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II

119TH CONGRESS
2D SESSION

S. 3885

To provide for updates to the Federal Aviation Administration type certification process to support development of new and novel technologies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. WELCH (for himself, Mr. BUDD, Mr. CURTIS, Mr. LUJÁN, Ms. LUMMIS, Mr. SHEEHY, Mr. MORAN, Mr. YOUNG, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To provide for updates to the Federal Aviation Administration type certification process to support development of new and novel technologies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Innovation and Global Competitiveness Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Transparency of the FAA type certification process.

Sec. 3. Criteria for FAA issue papers.
Sec. 4. FAA delegation guidance.
Sec. 5. Sense of Congress on United States leadership in aviation.
Sec. 6. Rule of construction.
Sec. 7. Definitions.

SEC. 2. TRANSPARENCY OF THE FAA TYPE CERTIFICATION PROCESS.

(a) IN GENERAL.—To support innovation in aviation and the development of new and novel technologies and to ensure global leadership in aviation, not later than 180 days after the date of enactment of this section, the Administrator shall publish on the official website of the FAA a publicly available plan for—

(1) improving the issue paper process associated with applications for a type certificate or supplemental type certificate under section 44704 of title 49, United States Code;

(2) determining, in any given certification project, the maximum extent possible to which an industry consensus standard can be used as an acceptable means or method of compliance, to the extent consistent with the public interest in aviation safety, and in the Administrator's sole discretion;

(3) creating stable policy, to the extent practicable, regarding subjects that the Administrator determines are commonly addressed in issue papers, special conditions, special airworthiness criteria, or findings on equivalent levels of safety; and

(4) ensuring consideration of performance-based standards when promulgating requirements applicable to the type certification of aircraft, aircraft engine, or propeller.

(b) STANDARD EXPECTED TIMELINES.—Not later than 270 days after the date of enactment of this section, and subject to subsection (c), the Administrator shall amend FAA order 8110.112A (or any successor document), and shall make conforming amendments to other applicable FAA orders and related documents, to establish a range of standard expected timelines for—

(1) achievement of major milestones established in the type certification process, including the development of issue papers and memoranda regarding certification basis, certification plan means of compliance, and equivalent levels of safety, including the anticipated FAA response time at applicable stages of the issue paper process;

(2) the amount of time that passes between—

(A) closure of an issue paper that contains a special condition; and

(B) publication of the respective notice of proposed rulemaking and final rule regarding such special condition, if the FAA decides to publish a proposed special condition;

(3) responses by the Administrator to—

(A) applicant petitions for exemptions; and

(B) applicant proposals setting forth means of compliance with applicable performance-based design standards; and

(4) substantive responses by an applicant to the Administrator's requests for information the Administrator deems necessary to close out petitions and proposals covered under paragraph (3).

(c) EXCLUSION.—Subsection (b) shall not apply with respect to complex issues that, in the Administrator's sole determination, present an unsafe condition.

(d) CONSULTATION REQUIREMENT.—In carrying out the requirements under subsections (a) and (b), the Administrator shall consult with—

(1) trade associations and advanced air mobility stakeholders that represent prior and prospective applicants for type certificates, including, but not limited to, type certificates for powered-lift or other aircraft designed for operation in advanced air mobility use cases;

(2) trade associations and prospective infrastructure providers that represent airports or vertiports that serve the aircraft covered where the

certification process would require changes to the infrastructure design of such airports or vertiports;

(3) the certified bargaining representatives of aviation safety inspectors, aviation safety specialists, technicians, and engineers of the Administration; and

(4) any other relevant organizations and stakeholders, as determined by the Administrator.

(e) REPORT TO CONGRESS.—Not later than 180 days after the Administrator establishes standard expected timelines under subsection (b), and annually thereafter, the Administrator, in consultation with the FAA's Executive Director of the Aircraft Certification Service, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the status of the implementation of this section, including—

(1) metrics on the FAA's performance in meeting standard expected timelines under subsection (b);

(2) a description of processes under which the Administrator reviews internal performance and addresses deficiencies as needed;

(3) details on any instance where standard expected timelines were exceeded and changes to staffing levels, administration, processes, or capabilities that could improve performance to align with standard expected timelines; and

(4) the Administrator's progress in creating stable policy with respect to matters commonly covered in issue papers.

SEC. 3. CRITERIA FOR FAA ISSUE PAPERS.

(a) IN GENERAL.—To support the FAA type certification process, and therefore innovation in aviation, including the development of new and novel technologies related to advanced air mobility, and to ensure global leadership in aviation, not later than 180 days after the date of enactment of this section, the Administrator shall amend FAA order 8110.112A (or a successor document) and other applicable FAA documents to—

(1) include specific criteria to be used to determine—

(A) when an issue is so significant that it rises to the level that it warrants the establishment of an issue paper; and

(B) which roles within the FAA will be responsible for evaluating whether each criterion is met;

(2) account for performance-based rule projects that require issue papers regarding both means and methods of compliance; and

(3) improve efficiency and timelines by eliminating recurring issue papers by—

(A) converting stable means of compliance issue papers into published policy or advisory circulars; and

(B) incorporating stable issue papers for special conditions, exemptions, equivalent level of safety findings, and other requirements through annual updates to product airworthiness standards issued under title 14, Code of Federal Regulations.

(b) SUBSEQUENT ORDERS.—In the event such FAA order 8110.112A is superseded or canceled, the Administrator shall ensure that the matters described in paragraphs (1), (2), and (3) of subsection (a) are included in a subsequent order governing issue papers.

SEC. 4. FAA DELEGATION GUIDANCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator shall publish on the official website of the FAA updated delegation guidance for type certification of aircraft and aircraft

engines under section 44704(a) of title 49, United States Code.

(b) REQUIREMENTS.—The updated delegation guidance required by subsection (a) shall include each of the following:

(1) Criteria for applicant eligibility for delegation.

(2) Criteria for classification of compliance findings that are considered routine and those that are considered safety-critical.

(3) Processes for documentation and management review when FAA elects not to use authorized representatives of the Administrator or the applicant to perform routine and type certification activities.

(4) The extent to which the FAA's implementation of delegation authority considers how to ensure safety and foster predictable and routine type certification processes for new and novel technologies.

(5) The extent to which the FAA's implementation of delegation authority considers how a type certification process, as described in paragraph (4), impacts United States global leadership in the development and production of these technologies.

SEC. 5. SENSE OF CONGRESS ON UNITED STATES LEADERSHIP IN AVIATION.

In accordance with the Federal Aviation Administration Act of 2024 (Public Law 118–63), it is the Sense of Congress that the United States should continue its support for advanced air mobility, United States innovation, and global leadership in the development and safe deployment of new and novel aviation technologies.

SEC. 6. RULE OF CONSTRUCTION.

Notwithstanding any other provision of law—

(1) the Administrator's establishment of standard expected timelines or expected ranges of time for certain actions under section 2(b) shall not create any new legal right that did not exist on the day before the date of enactment of this Act; and

(2) the Administrator's adherence, or failure to adhere, to such a timeline or range of time in any given instance shall not be subject to judicial review.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) ADVANCED AIR MOBILITY.—The term ''advanced air mobility'' has the meaning given such

term in section 951 of the FAA Reauthorization Act of 2024 (49 U.S.C. 40101 note).

(3) FAA.—The term ''FAA'' means the Federal Aviation Administration.

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