accommodations necessary for small businesses;

(3) scientific data derived from aviation-related fatigue and sleep research;

(4) data gathered from aviation safety reporting programs;
(5) the need to accommodate the diversity of operations conducted under part 135; and

(6) other items, as appropriate.

SEC. 619. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) FINDINGS.—Congress finds that—

(1) the Metropolitan Washington Airports Authority (in this section referred to as “MWAA”), which operates Ronald Reagan Washington National Airport and Dulles International Airport by lease with the Department of Transportation, has routinely performed poorly on audits conducted by the Inspector General of the Department of Transportation;

(2) the responsible stewardship of taxpayer-owned assets by MWAA is of great concern to Congress;

(3) a March 20, 2015, audit conducted by the Inspector General titled “MWAA’s Office of Audit Does Not Have an Adequate Quality Assurance and Improvement Program” (Report No. ZA–2015–035) found that MWAA’s quality assurance and improvement program did not conform with the standards of the Institute of Internal Auditors; and
(4) the Inspector General’s audit made 7 recommendations to strengthen MWAA governance, its Office of Audit, and its quality assurance and improvement program.

(b) IMPLEMENTING AUDIT RECOMMENDATIONS.—

(1) STUDY.—The Inspector General of the Department of Transportation shall conduct a study on MWAA’s progress in implementing the recommendations of the audit referred to in subsection (a).

(2) REPORT.—The Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the study, including the Inspector General’s findings, conclusions, and recommendations for strengthening and improving MWAA’s Office of Audit.

SEC. 620. TERMINAL AERODROME FORECAST.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall permit a covered air carrier to operate to a destination in a noncontiguous State determined to be under visual flight rules without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if—
(1) a current Area Forecast, supplemented by other local weather observations or reports, is available; and

(2) an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified.

(b) PROCEDURES.—A covered air carrier shall—

(1) have approved procedures for dispatch and enroute weather evaluation; and

(2) operate under instrument flight rules enroute to the destination.

(c) COVERED AIR CARRIER DEFINED.—In this section, the term “covered air carrier” means an air carrier operating in a noncontiguous State under part 121 of title 14, Code of Federal Regulations.

SEC. 621. FEDERAL AVIATION ADMINISTRATION EMPLOYEES STATIONED ON GUAM.

It is the sense of Congress that—

(1) the Administrator of the Federal Aviation Administration and the Secretary of Defense should seek an agreement that would enable Federal Aviation Administration employees stationed on Guam to have access to Department of Defense hospitals, commissaries, and exchanges on Guam;
(2) access to these facilities is important to ensure the health and well-being of Federal Aviation Administration employees and their families; and

(3) in exchange for this access, the Federal Aviation Administration should make payments to cover the applicable administrative costs incurred by the Department of Defense in carrying out the agreement.

SEC. 622. TECHNICAL CORRECTIONS.

(a) Airport Capacity Enhancement Projects at Congested Airports.—Section 40104(c) of title 49, United States Code, is amended by striking “section 47176” and inserting “section 47175”.

(b) Passenger Facility Charges.—Section 40117(a)(5) of title 49, United States Code, is amended by striking “charge or charge” and inserting “charge”.

(c) Overflights of National Parks.—Section 40128(a)(3) of title 49, United States Code, is amended by striking “under part 91 of the title 14,” and inserting “under part 91 of title 14,”.

(d) Plans to Address Needs of Families of Passengers Involved in Foreign Air Carrier Accidents.—Section 41313(c)(16) of title 49, United States Code, is amended by striking “An assurance that the foreign air carrier” and inserting “An assurance that”.

•HR 2997 IH
(e) OPERATIONS OF CARRIERS.—The analysis for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41718 and inserting the following:


(f) SCHEDULES FOR CERTAIN TRANSPORTATION OF MAIL.—Section 41902(a) of title 49, United States Code, is amended by striking “section 41906” and inserting “section 41905”.

(g) WEIGHING MAIL.—Section 41907 of title 49, United States Code, is amended by striking “and -administrative” and inserting “and administrative”.

(h) STRUCTURES INTERFERING WITH AIR COMMERCE OR NATIONAL SECURITY.—Section 44718(b)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “air navigation facilities and equipment” and inserting “air or space navigation facilities and equipment”; and

(2) in subparagraph (A)—

(A) in clause (v) by striking “and” at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:
“(vi) the impact on launch and re-
entry for launch and reentry vehicles arriv-
ing or departing from a launch site or re-
entry site licensed by the Secretary of
Transportation; and”.

(i) Fees Involving Aircraft Not Providing Air
Transportation.—Section 45302 of title 49, United
States Code, is amended by striking “44703(f)(2)” each
place it appears and inserting “44703(g)(2)”.

(j) Chapter 465.—The analysis for chapter 465 of
title 49, United States Code, is amended by striking the
following:

“46503. Repealed.”.

(k) Solicitation and Consideration of Com-
ments.—Section 47171(l) of title 49, United States Code,
is amended by striking “4371” and inserting “4321”.

(l) Adjustments to Compensation for Signifi-
cantly Increased Costs.—Section 426 of the FAA
Modernization and Reform Act of 2012 is amended—

(1) in subsection (a) (49 U.S.C. 41737 note) by
striking “Secretary” and inserting “Secretary of
Transportation”; and

(2) in subsection (c) (49 U.S.C. 41731 note) by
striking “the Secretary may waive” and inserting
“the Secretary of Transportation may waive”.

(m) AIRCRAFT DEPARTURE QUEUE MANAGEMENT

Pilot Program.—Section 507(a) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44505 note) is amended by striking “section 48101(a)” and inserting “section 48101(a) of title 49, United States Code,”.