

Calendar No. 715

114TH CONGRESS
2^D SESSION

S. 2658

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

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2016

Mr. THUNE (for himself, Mr. NELSON, Ms. AYOTTE, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 7, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Federal Aviation Administration Reauthorization Act of
 4 2016”.

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

Sec. 1. Short title; table of contents.
 Sec. 2. References to title 49, United States Code.
 Sec. 3. Definition of appropriate committees of Congress.
 Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 1001. Airport planning and development and noise compatibility planning
 and programs.
 Sec. 1002. Air navigation facilities and equipment.
 Sec. 1003. FAA operations.
 Sec. 1004. FAA research and development.
 Sec. 1005. Funding for aviation programs.
 Sec. 1006. Extension of expiring authorities.

Subtitle B—Airport Improvement Program Modifications

Sec. 1201. Small airport regulation relief.
 Sec. 1202. Priority review of construction projects in cold weather States.
 Sec. 1203. State block grants updates.
 Sec. 1204. Contract Tower Program updates.
 Sec. 1205. Approval of certain applications for contract tower program.
 Sec. 1206. Remote towers.
 Sec. 1207. Midway Island airport.
 Sec. 1208. Airport road funding.
 Sec. 1209. Repeal of inherently low-emission airport vehicle pilot program.
 Sec. 1210. Modification of zero-emission airport vehicles and infrastructure
 pilot program.
 Sec. 1211. Repeal of airport ground support equipment emissions retrofit pilot
 program.
 Sec. 1212. Funding eligibility for airport energy efficiency assessments.
 Sec. 1213. Recycling plans; safety projects at unclassified airports.
 Sec. 1214. Transfers of instrument landing systems.
 Sec. 1215. Non-movement area surveillance pilot program.
 Sec. 1216. Amendments to definitions.
 Sec. 1217. Clarification of noise exposure map updates.
 Sec. 1218. Provision of facilities.
 Sec. 1219. Contract weather observers.
 Sec. 1220. Federal share adjustment.
 Sec. 1221. Miscellaneous technical amendments.

Subtitle C—Passenger Facility Charges

- Sec. 1301. PFC streamlining.
- Sec. 1302. Intermodal access projects.
- Sec. 1303. Use of revenue at a previously associated airport.
- Sec. 1304. Future aviation infrastructure and financing study.

TITLE H—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.

PART I—PRIVACY AND TRANSPARENCY

- Sec. 2101. Unmanned aircraft systems privacy policy.
- Sec. 2102. Sense of Congress.
- Sec. 2103. Federal Trade Commission authority.
- Sec. 2104. National Telecommunications and Information Administration multi-stakeholder process.
- Sec. 2105. Identification standards.
- Sec. 2106. Commercial and governmental operators.
- Sec. 2107. Analysis of current remedies under Federal, State, local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.
- Sec. 2122. Utilization of unmanned aircraft system test sites.
- Sec. 2123. Additional research, development, and testing.
- Sec. 2124. Safety standards.
- Sec. 2125. Unmanned aircraft systems in the Arctic.
- Sec. 2126. Special authority for certain unmanned aircraft systems.
- Sec. 2127. Additional rulemaking authority.
- Sec. 2128. Governmental unmanned aircraft systems.
- Sec. 2129. Special rules for model aircraft.
- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.
- Sec. 2131. Safety statements.
- Sec. 2132. Treatment of unmanned aircraft operating underground.
- Sec. 2133. Enforcement.
- Sec. 2134. Aviation emergency safety public services disruption.
- Sec. 2135. Pilot project for airport safety and airspace hazard mitigation.
- Sec. 2136. Contribution to financing of regulatory functions.
- Sec. 2137. Sense of Congress regarding small UAS rulemaking.
- Sec. 2138. Unmanned aircraft system traffic management.
- Sec. 2139. Emergency exemption process.
- Sec. 2140. Public UAS operations by tribal governments.

PART III—TRANSITION AND SAVINGS PROVISIONS

- Sec. 2141. Senior advisor for unmanned aircraft systems integration.
- Sec. 2142. Effect on other laws.
- Sec. 2143. Transition language.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.
- Sec. 2212. Safety oversight and certification advisory committee.

PART II—AIRCRAFT CERTIFICATION REFORM

- Sec. 2221. Aircraft certification performance objectives and metrics.
- Sec. 2222. Organization designation authorizations.
- Sec. 2223. ODA review.
- Sec. 2224. Type certification resolution process.
- Sec. 2225. Safety enhancing technologies for small general aviation airplanes.
- Sec. 2226. Streamlining certification of small general aviation airplanes.

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.
- Sec. 2232. FAA task force on flight standards reform.
- Sec. 2233. Centralized safety guidance database.
- Sec. 2234. Regulatory Consistency Communications Board.
- Sec. 2235. Flight standards service realignment feasibility report.
- Sec. 2236. Additional certification resources.

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.
- Sec. 2242. Workforce study.

PART V—INTERNATIONAL AVIATION

- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.
- Sec. 2252. Bilateral exchanges of safety oversight responsibilities.
- Sec. 2253. FAA leadership abroad.
- Sec. 2254. Registration, certification, and related fees.

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Pilot records database deadline.
- Sec. 2302. Access to air carrier flight decks.
- Sec. 2303. Aircraft tracking and flight data.
- Sec. 2304. Automation reliance improvements.
- Sec. 2305. Enhanced mental health screening for pilots.
- Sec. 2306. Flight attendant duty period limitations and rest requirements.
- Sec. 2307. Training flight attendants to identify human trafficking.
- Sec. 2308. Report on obsolete test equipment.
- Sec. 2309. Plan for systems to provide direct warnings of potential runway incursions.
- Sec. 2310. Laser pointer incidents.
- Sec. 2311. Helicopter air ambulance operations data and reports.
- Sec. 2312. Part 135 accident and incident data.
- Sec. 2313. Definition of human factors.
- Sec. 2314. Sense of Congress; pilot in command authority.
- Sec. 2315. Enhancing ASIAs.
- Sec. 2316. Improving runway safety.
- Sec. 2317. Safe air transportation of lithium cells and batteries.

Subtitle D—General Aviation Safety

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

Subtitle E—General Provisions

- Sec. 2501. Designated agency safety and health officer.
- Sec. 2502. Repair stations located outside United States.
- Sec. 2503. FAA technical training.
- Sec. 2504. Safety critical staffing.

Subtitle F—Third Class Medical Reform and General Aviation Pilot Protections

- Sec. 2601. Short title.
- Sec. 2602. Medical certification of certain small aircraft pilots.
- Sec. 2603. Expansion of pilot's bill of rights.
- Sec. 2604. Limitations on reexamination of certificate holders.
- Sec. 2605. Expediting updates to NOTAM program.
- Sec. 2606. Accessibility of certain flight data.
- Sec. 2607. Authority for legal counsel to issue certain notices.

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.
- Sec. 3102. Involuntary changes to itineraries.
- Sec. 3103. Additional consumer protections.
- Sec. 3104. Addressing the needs of families of passengers involved in aircraft accidents.
- Sec. 3105. Emergency medical kits.
- Sec. 3106. Travelers with disabilities.
- Sec. 3107. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 3108. Extension of competitive access reports.
- Sec. 3109. Refunds for delayed baggage.
- Sec. 3110. Refunds for other fees that are not honored by a covered air carrier.
- Sec. 3111. Disclosure of fees to consumers.
- Sec. 3112. Seat assignments.
- Sec. 3113. Child seating.
- Sec. 3114. Consumer complaint process improvement.
- Sec. 3115. Online access to aviation consumer protection information.
- Sec. 3116. Study on in cabin wheelchair restraint systems.
- Sec. 3117. Training policies regarding assistance for persons with disabilities.
- Sec. 3118. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 3119. Report on covered air carrier change and cancellation fees.
- Sec. 3120. Enforcement of aviation consumer protection rules.
- Sec. 3121. Dimensions for passenger seats.

Subtitle B—Essential Air Service

- Sec. 3201. Essential air service.
- Sec. 3202. Small community air service development program.
- Sec. 3203. Small community program amendments.
- Sec. 3204. Waivers.
- Sec. 3205. Working group on improving air service to small communities.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

Sec. 4001. Definitions.

Subtitle A—Next Generation Air Transportation System

Sec. 4101. Return on investment assessment.
 Sec. 4102. Ensuring FAA readiness to use new technology.
 Sec. 4103. NextGen metrics report.
 Sec. 4104. Facility outage contingency plans.
 Sec. 4105. ADS-B mandate assessment.
 Sec. 4106. NextGen interoperability.
 Sec. 4107. NextGen transition management.
 Sec. 4108. Implementation of NextGen operational improvements.
 Sec. 4109. Cybersecurity.
 Sec. 4110. Defining NextGen.
 Sec. 4111. Human factors.
 Sec. 4112. Major acquisition reports.
 Sec. 4113. Equipage mandates.
 Sec. 4114. Workforce.
 Sec. 4115. Architectural leadership.
 Sec. 4116. Programmatic risk management.

Subtitle B—Administration Organization and Employees

Sec. 4121. Cost-saving initiatives.
 Sec. 4122. Treatment of essential employees during furloughs.
 Sec. 4123. Controller candidate interviews.
 Sec. 4124. Hiring of air traffic controllers.

TITLE V—MISCELLANEOUS

Sec. 5001. National Transportation Safety Board investigative officers.
 Sec. 5002. Performance-based navigation.
 Sec. 5003. Overflights of national parks.
 Sec. 5004. Navigable airspace analysis for commercial space launch site runways.
 Sec. 5005. Survey and report on spaceport development.
 Sec. 5006. Aviation fuel.
 Sec. 5007. Comprehensive Aviation Preparedness Plan.
 Sec. 5008. Advanced Materials Center of Excellence.
 Sec. 5009. Interference with airline employees.
 Sec. 5010. Technical and conforming amendments.

1 **SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.**

2 Except as otherwise expressly provided, wherever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 49, United States Code.

1 **SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF**
 2 **CONGRESS.**

3 In this Act, the term “appropriate committees of
 4 Congress” means the Committee on Commerce, Science,
 5 and Transportation of the Senate and the Committee on
 6 Transportation and Infrastructure of the House of Rep-
 7 resentatives.

8 **SEC. 4. EFFECTIVE DATE.**

9 Except as otherwise expressly provided, this Act and
 10 the amendments made by this Act shall take effect on the
 11 date of enactment of this Act.

12 **TITLE I—AUTHORIZATIONS**
 13 **Subtitle A—Funding of FAA**
 14 **Programs**

15 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
 16 **NOISE COMPATIBILITY PLANNING AND PRO-**
 17 **GRAMS.**

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

1 ~~Technology-Safety research, and Airports Technology-Ef-~~
 2 ~~iciency research, \$3,350,000,000 for fiscal year 2016 and~~
 3 ~~\$3,750,000,000 for fiscal year 2017”.~~

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

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

9 (a) ~~AUTHORIZATION OF APPROPRIATIONS.~~—Section
 10 48101(a) is amended by striking paragraphs (1) through
 11 (5) and inserting the following:

12 “(1) \$2,855,241,025 for fiscal year 2016.

13 “(2) \$2,862,020,524 for fiscal year 2017.”.

14 **SEC. 1003. FAA OPERATIONS.**

15 (a) ~~IN GENERAL.~~—Section 106(k)(1) is amended by
 16 striking subparagraphs (A) through (E) and inserting the
 17 following:

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

19 and

20 “(B) \$10,025,361,111 for fiscal year
 21 2017.”.

22 (b) ~~AUTHORIZED EXPENDITURES.~~—Section
 23 106(k)(2) is amended by striking “for fiscal years 2012
 24 through 2015” each place it appears and inserting “for
 25 fiscal years 2016 through 2017”.

1 (e) **AUTHORITY TO TRANSFER FUNDS.**—Section
 2 106(k)(3) is amended by striking “2012 through 2015
 3 and for the period beginning on October 1, 2015, and end-
 4 ing on March 31, 2016” and inserting “2016 through
 5 2017”.

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

7 Section 48102 is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph

10 (1)—

11 (i) by striking “44511-44513” and in-
 12 serting “44512-44513”; and

13 (ii) by striking “and, for each of fiscal
 14 years 2012 through 2015, under sub-
 15 section (g)”;

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

18 (C) by striking paragraph (9) and insert-
 19 ing the following:

20 “(9) \$166,000,000 for fiscal year 2016; and

21 “(10) \$169,000,000 for fiscal year 2017.”; and

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

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

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

5 “(A) IN GENERAL.—The total budget re-
 6 sources made available from the Airport and
 7 Airway Trust Fund each fiscal year under sec-
 8 tions 48101, 48102, 48103, and 106(k)—

9 “(i) shall in each of fiscal years 2014
 10 through 2017, be equal to the sum of—

11 “(I) 90 percent of the estimated
 12 level of receipts plus interest credited
 13 to the Airport and Airway Trust
 14 Fund for that fiscal year; and

15 “(II) the actual level of receipts
 16 plus interest credited to the Airport
 17 and Airway Trust Fund for the sec-
 18 ond preceding fiscal year minus the
 19 total amount made available for obli-
 20 gation from the Airport and Airway
 21 Trust Fund for the second preceding
 22 fiscal year; and

23 “(ii) may be used only for the aviation
 24 investment programs listed in subsection
 25 (b)(1).”.

1 (b) ENFORCEMENT OF GUARANTEES.—Section
 2 48114(e)(2) is amended by striking “2016” and inserting
 3 “2017”.

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

5 (a) DISCRETIONARY FUND; MARSHALL ISLANDS, MI-
 6 CRONESIA, AND PALAU.—Section 47115(j) is amended by
 7 striking “2015 and for the period beginning on October
 8 1, 2015, and ending on March 31, 2016,” and inserting
 9 “2017”.

10 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
 11 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
 12 MENTS.—Section 47141(f) is amended by striking “March
 13 31, 2016” and inserting “September 30, 2017”.

14 (c) INSPECTOR GENERAL REPORT ON PARTICIPA-
 15 TION IN FAA PROGRAMS BY DISADVANTAGED SMALL
 16 BUSINESS CONCERNS.—Section 140(c)(1) of the FAA
 17 Modernization and Reform Act of 2012 (Public Law 112–
 18 95) is amended by striking “fiscal years 2013 through
 19 2016” and inserting “fiscal years 2016 through 2017”.

20 (d) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
 21 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
 22 the FAA Modernization and Reform Act of 2012 (49
 23 U.S.C. 47141 note) is amended by striking “March 31,
 24 2016” and inserting “September 30, 2017”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(d) COST BENEFIT RATIOS.—

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

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

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

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

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

12 “(B) The Federal Aviation Administra-
13 tion’s actual telecommunications costs of the air
14 traffic control contract tower.

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

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

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

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

8 “(B) Costs for depreciating the building
9 and equipment owned by the Federal Aviation
10 Administration.

11 “(C) Indirect overhead costs of the Federal
12 Aviation Administration.

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

18 “(E) The cost of new or replacement
19 equipment, or construction of a new or replace-
20 ment tower, if the costs borne were borne by
21 the airport or the State or political subdivision
22 of a State having jurisdiction over the airport
23 where the tower is or will be located.

1 “(F) Other expenses of the Federal Avia-
 2 tion Administration not directly associated with
 3 the actual operation of the tower.

4 “(5) MARGIN OF ERROR.—The Secretary shall
 5 add a 5 percent margin of error to a benefit-to-cost
 6 ratio determination to acknowledge and account for
 7 any direct or indirect factors that are not included
 8 in the criteria the Secretary used in calculating the
 9 benefit-to-cost ratio.

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

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

18 “(i) to request the Secretary recon-
 19 sider that determination; and

20 “(ii) to submit updated or additional
 21 data to the Secretary in support of the re-
 22 consideration;

23 “(B) to allow the Secretary not more than
 24 90 days to review the data submitted under

subparagraph (A)(ii) and respond to the request under subparagraph (A)(i);

“(C) to allow the airport, State, or political subdivision of a State, as applicable, 30 days following the date of the response under subparagraph (B) to review the response before any action is taken based on a benefit-to-cost determination; and

“(D) to provide, after the end of the period described in subparagraph (C), an 18-month grace period before cost-share payments from the airport, State, or political subdivision of a State if as a result of the benefit-to-cost ratio determination the airport, State, or political subdivision, as applicable, is required to transition to the Cost-share Program.

“(e) DEFINITIONS.—In this section:

“(1) CONTROL TOWER PROGRAM.—The term ‘Control Tower Program’ means the level I air traffic control tower contract program established under subsection (a) and continued under subsection (b)(1).

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

1 (e) CONFORMING AMENDMENTS.—Section 47124(b)
2 is amended—

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

6 (2) in paragraph (3)—

7 (A) in the heading, by striking “CONTRACT
8 AIR TRAFFIC CONTROL TOWER PROGRAM” and
9 inserting “COST-SHARE PROGRAM”;

10 (B) in subparagraph (A), by striking “con-
11 tract tower program established under sub-
12 section (a) and continued under paragraph (1)
13 (in this paragraph referred to as the ‘Contract
14 Tower Program’)” and inserting “Contract
15 Tower Program”;

16 (C) in subparagraph (B), by striking “In
17 carrying out the program” and inserting “In
18 carrying out the Cost-share Program”;

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

22 (E) in subparagraph (D), by striking
23 “under the program” and inserting “under the
24 Cost-share Program”; and

1 (F) in subparagraph (F), by striking “the
 2 program continued under paragraph (1)” and
 3 inserting “the Control Tower Program”; and
 4 (3) in paragraph (4)(B)(i)(I), by striking “con-
 5 tract tower program established under subsection (a)
 6 and continued under paragraph (1) or the pilot pro-
 7 gram established under paragraph (3)” and insert-
 8 ing “Control Tower Program or the Cost-share Pro-
 9 gram”.

10 (f) EXEMPTION.—Section 47124(b)(3)(D) is amend-
 11 ed by adding at the end the following: “Airports with both
 12 Part 121 air service and more than 25,000 passenger
 13 enplanements in calendar year 2014 shall be exempt from
 14 any cost share requirement under the Cost-share Pro-
 15 gram.”.

16 (g) SAVINGS PROVISION.—Notwithstanding the
 17 amendments made by this section, the towers for which
 18 assistance is being provided under section 41724 of title
 19 49, United States Code, on the day before the date of en-
 20 actment of this Act may continue to be provided such as-
 21 sistance under the terms of that section as in effect on
 22 that day.

1 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR**
 2 **CONTRACT TOWER PROGRAM.**

3 (a) **IN GENERAL.**—If the Administrator of the Fed-
 4 eral Aviation Administration has not implemented a re-
 5 vised cost-benefit methodology for purposes of determining
 6 eligibility for the Contract Tower Program before the date
 7 that is 30 days after the date of enactment of this Act,
 8 any air traffic control tower with an application for par-
 9 ticipation in the Contract Tower Program pending as of
 10 January 1, 2016, shall be approved for participation in
 11 the Contract Tower Program if the Administrator deter-
 12 mines the tower is eligible under the criteria set forth in
 13 the Federal Aviation Administration report, Establish-
 14 ment and Discontinuance Criteria for Airport Traffic Con-
 15 trol Towers, dated August 1990 (FAA-APO-90-7).

16 (b) **DEFINITION OF CONTRACT TOWER PROGRAM.**—
 17 In this section, the term “Contract Tower Program” has
 18 the meaning given the term in section 47124(e) of title
 19 49, United States Code.

20 **SEC. 1206. REMOTE TOWERS.**

21 (a) **PILOT PROGRAM.**—

22 (1) **ESTABLISHMENT.**—The Administrator of
 23 the Federal Aviation Administration shall estab-
 24 lish—

25 (A) in consultation with airport operators
 26 and general aviation users, a pilot program at

1 public-use airports to construct and operate re-
2 mote towers; and

3 (B) a selection process for participation in
4 the pilot program.

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

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

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

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

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

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

1 (A) how inclusion of that airport will add
2 research value to assist the Administrator in
3 evaluating the feasibility, safety, and benefits of
4 using remote towers;

5 (B) the amount and variety of air traffic
6 at an airport; and

7 (C) the costs and benefits of including that
8 airport.

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

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

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

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

1 (7) DEADLINE.—Not later than 1 year after
 2 the date of enactment of this Act, the Administrator
 3 shall select airports for participation in the pilot pro-
 4 gram.

5 (8) DEFINITIONS.—In this subsection:

6 (A) CONTRACT TOWER PROGRAM.—The
 7 term “Contract Tower Program” has the mean-
 8 ing given the term in section 47124(e) of title
 9 49, United States Code.

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

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

1 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

2 Section 186(d) of the Vision 100—Century of Avia-
 3 tion Reauthorization Act (Public Law 108–176; 117 Stat.
 4 2518) is amended by striking “and for the period begin-
 5 ning on October 1, 2015, and ending on March 31, 2016,”
 6 inserting “and for fiscal years 2016 through 2017”.

7 **SEC. 1208. AIRPORT ROAD FUNDING.**

8 (a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—

9 Section 47107(b) is amended by adding at the end the
 10 following:

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

1 facility for non-airport purposes shall not require
 2 prorating.”.

3 (b) ~~RESTRICTIONS ON THE USE OF AIRPORT REV-~~
 4 ~~ENUE.~~—Section 47133 is amended—

5 (1) by inserting “(1)” before “Nothing” and in-
 6 denting appropriately; and

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

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

13 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
 14 **PORT VEHICLE PILOT PROGRAM.**

15 (a) ~~REPEAL.~~—Section 47136 is repealed.

16 (b) ~~TECHNICAL AND CONFORMING AMENDMENTS.~~—

17 The table of contents for chapter 471 is amended by strik-
 18 ing the item relating to section 47136 and inserting the
 19 following:

“47136. [Reserved].”.

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

23 Section 47136a is amended—

24 (1) in subsection (a), by striking “, including”
 25 and inserting “used exclusively for transporting pas-

1 sengers on-airport or for employee shuttle buses
2 within the airport, including”; and

3 (2) in subsection (f), by inserting “, as in effect
4 on the day before the date of enactment of the Fed-
5 eral Aviation Administration Reauthorization Act of
6 2016,” after “section 47136”.

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

10 (a) **REPEAL.**—Section 47140 is repealed.

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

 “47140. [Reserved].”.

15 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
16 **EFFICIENCY ASSESSMENTS.**

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

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

1 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
 2 **CLASSIFIED AIRPORTS.**

3 Section 47106(a) is amended—

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

6 (2) in paragraph (6)—

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

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

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

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

18 “(A) for maintenance of the pavement of
 19 the primary runway;

20 “(B) for obstruction removal for the pri-
 21 mary runway;

22 “(C) for the rehabilitation of the primary
 23 runway; or

24 “(D) a project that the Secretary considers
 25 necessary for the safe operation of the air-
 26 port.”.

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

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

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

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

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

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

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

sors improve safety or capacity in the National Airspace System; and

~~“(2) the non-movement area surveillance surface display systems and sensors are supplemental to existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.~~

~~“(b) PROJECT GRANTS.—~~

~~“(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(e) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The Administrator may distribute not more than \$2,000,000 per sponsor from the discretionary fund. The airports selected to participate in the pilot program shall have existing Federal Aviation Administration movement area systems and airlines that are participants in Federal Aviation Administration’s Airport Collaborative Decision Making process.~~

~~“(2) PROCEDURES.—In accordance with the authority under section 106, the Administrator may establish procurement procedures applicable to grants~~

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

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

21 “(c) DEFINITIONS.—In this section:

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

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

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

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

18 “(B) is on-airport; and

19 “(C) is airport operated.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

24 Section 47102 is amended—

1 (1) by redesignating paragraphs (10) through
2 (28) as paragraphs (12) through (30), respectively;

3 (2) by redesignating paragraphs (7) through
4 (9) as paragraphs (8) through (10), respectively;

5 (3) in paragraph (3)(B)—

6 (A) by redesignating clauses (iii) through
7 (x) as clauses (iv) through (xi), respectively;
8 and

9 (B) by striking clause (ii) and inserting the
10 following:

11 “(ii) security equipment owned and
12 operated by the airport, including explosive
13 detection devices, universal access control
14 systems, perimeter fencing, and emergency
15 call boxes, which the Secretary may require
16 by regulation for, or approve as contrib-
17 uting significantly to, the security of indi-
18 viduals and property at the airport;

19 “(iii) safety apparatus owned and op-
20 erated by the airport, which the Secretary
21 may require by regulation for, or approve
22 as contributing significantly to, the safety
23 of individuals and property at the airport,
24 and integrated in-pavement lighting sys-
25 tems for runways and taxiways and other

1 runway and taxiway incursion prevention
2 devices;”;

3 (4) in paragraph (3)—

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

8 (B) in subparagraph (L)—

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

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

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

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

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

1 “(7) ‘categorized airport’ means a nonprimary
2 airport that has an identified role in the National
3 Plan of Integrated Airport Systems.”;

4 (7) in paragraph (9), as redesignated, by strik-
5 ing “public” and inserting “public-use”;

6 (8) by inserting after paragraph (10), as reded-
7 ignated, the following:

8 “(11) ‘joint use airport’ means an airport
9 owned by the Department of Defense, at which both
10 military and civilian aircraft make shared use of the
11 airfield.”;

12 (9) in paragraph (24), as redesignated, by
13 amending subparagraph (B)(i) to read as follows:

14 “(i) determined by the Secretary to
15 have at least—

16 “(I) 100 based aircraft that are
17 currently registered with the Federal
18 Aviation Administration under chap-
19 ter 445 of this title; and

20 “(II) 1 based jet aircraft that is
21 currently registered with the Federal
22 Aviation Administration where, for
23 the purposes of this clause, ‘based’
24 means the aircraft or jet aircraft over-

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

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

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

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

12 Section 47503(b) is amended—

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

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

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

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

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

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

1 “(f) AIRPORT SPACE.—

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

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

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

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

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

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

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

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

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

11 (2) detailing whether and how an airport de-
12 scribed in paragraph (1) can accurately report rap-
13 idly changing severe weather conditions, including
14 thunderstorms, lightning, fog, visibility, cloud layers
15 and ceilings, ice pellets, freezing rain, and drizzle
16 without contract weather observers; and

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

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

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

26 Section 47109(a)(5) is amended to read as follows:

1 “(5) 95 percent for a project at an airport for
 2 which the United States Government’s share would
 3 otherwise be capped at 90 percent under paragraph
 4 (2) or paragraph (3) if the Administrator determines
 5 that the project is a successive phase of a multi-
 6 phased construction project for which the sponsor
 7 received a grant in fiscal year 2011 or earlier.”.

8 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

9 (a) AIRPORT SECURITY PROGRAM.—Section 47137 is
 10 amended—

11 (1) in subsection (a), by striking “Transpor-
 12 tation” and inserting “Homeland Security”;

13 (2) in subsection (c), by striking “Homeland
 14 Security” and inserting “Transportation”; and

15 (3) in subsection (g), by inserting “of Trans-
 16 portation” after “Secretary” the first place it ap-
 17 pears.

18 (b) SECTION 516 PROPERTY CONVEYANCE RE-
 19 LEASES.—Section 817(a) of the FAA Modernization and
 20 Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

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

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

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

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

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

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

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

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

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

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

17 **SEC. 1302. INTERMODAL ACCESS PROJECTS.**

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

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

22 “(1) **IN GENERAL.**—The Secretary may author-
23 ize a passenger facility charge imposed under sub-
24 section (b)(1) to be used to finance the eligible cap-
25 ital costs of an intermodal ground access project.

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

6 ~~“(A) is located on airport property; and~~

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

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

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

19 ~~“(B) the total cost of the capital improve-~~
 20 ~~ments that are located on airport property.~~

21 ~~“(4) DETERMINATIONS.—The Secretary shall~~
 22 ~~determine the projected use and cost of a project for~~
 23 ~~purposes of paragraph (3) at the time the project is~~
 24 ~~approved under this subsection, except that, in the~~
 25 ~~case of a project to be financed in part using funds~~

1 administered by the Federal Transit Administration;
 2 the Secretary shall use the travel forecasting model
 3 for the project at the time the project is approved
 4 by the Federal Transit Administration to enter pre-
 5 liminary engineering to determine the projected use
 6 and cost of the project for purposes of paragraph
 7 (3).

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

17 **SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCI-**
 18 **ATED AIRPORT.**

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

21 “(o) USE OF REVENUES AT A PREVIOUSLY ASSOCI-
 22 ATED AIRPORT.—Notwithstanding the requirements relat-
 23 ing to airport control under subsection (b)(1), the Sec-
 24 retary may authorize use of a passenger facility charge

1 under subsection (b) to finance an eligible airport-related
 2 project if—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (13) airline competition;

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

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

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

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

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

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

10 **SEC. 2001. DEFINITIONS.**

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

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

18 **PART I—PRIVACY AND TRANSPARENCY**

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

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

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

2 It is the sense of Congress that—

3 (1) each person that uses an unmanned aircraft
4 system for compensation or hire, or in the further-
5 ance of a business enterprise, should have a written
6 privacy policy consistent with section 2101 regarding
7 the collection, use, retention, and dissemination of
8 any data collected during the operation of an un-
9 manned aircraft system;

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

13 (3) each privacy policy described in paragraph
14 (1) should be publicly available.

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

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

22 **SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFOR-**
23 **MATION ADMINISTRATION MULTI-STAKE-**
24 **HOLDER PROCESS.**

25 Not later than July 31, 2016, the Administrator of
26 the National Telecommunications and Information Ad-

1 ministration shall submit to the appropriate committees
2 of Congress a report on the industry privacy best practices
3 developed through the multi-stakeholder engagement pro-
4 cess (established under Presidential Memorandum of Feb-
5 ruary 15, 2015 (80 Fed. Reg. 9355)) on unmanned air-
6 craft systems transparency and accountability. In addition
7 to the agreed upon best practices, this report shall include
8 relevant stakeholder recommendations for legislative or
9 regulatory action regarding privacy, accountability, and
10 transparency, including ways to encourage the adoption
11 of privacy policies by companies that use unmanned air-
12 craft systems for compensation or hire, or in the further-
13 ance of a business enterprise.

14 **SEC. 2105. IDENTIFICATION STANDARDS.**

15 (a) **IN GENERAL.**—The Director of the National In-
16 stitute of Standards and Technology, in collaboration with
17 the Administrator of the Federal Aviation Administration,
18 and in consultation with the Secretary of Transportation,
19 the President of the Radio Technical Commission for Aer-
20 onautics, and the Administrator of the National Tele-
21 communications and Information Administration, shall
22 convene industry stakeholders to facilitate the develop-
23 ment of consensus standards for remotely identifying oper-
24 ators and owners of unmanned aircraft systems and asso-
25 ciated unmanned aircraft.

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

3 ~~(1) requirements for remote identification of~~
4 ~~unmanned aircraft systems;~~

5 ~~(2) appropriate requirements for different clas-~~
6 ~~sifications of unmanned aircraft systems operations;~~
7 ~~including public and civil;~~

8 ~~(3) the role of manufacturers, the Federal Avia-~~
9 ~~tion Administration, and the owners of the systems~~
10 ~~described in paragraphs (1) and (2) in reporting and~~
11 ~~verifying identification data; and~~

12 ~~(4) the feasibility of the development and oper-~~
13 ~~ation of a publicly searchable online database to fur-~~
14 ~~ther enable the immediate remote identification of~~
15 ~~any unmanned aircraft and its operator by the gen-~~
16 ~~eral public.~~

17 (c) ~~DEADLINE.—Not later than 1 year after the date~~
18 ~~of enactment of this Act, the Director shall submit to the~~
19 ~~appropriate committees of Congress a report on the con-~~
20 ~~sensus identification standards.~~

21 (d) ~~GUIDANCE.—Not later than 1 year after the date~~
22 ~~that the Director submits the report on the consensus~~
23 ~~identification standards under subsection (c), the Admin-~~
24 ~~istrator of the Federal Aviation Administration shall issue~~

1 regulatory guidance based on the consensus identification
2 standards.

3 **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERA-**
4 **TORS.**

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

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

18 (1) The name of each individual, or agency, as
19 applicable, authorized to conduct civil or public un-
20 manned aircraft systems operations described in
21 subsection (a).

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

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

4 ~~(4)~~ The contact information for each person
 5 identified in paragraphs ~~(1)~~ and ~~(2)~~, including a
 6 telephone number and an electronic mail address, in
 7 accordance with applicable privacy laws.

8 ~~(5)~~ The tail number or specific identification
 9 number of all unmanned aircraft authorized for use
 10 that links each unmanned aircraft to the owner of
 11 that aircraft.

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

19 ~~(d)~~ DEADLINE.—The Administrator shall make the
 20 database available not later than 1 year after the date of
 21 enactment of this Act.

22 ~~(e)~~ TERMINATION.—The Administrator may cease
 23 the operation of such database on the date that the Ad-
 24 ministrator issues regulatory guidance on the consensus
 25 identification standards in section 2105.

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

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

9 (1) examines and identifies the existing Fed-
 10 eral, State, or local laws, including constitutional
 11 law, that protect an individual's personal privacy;

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

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

19 (4) recommends legislative or other actions to
 20 address the limitations and deficiencies identified in
 21 paragraphs (2) and (3).

22 **PART II—UNMANNED AIRCRAFT SYSTEMS**

23 **SEC. 2121. DEFINITIONS.**

24 (a) **IN GENERAL.**—Part A of subtitle VII is amended
 25 by inserting after chapter 447 the following:

1 **“CHAPTER 448—UNMANNED AIRCRAFT**
 2 **SYSTEMS**

“Sec.

“44801. Definitions.

3 **“§ 44801. Definitions**

4 “‘In this chapter—

5 “(1) ‘appropriate committees of Congress’
 6 means the Committee on Commerce, Science, and
 7 Transportation of the Senate and the Committee on
 8 Transportation and Infrastructure of the House of
 9 Representatives.

10 “(2) ‘Arctic’ means the United States zone of
 11 the Chukchi Sea, Beaufort Sea, and Bering Sea
 12 north of the Aleutian chain.

13 “(3) ‘certificate of waiver’ and ‘certificate of au-
 14 thorization’ mean a Federal Aviation Administration
 15 grant of approval for a specific flight operation.

16 “(4) ‘permanent areas’ means areas on land or
 17 water that provide for launch, recovery, and oper-
 18 ation of small unmanned aircraft.

19 “(5) ‘public unmanned aircraft system’ means
 20 an unmanned aircraft system that meets the quali-
 21 fications and conditions required for operation of a
 22 public aircraft (as defined in section 40102(a)).

23 “(6) ‘sense and avoid capability’ means the ca-
 24 pability of an unmanned aircraft to remain a safe

1 distance from and to avoid collisions with other air-
2 borne aircraft.

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

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

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

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

21 “(11) ‘unmanned aircraft system’ means an un-
22 manned aircraft and associated elements (including
23 communication links and the components that con-
24 trol the unmanned aircraft) that are required for the

1 operator to operate safely and efficiently in the na-
 2 tional airspace system.”.

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

“448. Unmanned Aircraft Systems 44801”.

6 **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**
 7 **TEST SITES.**

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

11 **“§ 44802. Unmanned aircraft system test sites**

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

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

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

23 “(1) designate airspace for safely testing the in-
 24 tegration of unmanned flight operations in the na-
 25 tional airspace system;

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

4 “(3) coordinate with and leverage the resources
5 of the National Aeronautics and Space Administra-
6 tion and the Department of Defense;

7 “(4) address both civil and public unmanned
8 aircraft systems;

9 “(5) ensure that the program is coordinated
10 with relevant aspects of the Next Generation Air
11 Transportation System;

12 “(6) provide for verification of the safety of un-
13 manned aircraft systems and related navigation pro-
14 cedures as it relates to continued development of
15 standards for integration into the national airspace
16 system;

17 “(7) engage each test site operator in projects
18 for research, development, testing, and evaluation of
19 unmanned aircraft systems to facilitate the Federal
20 Aviation Administration’s development of standards
21 for the safe integration of unmanned aircraft into
22 the national airspace system, which may include so-
23 lutions for—

24 “(A) developing and enforcing geographic
25 and altitude limitations;

1 “(B) classifications of airspace where man-
2 ufacturers must prevent flight of an unmanned
3 aircraft system;

4 “(C) classifications of airspace where man-
5 ufacturers of unmanned aircraft systems must
6 alert the operator to hazards or limitations on
7 flight;

8 “(D) sense and avoid capabilities; and

9 “(E) beyond-line-of-sight, nighttime oper-
10 ations and unmanned traffic management, or
11 other critical research priorities;

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

18 “(9) allow a test site to develop multiple test
19 ranges within the test site;

20 “(10) streamline the approval process for test
21 sites when processing unmanned aircraft certificates
22 of waiver or authorization for operations at the test
23 sites;

24 “(11) require each test site operator to protect
25 proprietary technology, sensitive data, or sensitive

1 research of any civil or private entity when using
 2 that test site without the need to obtain an experi-
 3 mental or special airworthiness certificate;

4 “(12) evaluate options for the operation of 1 or
 5 more small unmanned aircraft systems beyond the
 6 visual line of sight of the operator for testing under
 7 controlled conditions that assure the safety of per-
 8 sons and property, including on the ground; and

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

14 “(e) TEST SITE LOCATIONS.—In determining the lo-
 15 cation of a test site under subsection (a), the Adminis-
 16 trator shall—

17 “(1) take into consideration geographic and cli-
 18 matic diversity;

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

21 “(3) consult with the Administrator of the Na-
 22 tional Aeronautics and Space Administration and
 23 the Secretary of Defense.

24 “(d) REPORT TO CONGRESS.—

1 “(1) IN GENERAL.—Not later than 1 year after
 2 the date of enactment of the Federal Aviation Ad-
 3 ministration Reauthorization Act of 2016, the Ad-
 4 ministrator shall submit to the appropriate commit-
 5 tees of Congress a report on the establishment and
 6 implementation of the program under subsection (a).

7 “(2) BRIEFINGS.—Beginning 180 days after
 8 the date of enactment of the Federal Aviation Ad-
 9 ministration Reauthorization Act of 2016, and every
 10 180 days thereafter until September 30, 2017, the
 11 Administrator shall provide to the appropriate com-
 12 mittees of Congress a briefing that includes—

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

16 “(B) a description of all of the data gen-
 17 erated from the operations described in sub-
 18 paragraph (A), and shared with the Federal
 19 Aviation Administration through a cooperative
 20 research and development agreement authorized
 21 in section 2123 of the Federal Aviation Admin-
 22 istration Reauthorization Act of 2016, that re-
 23 late to unmanned aircraft systems research pri-
 24 orities, including beyond-line-of-sight, un-

1 manned traffic management, nighttime oper-
2 ations, and sense and avoid technology;

3 “(C) a description of how the data de-
4 scribed in subparagraph (B) will be or is
5 used—

6 “(i) to advance Federal Aviation Ad-
7 ministration priorities;

8 “(ii) to validate the safety of un-
9 manned aircraft systems and related tech-
10 nology; and

11 “(iii) to inform future rulemaking re-
12 lated to the integration of unmanned air-
13 craft systems into the national airspace;

14 “(D) an evaluation of the activities and
15 specific outcomes from activities at the test
16 sites that support the safe integration of un-
17 manned aircraft systems under this chapter;
18 and

19 “(E) recommendations for future Federal
20 Aviation Administration test site operations
21 that would generate data necessary to inform
22 future rulemaking related to unmanned aircraft
23 systems.

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

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

6 “(A) ongoing or completed research; and

7 “(B) data regarding operations by private
 8 and public operators; and

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

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

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF CONTENTS.—The table of con-
 24 tents for chapter 448, as added by section 2121 of

1 this Act, is further amended by inserting after the
2 item relating to section 44801 the following:

“44802. Unmanned aircraft system test sites.”.

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

6 **SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND**
7 **TESTING.**

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

22 (b) COLLABORATIVE RESEARCH AND DEVELOPMENT
23 AGREEMENTS.—The Administrator may use the other
24 transaction authority under section 106(1)(6) of title 49,
25 United States Code, and enter into collaborative research

1 and development agreements; to direct research related to
2 unmanned aircraft systems; including at any test site
3 under section 44802(a) of that title.

4 **SEC. 2124. SAFETY STANDARDS.**

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

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

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

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

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

4 “(2) Using performance-based standards.

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

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

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

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

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

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

4 “(c) CONSULTATION.—In developing the consensus
5 industry standards under subsection (a), the Director and
6 Administrator shall consult with—

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

9 “(2) the President of RTCA, Inc.;

10 “(3) the Secretary of Defense;

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

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

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

17 “(7) community-based aviation organizations.”

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

1 prove small unmanned aircraft systems for operation with-
 2 in the national airspace system without requiring the type
 3 certification process in parts 21 and 23 of the Code of
 4 Federal Regulations.

5 “(e) ELIGIBILITY.—The standards for approval of
 6 small unmanned aircraft systems developed under this sec-
 7 tion shall set eligibility requirements for an airworthiness
 8 approval of a small unmanned aircraft system which shall
 9 include the following:

10 “(1) An applicant must provide the FAA
 11 with—

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

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

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

22 “(f) MANUFACTURER’S STATEMENT OF COMPLIANCE
 23 FOR SMALL UAS.—The manufacturer’s statement of com-
 24 pliance required in subsection (e)(1)(B) shall—

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

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

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

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

16 “(A) the aircraft’s operating instructions;
17 that meet the identified consensus standard;
18 and

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

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

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

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

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

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

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

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

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

“44803. Aircraft safety standards.”.

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

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

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

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

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

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

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

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

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

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

1 ~~40101~~ note) and the item relating to that section in
 2 the table of contents under section 1(b) of that Act
 3 ~~(126 Stat. 13)~~ are repealed.

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

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

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

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

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

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

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

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

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

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

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

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

22 “(1) without an airman certificate;

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

1 “(3) that are not registered with the Federal
2 Aviation Administration.

3 “(b) SCOPE OF REGULATIONS.—

4 “(1) IN GENERAL.—In determining whether a
5 person may operate an unmanned aircraft system
6 under 1 or more of the circumstances described
7 under paragraphs (1) through (3) of subsection (a),
8 the Administrator shall use a risk-based approach
9 and consider, at a minimum, the physical and func-
10 tional characteristics of the unmanned aircraft sys-
11 tem.

12 “(2) LIMITATION.—The Administrator may
13 only issue regulations under this section for un-
14 manned aircraft systems that the Administrator de-
15 termines may be operated safely in the national air-
16 space system.

17 “(c) RULES OF CONSTRUCTION.—Nothing in this
18 section may be construed—

19 “(1) to prohibit a person from operating an un-
20 manned aircraft system under a circumstance de-
21 scribed under paragraphs (1) through (3) of sub-
22 section (a) if—

23 “(A) the circumstance is allowed by regula-
24 tions issued under this section; and

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

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

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

“44806: Additional rulemaking authority.”.

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

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

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

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

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

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

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

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

16 “(b) STANDARDS FOR OPERATION AND CERTIFI-
 17 CATION.—The Administrator of the Federal Aviation Ad-
 18 ministration shall develop and implement operational and
 19 certification requirements for the operation of a public un-
 20 manned aircraft system in the national airspace system.

21 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
 22 CIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(iii) during daylight conditions;

8 “(iv) within Class G airspace; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

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

“44807. Public unmanned aircraft systems.”.

14 (2) **PUBLIC UNMANNED AIRCRAFT SYSTEMS.**—

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

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

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

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

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

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

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

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

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

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

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

7 “(6) the aircraft is flown from the surface to
 8 not more than 400 feet in altitude; and

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

16 “(b) UPDATES.—

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

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

1 “(A) appropriate operational limitations to
2 mitigate aviation safety risk and risk to the un-
3 involved public;

4 “(B) operations outside the membership;
5 guidelines; and programming of a nationwide
6 community-based organization;

7 “(C) physical characteristics; technical
8 standards; and classes of aircraft operating
9 under this section;

10 “(D) trends in use; enforcement; or inci-
11 dents involving unmanned aircraft systems; and

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

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

23 “(e) STATUTORY CONSTRUCTION.—Nothing in this
24 section shall be construed to limit the authority of the Ad-

1 ministrator to pursue enforcement action against persons
2 operating personal unmanned aircraft.

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

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

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

14 (b) ~~TECHNICAL AND CONFORMING AMENDMENTS.~~—

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

“44808: Special rules for model aircraft.”.

19 (2) ~~SPECIAL RULE FOR MODEL AIRCRAFT.~~—

20 Section 336 of the FAA Modernization and Reform
21 Act of 2012 (49 U.S.C. 40101 note) and the item
22 relating to that section in the table of contents
23 under section 1(b) of that Act (126 Stat. 13) are re-
24 pealed.

1 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
 2 **KNOWLEDGE AND SAFETY.**

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

6 **“§ 44809. Aeronautical knowledge and safety test**

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

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

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

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

16 “(b) EXCEPTION.—This section shall not apply to the
 17 operation of an unmanned aircraft system that has been
 18 authorized by the Federal Aviation Administration under
 19 section 44802, section 44805, section 44806, or section
 20 44807.

21 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
 22 TEST.—Not later than 180 days after the date of enact-
 23 ment of the Federal Aviation Administration Reauthoriza-
 24 tion Act of 2016, the Administrator of the Federal Avia-
 25 tion Administration, in consultation with manufacturers
 26 of unmanned aircraft systems, other industry stake-

1 holders, and community-based aviation organizations;
 2 shall develop an aeronautical knowledge and safety test
 3 that can be administered electronically.

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

7 “(1) understanding of aeronautical safety
 8 knowledge, as applicable; and

9 “(2) knowledge of Federal Aviation Administra-
 10 tion regulations and requirements pertaining to the
 11 operation of an unmanned aircraft system in the na-
 12 tional airspace system.

13 “(e) RECORD OF COMPLIANCE.—

14 “(1) IN GENERAL.—Each operator of an un-
 15 manned aircraft system described under subsection
 16 (a) shall maintain and make available for inspection,
 17 upon request by the Administrator or a Federal,
 18 State, or local law enforcement officer, a record of
 19 compliance with this section through—

20 “(A) an identification number, issued by
 21 the Federal Aviation Administration certifying
 22 passage of the aeronautical knowledge and safe-
 23 ty test;

24 “(B) if the individual has authority to op-
 25 erate an unmanned aircraft system under other

1 Federal law, the requisite proof of authority
 2 under that law; or

3 “(C) an airmen certificate issued under
 4 section 44703.

5 “(2) COORDINATION.—The Administrator may
 6 coordinate the identification number under para-
 7 graph (1)(A) with an operator’s registration number
 8 to the extent practicable.

9 “(3) LIMITATION.—No fine or penalty may be
 10 imposed for the initial failure of an operator of an
 11 unmanned aircraft system to comply with paragraph
 12 (1) unless the Administrator finds that the conduct
 13 of the operator actually posed a risk to the national
 14 airspace system.”.

15 (b) TABLE OF CONTENTS.—The table of contents for
 16 chapter 448, as amended by section 2129 of this Act, is
 17 amended by inserting after the item relating to section
 18 44808 the following:

“44809: Aeronautical knowledge and safety test.”.

19 **SEC. 2131. SAFETY STATEMENTS.**

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

23 **“§ 44810. Safety statements**

24 “(a) PROHIBITION.—Except as provided in sub-
 25 section (d), it shall be unlawful for any person to introduce

1 or deliver for introduction into interstate commerce any
 2 unmanned aircraft manufactured on or after the date this
 3 section takes effect unless a safety statement is attached
 4 to the unmanned aircraft or accompanying the unmanned
 5 aircraft in its packaging.

6 “(b) SAFETY STATEMENT.—

7 “(1) IN GENERAL.—Not later than 1 year after
 8 the date of enactment of the Federal Aviation Ad-
 9 ministration Reauthorization Act of 2016, the Ad-
 10 ministrator of the Federal Aviation Administration
 11 shall issue guidance for implementing this section.

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

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

16 “(B) recommendations for using un-
 17 manned aircraft in a manner that promotes the
 18 safety of persons and property;

19 “(C) the date that the safety statement
 20 was created or last modified; and

21 “(D) language approved by the Adminis-
 22 trator regarding the following:

23 “(i) A person may operate the un-
 24 manned aircraft as a model aircraft (as de-
 25 fined in section 44808) or otherwise in ac-

1 cordance with Federal Aviation Adminis-
2 tration authorization or regulation, includ-
3 ing requirements for the completion of the
4 aeronautical knowledge and safety test
5 under section 44809.

6 “(ii) The definition of a model aircraft
7 under section 44808.

8 “(iii) The requirements regarding a
9 model aircraft under paragraphs (1)
10 through (7) of section 44808(a).

11 “(iv) The Administrator of the Fed-
12 eral Aviation Administration may pursue
13 enforcement action against a person oper-
14 ating model aircraft who endangers the
15 safety of the national airspace system.

16 “(e) CIVIL PENALTY.—A person who violates sub-
17 section (a) shall be liable for each violation to the United
18 States Government for a civil penalty described in section
19 46301(a).

20 “(d) EFFECTIVE DATE.—This section shall take ef-
21 fect on the date of enactment of this Act, except that sub-
22 section (a) of this section shall take effect 1 year after
23 the date of publication of the guidance under subsection
24 (b).”.

1 (b) ~~TABLE OF CONTENTS.~~—The table of contents for
 2 chapter 448, as amended by section 2130 of this Act, is
 3 further amended by inserting after the item relating to
 4 section 44809 the following:

“44810. Safety statements.”.

5 **~~SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-~~**
 6 **~~ATING UNDERGROUND.~~**

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

11 **~~SEC. 2133. ENFORCEMENT.~~**

12 (a) ~~UAS SAFETY ENFORCEMENT.~~—The Adminis-
 13 trator of the Federal Aviation Administration shall estab-
 14 lish a program to utilize available remote detection and
 15 identification technologies for safety oversight, including
 16 enforcement actions against operators of unmanned air-
 17 craft systems that are not in compliance with applicable
 18 Federal aviation laws, including regulations.

19 (b) ~~CIVIL PENALTIES.~~—

20 (1) ~~IN GENERAL.~~—Section 46301 is amended—

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

1 (B) in subsection (a)(5), by inserting
 2 “chapter 448,” after “chapter 447 (except sec-
 3 tions ~~44717–44723~~),”;

4 (C) in subsection (d)(2), by inserting
 5 “chapter 448,” after “chapter 447 (except sec-
 6 tions ~~44717 and 44719–44723~~),”;

7 (D) in subsection (f), by inserting “chapter
 8 448,” after “chapter 447 (except ~~44717 and~~
 9 ~~44719–44723~~),”.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
 11 subsection shall be construed to limit the authority
 12 of the Administrator to pursue an enforcement ac-
 13 tion for a violation of this Act, a regulation pre-
 14 scribed or order or authority issued under this Act,
 15 or any other applicable provision of aviation safety
 16 law or regulation.

17 (e) REPORTING.—As part of the program, the Ad-
 18 ministrator shall establish and publicize a mechanism for
 19 the public and law enforcement, including State and local
 20 law enforcement, to report a suspected abuse or a violation
 21 of chapter 448 for enforcement action.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
 23 out this section, there is authorized to be appropriated
 24 \$5,000,000 for each of the fiscal years 2016 through
 25 2017.

1 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
 2 **ICES DISRUPTION.**

3 (a) ~~IN GENERAL.~~—Chapter 463 is amended—

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

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

7 **“§ 46320. Interference with firefighting, law enforce-**
 8 **ment, or emergency response activities**

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

12 “(b) ~~DEFINITION.~~—For purposes of this section, an
 13 aircraft interferes with the activities specified in sub-
 14 section (a) when its operation prevents the initiation of,
 15 interrupts, or endangers a person or property engaged in
 16 those activities.

17 “(c) ~~CIVIL PENALTY.~~—A person violating subsection
 18 (a) shall be liable for a civil penalty of not more than
 19 \$20,000.

20 “(d) ~~COMPROMISE AND SETOFF.~~—The United States
 21 Government may deduct the amount of a civil penalty im-
 22 posed or compromised under this section from the
 23 amounts the Government owes the person liable for the
 24 penalty.”.

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

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

4 **SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**
 5 **SPACE HAZARD MITIGATION.**

6 (a) ~~IN GENERAL.~~—The Administrator of the Federal
 7 Aviation Administration shall carry out a pilot program
 8 for airspace hazard mitigation at airports and other crit-
 9 ical infrastructure.

10 (b) ~~CONSULTATION.~~—In carrying out the pilot pro-
 11 gram under subsection (a), the Administrator shall work
 12 with the Secretary of Defense, Secretary of Homeland Se-
 13 curity, and the heads of relevant Federal agencies for the
 14 purpose of ensuring technologies that are developed, test-
 15 ed, or deployed by those departments and agencies to miti-
 16 gate threats posed by errant or hostile unmanned aircraft
 17 system operations do not adversely impact or interfere
 18 with safe airport operations, navigation, and air traffic
 19 services.

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

1 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**
 2 **FUNCTIONS.**

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

6 **“§ 44811. Regulatory and administrative fees**

7 “(a) IN GENERAL.—Subject to subsection (b), the
 8 Administrator may assess and collect regulatory and ad-
 9 ministrative fees to recover the costs of regulatory and ad-
 10 ministrative activities under this chapter, including en-
 11 forcement activities, policy and rulemaking activities, and
 12 applications for authorization to operate unmanned air-
 13 craft systems for compensation or hire, or in the further-
 14 ance of a business enterprise.

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

19 “(c) RECEIPTS CREDITED TO ACCOUNT.—Notwith-
 20 standing section 3302 of title 31, all fees and amounts
 21 collected under this section shall be credited to the sepa-
 22 rate account established under section 45303(e).

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

1 (b) ~~TABLE OF CONTENTS.~~—The table of contents for
 2 chapter 448, as amended by section 2131 of this Act, is
 3 further amended by inserting after the item relating to
 4 section 44810 the following:

“44811. Regulatory and administrative fees.”.

5 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**
 6 **RULEMAKING.**

7 It is the sense of the Congress that the Administrator
 8 of the Federal Aviation Administration and the Secretary
 9 of Transportation should take every necessary action to
 10 expedite final action on the notice of proposed rulemaking
 11 dated February 23, 2015 (80 Fed. Reg. 9544), entitled
 12 “Operation and Certification of Small Unmanned Aircraft
 13 Systems”.

14 **SEC. 2138. UNMANNED AIRCRAFT SYSTEM TRAFFIC MAN-**
 15 **AGEMENT.**

16 (a) ~~RESEARCH PLAN FOR UTM DEVELOPMENT.~~—

17 (1) ~~IN GENERAL.~~—The Administrator of the
 18 Federal Aviation Administration, in coordination
 19 with the Administrator of the National Aeronautics
 20 and Space Administration, shall develop a research
 21 plan for unmanned traffic management development.

22 (2) ~~REQUIREMENTS.~~—In developing the re-
 23 search plan under paragraph (1), the Administrator
 24 shall—

25 (A) identify research goals;

1 (B) assess the operational parameters and
2 system requirements necessary to evaluate un-
3 manned traffic management systems;

4 (C) research—

5 (i) operational parameters related to
6 altitude, geographic coverage, classes of
7 airspace, and critical infrastructure;

8 (ii) avionics capability requirements or
9 standards;

10 (iii) operator identification and au-
11 thentication requirements and capabilities;

12 (iv) communication protocols with air
13 traffic control facilities that will not inter-
14 fere with existing responsibility to
15 deconflict manned aircraft in the national
16 airspace system;

17 (v) collision avoidance requirements;

18 (vi) separation standards for manned
19 and unmanned aircraft; and

20 (vii) spectrum needs;

21 (D) evaluate options for the administration
22 and management structure for the traffic man-
23 agement of low altitude operations of small un-
24 manned aircraft systems; and

1 ~~(E)~~ ensure the plan is consistent with the
 2 broader Federal Aviation Administration regu-
 3 latory and operational framework encompassing
 4 all unmanned aircraft system operations ex-
 5 pected to be authorized in the national airspace
 6 system.

7 ~~(3)~~ ASSESSMENT.—The research plan under
 8 paragraph (1) shall include an assessment of—

9 ~~(A)~~ the ability to allow near-term small un-
 10 manned aircraft system operations without need
 11 of an automated traffic management system;

12 ~~(B)~~ the full range of operational capability
 13 any automated traffic management system
 14 should possess;

15 ~~(C)~~ the operational characteristics and
 16 metrics that would drive incremental adoption
 17 of automated capability and procedures con-
 18 sistent with a rising aggregate community de-
 19 mand for service for low altitude operations of
 20 small unmanned aircraft; and

21 ~~(D)~~ the integration points for small un-
 22 manned aircraft system traffic management
 23 with the existing national airspace system plan-
 24 ning and traffic management systems.

25 ~~(4)~~ DEADLINES.—The Administrator shall—

1 ~~(A)~~ initiate development of the research
 2 plan not later than 90 days after the date of
 3 enactment of this Act; and

4 ~~(B)~~ not later than 180 days after the date
 5 of enactment of this Act—

6 (i) complete the research plan;

7 (ii) submit the research plan to the
 8 appropriate committees of Congress; and

9 (iii) publish the research plan on the
 10 Federal Aviation Administration's Web
 11 site.

12 ~~(b) PILOT PROGRAM.—~~

13 ~~(1) IN GENERAL.—~~Not later than 120 days
 14 after the date the research plan under subsection (a)
 15 is submitted under subsection (a)(4)(B), the Admin-
 16 istrator of the Federal Aviation Administration shall
 17 coordinate with the Administrator of the National
 18 Aeronautics and Space Administration and small un-
 19 manned aircraft industry to develop operational con-
 20 cepts and top-level system requirements for an un-
 21 manned aircraft traffic management pilot program,
 22 consistent with subsection (a).

23 ~~(2) SOLICITATION.—~~The Administrator shall
 24 issue a solicitation for operational prototype systems
 25 that meet these objectives for use in a pilot program

1 to demonstrate, validate, or modify, as appropriate,
 2 these concepts and requirements.

3 ~~(c) COMPREHENSIVE PLAN.—~~

4 ~~(1) IN GENERAL.—~~Not later than 270 days
 5 after the date the pilot program under subsection
 6 ~~(b)~~ is complete, the Administrator of the Federal
 7 Aviation Administration, in coordination with the
 8 Administrator of the National Aeronautics and
 9 Space Administration, and in consultation with the
 10 head of each relevant Federal agency, shall develop
 11 a comprehensive plan for the deployment of un-
 12 manned aircraft traffic management systems in the
 13 national airspace.

14 ~~(2) SYSTEM REQUIREMENTS.—~~The comprehen-
 15 sive plan under paragraph ~~(1)~~ shall include require-
 16 ments or standards consistent with established or
 17 planned rulemaking for, at a minimum—

18 ~~(A)~~ the flight of small unmanned aircraft
 19 in controlled and uncontrolled airspace;

20 ~~(B)~~ communications, as applicable—

21 ~~(i)~~ among small unmanned aircraft;

22 ~~(ii)~~ between small unmanned aircraft
 23 and manned aircraft operating in the same
 24 airspace; and

1 (iii) between small unmanned aircraft
 2 and air traffic control as considered nec-
 3 essary; and
 4 (C) air traffic management for small un-
 5 manned aircraft operations.

6 (d) **SYSTEM IMPLEMENTATION.**—Based on the com-
 7 prehensive plan under subsection (c), including the re-
 8 quirements under paragraph (2) of that subsection, and
 9 the pilot program under section (b), the Administrator
 10 shall determine the operational need and implementation
 11 schedule for evolutionary use of automation support sys-
 12 tems to separate and deconflict manned and unmanned
 13 aircraft.

14 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

15 (a) **IN GENERAL.**—Not later than 90 days after the
 16 date of enactment of this Act, the Administrator of the
 17 Federal Aviation Administration shall publish guidance
 18 for the application for and procedures for the processing
 19 of, on an emergency basis, exemptions or certificates of
 20 authorization or waiver for the use of unmanned aircraft
 21 systems for emergency response operations. This guidance
 22 shall outline procedures for operations under both sections
 23 44805 and 44807, United States Code, with priority given
 24 to applications for public unmanned aircraft systems en-
 25 gaged in emergency response activities.

1 (b) **REQUIREMENTS.**—In providing guidance under
2 subsection (a), the Administrator shall—

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

7 (2) if applicable, explicitly state the procedures
8 for coordinating with an incident commander to en-
9 sure operations granted under procedures developed
10 under subsection (a) do not interfere with manned
11 emergency response operations or otherwise impact
12 response efforts.

13 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
14 **MENTS.**

15 (a) **PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
16 **MENTS.**—Section 40102(a)(41) is amended by adding at
17 the end the following:

18 “(F) An unmanned aircraft that is owned
19 and operated by an Indian tribal government
20 (as defined in section 102 of the Robert T.
21 Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5122)), except as provided
23 in section 40125(b).”.

1 (b) CONFORMING AMENDMENT.—Section 40125(b)
 2 is amended by striking “or (D)” and inserting “(D), or
 3 (F)”.

4 **PART III—TRANSITION AND SAVINGS**
 5 **PROVISIONS**

6 **SEC. 2141. SENIOR ADVISOR FOR UNMANNED AIRCRAFT**
 7 **SYSTEMS INTEGRATION.**

8 (a) IN GENERAL.—There shall be in the Federal
 9 Aviation Administration a Senior Advisor for Unmanned
 10 Aircraft Systems Integration.

11 (b) QUALIFICATIONS.—The Senior Advisor for Un-
 12 manned Aircraft Systems Integration shall have a dem-
 13 onstrated ability in management and knowledge of or ex-
 14 perience in aviation.

15 (c) RESPONSIBILITIES.—Unless otherwise deter-
 16 mined by the Administrator of the Federal Aviation Ad-
 17 ministration—

18 (1) the Senior Advisor shall report directly to
 19 the Deputy Administrator of the Federal Aviation
 20 Administration; and

21 (2) the responsibilities of the Senior Advisor
 22 shall include the following:

23 (A) Providing advice to the Administrator
 24 and Deputy Administrator related to the inte-

1 gration of unmanned aircraft systems into the
2 national airspace system.

3 (B) Reviewing and evaluating Federal
4 Aviation Administration policies, activities, and
5 operations related to unmanned aircraft sys-
6 tems.

7 (C) Facilitating coordination and collabo-
8 ration among components of the Federal Avia-
9 tion Administration with respect to activities re-
10 lated to unmanned aircraft systems integration.

11 (D) Interacting with Congress, and Fed-
12 eral, State, or local agencies, and stakeholder
13 organizations whose operations and interests
14 are affected by the activities of the Federal
15 Aviation Administration on matters related to
16 unmanned aircraft systems integration.

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

18 (a) ~~FEDERAL PREEMPTION.~~—No State or political
19 subdivision of a State may enact or enforce any law, regu-
20 lation, or other provision having the force and effect of
21 law relating to the design, manufacture, testing, licensing,
22 registration, certification, operation, or maintenance of an
23 unmanned aircraft system, including airspace, altitude,
24 flight paths, equipment or technology requirements, pur-

pose of operations, and pilot, operator, and observer qualifications, training, and certification.

(b) ~~PRESERVATION OF STATE AND LOCAL AUTHORITY.~~—Nothing in this subtitle shall be construed to limit a State or local government’s authority to enforce Federal, State, or local laws relating to nuisance, voyeurism, harassment, reckless endangerment, wrongful death, personal injury, property damage, or other illegal acts arising from the use of unmanned aircraft systems if such laws are not specifically related to the use of an unmanned aircraft system for those illegal acts.

(c) ~~NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION.~~—Nothing in this subtitle, nor any standard, rule, requirement, standard of performance, safety determination, or certification implemented pursuant to this subtitle, shall be construed to preempt, displace, or supplant any State or Federal common law rights or any State or Federal statute creating a remedy for civil relief, including those for civil damage, or a penalty for a criminal conduct. Notwithstanding any other provision of this subtitle, nothing in this subtitle, nor any amendments made by this subtitle, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other

1 legal theory of liability under any State law, maritime law,
 2 or Federal common law or statutory theory if such laws
 3 are not specifically related to the use of an unmanned air-
 4 craft system.

5 **SEC. 2143. TRANSITION LANGUAGE.**

6 (a) REGULATIONS.—Notwithstanding the repeals
 7 under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),
 8 2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-
 9 minations, rules, regulations, permits, grants, and con-
 10 tracts, which have been issued under any law described
 11 under subsection (b) of this section on or before the effec-
 12 tive date of this Act shall continue in effect until modified
 13 or revoked by the Secretary of Transportation, acting
 14 through the Administrator of the Federal Aviation Admin-
 15 istration, as applicable, by a court of competent jurisdic-
 16 tion, or by operation of law other than this Act.

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

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

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

23 (3) Section 333 of the FAA Modernization and
 24 Reform Act of 2012 (49 U.S.C. 40101 note).

1 (4) Section 334 of the FAA Modernization and
2 Reform Act of 2012 (49 U.S.C. 40101 note).

3 (5) Section 336 of the FAA Modernization and
4 Reform Act of 2012 (49 U.S.C. 40101 note).

5 (e) EFFECT ON PENDING PROCEEDINGS.—This Act
6 shall not affect administrative or judicial proceedings
7 pending on the effective date of this Act.

8 **Subtitle B—FAA Safety** 9 **Certification Reform**

10 **PART I—GENERAL PROVISIONS**

11 **SEC. 2211. DEFINITIONS.**

12 In this subtitle:

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

16 (2) ADVISORY COMMITTEE.—The term “Advi-
17 sory Committee” means the Safety Oversight and
18 Certification Advisory Committee established under
19 section 2212.

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

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of Transportation.

24 (5) SYSTEMS SAFETY APPROACH.—The term
25 “systems safety approach” means the application of

1 specialized technical and managerial skills to the
2 systematic, forward-looking identification and con-
3 trol of hazards throughout the lifecycle of a project,
4 program, or activity.

5 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
6 **SORY COMMITTEE.**

7 (a) **ESTABLISHMENT.**—Not later than 60 days after
8 the date of enactment of this Act, the Secretary shall es-
9 tablish a Safety Oversight and Certification Advisory
10 Committee in accordance with this section.

11 (b) **DUTIES.**—The Advisory Committee shall provide
12 advice to the Secretary on policy-level issues facing the
13 aviation community that are related to FAA safety over-
14 sight and certification programs and activities, including
15 the following:

16 (1) Aircraft and flight standards certification
17 processes, including efforts to streamline those proe-
18 cesses.

19 (2) Implementation and oversight of safety
20 management systems.

21 (3) Risk-based oversight efforts.

22 (4) Utilization of delegation and designation au-
23 thorities, including organization designation author-
24 ization.

1 (5) Regulatory interpretation standardization
2 efforts.

3 (6) Training programs.

4 (7) Expediting the rulemaking process and
5 prioritizing safety-related rules.

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

9 (c) FUNCTIONS.—In carrying out its duties under
10 subsection (b) related to FAA safety oversight and certifi-
11 cation programs and activities, the Advisory Committee
12 shall—

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

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

16 (A) the private sector, including represent-
17 atives of—

18 (i) general aviation;

19 (ii) commercial aviation;

20 (iii) aviation labor;

21 (iv) aviation, aerospace, and avionics
22 manufacturing; and

23 (v) unmanned aircraft systems indus-
24 try; and

25 (B) the public;

1 (3) recommend consensus national goals, stra-
2 tegie objectives, and priorities for the most efficient,
3 streamlined, and cost-effective safety oversight and
4 certification processes in order to maintain the safe-
5 ty of the aviation system while allowing the FAA to
6 meet future needs and ensure that aviation stake-
7 holders remain competitive in the global market-
8 place;

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

11 (5) periodically review and provide rec-
12 ommendations regarding the FAA's safety oversight
13 and certification efforts;

14 (6) periodically review and evaluate registration,
15 certification, and related fees;

16 (7) provide appropriate legislative, regulatory,
17 and guidance recommendations for the air transpor-
18 tation system and the aviation safety regulatory en-
19 vironment;

20 (8) recommend performance objectives for the
21 FAA and aviation industry;

22 (9) recommend performance metrics for the
23 FAA and the aviation industry to be tracked and re-
24 viewed as streamlining certification reform, flight

standards reform, and regulation standardization efforts progress;

(10) provide a venue for tracking progress toward national goals and sustaining joint commitments;

(11) recommend recruiting, hiring, staffing levels, training, and continuing education objectives for FAA aviation safety engineers and aviation safety inspectors;

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

(13) improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues;

(14) encourage the validation of U.S. manufactured and FAA type-certificate aircraft products and services throughout the world; and

(15) any other functions as determined appropriate by the chairperson of the Advisory Committee and the Administrator.

(d) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Advisory Committee shall be composed of the following voting members:

1 (A) The Administrator, or the Administra-
2 tor's designee.

3 (B) At least 1 representative, appointed by
4 the Secretary, of each of the following:

5 (i) Aircraft and engine manufacturers.

6 (ii) Avionics and equipment manufac-
7 turers.

8 (iii) Aviation labor organizations, in-
9 cluding collective bargaining representa-
10 tives of FAA aviation safety inspectors and
11 aviation safety engineers.

12 (iv) General aviation operators.

13 (v) Air carriers.

14 (vi) Business aviation operators.

15 (vii) Unmanned aircraft systems man-
16 ufacturers and operators.

17 (viii) Aviation safety management ex-
18 perts.

19 (2) NONVOTING MEMBERS.—

20 (A) IN GENERAL.—In addition to the
21 members appointed under paragraph (1), the
22 Advisory Committee shall be composed of non-
23 voting members appointed by the Secretary
24 from among individuals representing FAA safe-
25 ty oversight program offices.

1 ~~(B) DUTIES.—A nonvoting member may—~~

2 (i) take part in deliberations of the
3 Advisory Committee; and

4 (ii) provide input with respect to any
5 report or recommendation of the Advisory
6 Committee.

7 ~~(C) LIMITATION.—A nonvoting member~~
8 may not represent any stakeholder interest
9 other than that of an FAA safety oversight pro-
10 gram office.

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

14 ~~(4) RULE OF CONSTRUCTION.—Public Law~~
15 ~~104–65 (2 U.S.C. 1601 et seq.) may not be con-~~
16 strued to prohibit or otherwise limit the appointment
17 of any individual as a member of the Advisory Com-
18 mittee.

19 ~~(e) COMMITTEE CHARACTERISTICS.—The Advisory~~
20 Committee shall have the following characteristics:

21 ~~(1) Each voting member under subsection~~
22 ~~(d)(1)(B) shall be an executive that has decision au-~~
23 thority within the member's organization and can
24 represent and enter into commitments on behalf of
25 that organization in a way that serves the entire

1 group of organizations that member represents
2 under that subsection.

3 ~~(2) The ability to obtain necessary information~~
4 ~~from experts in the aviation and aerospace commu-~~
5 ~~nities.~~

6 ~~(3) A membership size that enables the Advi-~~
7 ~~sory Committee to have substantive discussions and~~
8 ~~reach consensus on issues in an expeditious manner.~~

9 ~~(4) Appropriate expertise, including expertise in~~
10 ~~certification and risk-based safety oversight proc-~~
11 ~~esses, operations, policy, technology, labor relations,~~
12 ~~training, and finance.~~

13 ~~(f) CHAIRPERSON.—~~

14 ~~(1) IN GENERAL.—The chairperson of the Advi-~~
15 ~~sory Committee shall be appointed by the Secretary~~
16 ~~from among the voting members under subsection~~
17 ~~(d)(1)(B).~~

18 ~~(2) TERM.—Each member appointed under~~
19 ~~paragraph (1) shall serve a term of 2 years as chair-~~
20 ~~person.~~

21 ~~(g) MEETINGS.—~~

22 ~~(1) FREQUENCY.—The Advisory Committee~~
23 ~~shall convene at least 2 meetings a year at the call~~
24 ~~of the chairperson.~~

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

4 (h) SPECIAL COMMITTEES.—

5 (1) ESTABLISHMENT.—The Advisory Com-
6 mittee may establish 1 or more special committees
7 composed of private sector representatives, members
8 of the public, labor representatives, and other rel-
9 evant parties in complying with consultation and
10 participation requirements under subsection (c)(2).

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

13 (A) provide rulemaking advice and rec-
14 ommendations to the Advisory Committee;

15 (B) provide the FAA additional opportuni-
16 ties to obtain firsthand information and insight
17 from those persons that are most affected by
18 existing and proposed regulations; and

19 (C) assist in expediting the development,
20 revision, or elimination of rules in accordance
21 with, and without circumventing, established
22 public rulemaking processes and procedures.

23 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
24 Federal Advisory Committee Act (5 U.S.C. App.)

1 shall not apply to a special committee under this
2 subsection.

3 (i) ~~SUNSET.~~—The Advisory Committee shall cease to
4 exist on September 30, 2017.

5 **PART II—AIRCRAFT CERTIFICATION REFORM**

6 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-** 7 **JECTIVES AND METRICS.**

8 (a) ~~IN GENERAL.~~—Not later than 120 days after the
9 date the Advisory Committee is established under section
10 2212, the Administrator shall establish performance objec-
11 tives and apply and track performance metrics for the
12 FAA and the aviation industry relating to aircraft certifi-
13 cation in accordance with this section.

14 (b) ~~COLLABORATION.~~—The Administrator shall carry
15 out this section in collaboration with the Advisory Com-
16 mittee and update agency performance objectives and
17 metrics after considering the proposals recommended by
18 the Advisory Committee under paragraphs (8) and (9) of
19 section 2212(c).

20 (c) ~~PERFORMANCE OBJECTIVES.~~—In establishing
21 performance objectives under subsection (a), the Adminis-
22 trator shall ensure progress is made toward, at a min-
23 imum—

24 (1) eliminating certification delays and improv-
25 ing cycle times;

- 1 (2) increasing accountability for both FAA and
- 2 the aviation industry;
- 3 (3) achieving full utilization of FAA delegation
- 4 and designation authorities, including organizational
- 5 designation authorization;
- 6 (4) fully implementing risk management prin-
- 7 ciples and a systems safety approach;
- 8 (5) reducing duplication of effort;
- 9 (6) increasing transparency;
- 10 (7) developing and providing training, including
- 11 recurrent training, in auditing and a systems safety
- 12 approach to certification oversight;
- 13 (8) improving the process for approving or ac-
- 14 cepting the certification actions between the FAA
- 15 and bilateral partners;
- 16 (9) maintaining and improving safety;
- 17 (10) streamlining the hiring process for—
- 18 (A) qualified systems safety engineers at
- 19 staffing levels to support the FAA's efforts to
- 20 implement a systems safety approach; and
- 21 (B) qualified systems safety engineers to
- 22 guide the engineering of complex systems within
- 23 the FAA; and
- 24 (11) maintaining the leadership of the United
- 25 States in international aviation and aerospace.

1 (d) ~~PERFORMANCE METRICS.~~—In carrying out sub-
2 section (a), the Administrator shall—

3 (1) ~~apply and track performance metrics for the~~
4 ~~FAA and the aviation industry; and~~

5 (2) ~~transmit to the appropriate committees of~~
6 ~~Congress an annual report on tracking the progress~~
7 ~~toward full implementation of the recommendations~~
8 ~~under section 2212.~~

9 (e) ~~DATA.~~—

10 (1) ~~BASELINES.~~—Not later than 1 year after
11 the date the Advisory Committee recommends initial
12 performance metrics under section 2212(c)(9), the
13 Administrator shall generate initial data with respect
14 to each of the performance metrics applied and
15 tracked under this section.

16 (2) ~~BENCHMARKS.~~—The Administrator shall
17 use the performance metrics applied and tracked
18 under this section to generate data on an ongoing
19 basis and to measure progress toward the consensus
20 national goals, strategic objectives, and priorities
21 recommended under section 2212(c)(3).

22 (f) ~~PUBLICATION.~~—

23 (1) ~~IN GENERAL.~~—Subject to paragraph (2),
24 the Administrator shall make data generated using
25 the performance metrics applied and tracked under

1 this section available in a searchable, sortable, and
 2 downloadable format through the Internet Web site
 3 of the FAA or other appropriate methods.

4 (2) LIMITATIONS.—The Administrator shall
 5 make the data under paragraph (1) available in a
 6 manner that—

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

9 (B) protects from inappropriate disclosure
 10 proprietary information.

11 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

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

14 **“§ 44736. Organization designation authorizations**

15 **“(a) DELEGATIONS OF FUNCTIONS.—**

16 **“(1) IN GENERAL.—**Except as provided in para-
 17 graph (3), in the oversight of an ODA holder, the
 18 Administrator of the Federal Aviation Administra-
 19 tion, in accordance with Federal Aviation Adminis-
 20 tration standards, shall—

21 **“(A) require, based on an application sub-**
 22 **mitted by the ODA holder and approved by the**
 23 **Administrator (or the Administrator’s des-**
 24 **ignee), a procedures manual that addresses all**
 25 **procedures and limitations regarding the speci-**

1 fied functions to be performed by the ODA
 2 holder subject to regulations prescribed by the
 3 Administrator;

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

12 “(C) conduct oversight activities, including
 13 by inspecting the ODA holder’s delegated func-
 14 tions and taking action based on validated in-
 15 spection findings.

16 “(2) DUTIES OF ODA HOLDERS.—An ODA
 17 holder shall—

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

21 “(B) make the procedures manual avail-
 22 able to each member of the appropriate ODA
 23 unit; and

1 “(C) cooperate fully with oversight activi-
 2 ties conducted by the Administrator in connec-
 3 tion with the delegation.

4 “(3) EXISTING ODA HOLDERS.—With regard to
 5 an ODA holder operating under a procedures man-
 6 ual approved by the Administrator before the date of
 7 enactment of the Federal Aviation Administration
 8 Reauthorization Act of 2016, the Administrator
 9 shall—

10 “(A) at the request of the ODA holder,
 11 and in an expeditious manner, consider revi-
 12 sions to the ODA holder’s procedures manual;

13 “(B) delegate fully to the ODA holder each
 14 of the functions specified in the procedures
 15 manual, unless the Administrator determines,
 16 after the date of the delegation and as a result
 17 of an inspection or other investigation, that the
 18 public interest and safety of air commerce re-
 19 quires a limitation with respect to 1 or more of
 20 the functions; and

21 “(C) conduct oversight activities, including
 22 by inspecting the ODA holder’s delegated func-
 23 tions and taking action based on validated in-
 24 spection findings.

25 “(b) ODA OFFICE.—

1 “(1) ESTABLISHMENT.—Not later than 120
 2 days after the date of enactment of Federal Aviation
 3 Administration Reauthorization Act of 2016, the
 4 Administrator shall identify, within the Office of
 5 Aviation Safety, a centralized policy office to be re-
 6 sponsible for the organization designation authoriza-
 7 tion (referred to in this subsection as the ODA Of-
 8 fice). The Director of the ODA Office shall report
 9 to the Director of the Aircraft Certification Service.

10 “(2) PURPOSE.—The purpose of the ODA Of-
 11 fice shall be to provide oversight and ensure consist-
 12 ency of the Federal Aviation Administration audit
 13 functions under the ODA program across the agen-
 14 cy.

15 “(3) FUNCTIONS.—The ODA Office shall—

16 “(A) improve the Administration and the
 17 ODA holder performance and ensure full use of
 18 the authorities delegated under the ODA pro-
 19 gram;

20 “(B) develop a more consistent approach
 21 to audit priorities, procedures, and training
 22 under the ODA program;

23 “(C) expeditiously review a random sample
 24 of limitations on delegated authorities under the

1 ODA program to determine if the limitations
2 are appropriate; and

3 “~~(D)~~ ensure national consistency in the in-
4 terpretation and application of the requirements
5 of the ODA program and in the performance of
6 the ODA program.

7 “~~(c)~~ DEFINITIONS.—In this section:

8 “~~(1)~~ ODA OR ORGANIZATION DESIGNATION AU-
9 THORIZATION.—The term ‘ODA’ or ‘organization
10 designation authorization’ means an authorization
11 under section 44702(d) to perform approved func-
12 tions on behalf of the Administrator of the Federal
13 Aviation Administration.

14 “~~(2)~~ ODA HOLDER.—The term ‘ODA holder’
15 means an entity authorized under section
16 44702(d)—

17 “~~(A)~~ to which the Administrator of the
18 Federal Aviation Administration issues an ODA
19 letter of designation under subpart ~~D~~ of part
20 183 of title 14, Code of Federal Regulations (or
21 any corresponding similar regulation or ruling);
22 and

23 “~~(B)~~ that is responsible for administering
24 1 or more ODA units.

1 “(3) ODA PROGRAM.—The term ‘ODA pro-
 2 gram’ means the program to standardize Federal
 3 Aviation Administration oversight of the organiza-
 4 tions that are approved to perform certain functions
 5 on behalf of the Administration under section
 6 44702(d).”

7 “(4) ODA UNIT.—The term ‘ODA unit’ means
 8 a group of 2 or more individuals under the super-
 9 vision of an ODA holder who perform the specified
 10 functions under an ODA.”

11 “(5) ORGANIZATION.—The term ‘organization’
 12 means a firm, a partnership, a corporation, a com-
 13 pany, an association, a joint-stock association, or a
 14 governmental entity.”

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 16 The table of contents of chapter 447 is amended by adding
 17 after the item relating to section 44735 the following:

“44736. Organization designation authorizations.”

18 **SEC. 2223. ODA REVIEW.**

19 (a) EXPERT REVIEW PANEL.—

20 (1) ESTABLISHMENT.—Not later than 60 days
 21 after the date of enactment of this Act, the Adminis-
 22 trator of the FAA shall convene a multidisciplinary
 23 expert review panel (referred to in this section as the
 24 “Panel”).

25 (2) COMPOSITION.—

1 (A) IN GENERAL.—The Panel shall be
 2 composed of not more than 20 members ap-
 3 pointed by the Administrator.

4 (B) QUALIFICATIONS.—The members ap-
 5 pointed to the Panel shall—

6 (i) each have a minimum of 5 years of
 7 experience in processes and procedures
 8 under the ODA program; and

9 (ii) include representatives of ODA
 10 holders, aviation manufacturers, safety ex-
 11 perts, and FAA labor organizations, in-
 12 cluding labor representatives of FAA avia-
 13 tion safety inspectors and aviation safety
 14 engineers.

15 (b) SURVEY.—The Panel shall survey ODA holders
 16 and ODA program applicants to document FAA safety
 17 oversight and certification programs and activities, includ-
 18 ing the FAA's use of the ODA program and the speed
 19 and efficiency of the certification process. In carrying out
 20 this subsection, the Administrator shall consult with the
 21 appropriate survey experts and the panel established
 22 under subsection (a) to best design and conduct the sur-
 23 vey.

24 (c) ASSESSMENT.—The Panel shall—

25 (1) conduct an assessment of—

1 (A) the FAA's processes and procedures
2 under the ODA program and whether the proe-
3 esses and procedures function as intended;

4 (B) the best practices of and lessons
5 learned by ODA holders and the FAA personnel
6 who provide oversight of ODA holders;

7 (C) the performance incentive policies; re-
8 lated to the ODA program for FAA personnel;
9 that do not conflict with the public interest;

10 (D) the training activities related to the
11 ODA program for FAA personnel and ODA
12 holders; and

13 (E) the impact, if any, that oversight of
14 the ODA program has on FAA resources and
15 the FAA's ability to process applications for
16 certifications outside of the ODA program; and

17 (2) make recommendations for improving FAA
18 safety oversight and certification programs and ae-
19 tivities based on the results of the survey under sub-
20 section (b) and each element of the assessment
21 under paragraph (1) of this subsection.

22 (d) REPORT.—Not later than 180 days after the date
23 the Panel is convened under subsection (a), the Panel shall
24 submit to the Administrator, the Advisory Committee, and
25 the appropriate committees of Congress a report on re-

1 sults of the survey under subsection (b) and the assess-
 2 ment and recommendations under subsection (c).

3 (c) DEFINITIONS.—The terms used in this section
 4 have the meanings given the terms in section 44736 of
 5 title 49, United States Code.

6 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
 7 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 8 apply to the Panel.

9 (g) SUNSET.—The Panel shall terminate on the date
 10 the report is submitted under subsection (d).

11 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

12 (a) IN GENERAL.—Section 44704(a) is amended by
 13 adding at the end the following:

14 “(6) TYPE CERTIFICATION RESOLUTION PROC-
 15 ESS.—

16 “(A) IN GENERAL.—Not later than 15
 17 months after the date of enactment of Federal
 18 Aviation Administration Reauthorization Act of
 19 2016, the Administrator shall establish an ef-
 20 fective, expeditious, and milestone-based issue
 21 resolution process for type certification activi-
 22 ties under this subsection.

23 “(B) PROCESS REQUIREMENTS.—The res-
 24 olution process shall provide for—

“(i) the resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

“(ii) the automatic escalation 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) the resolution of a major certification process milestone escalated under clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant.

“(C) DEFINITION OF MAJOR CERTIFICATION PROCESS MILESTONE.—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

1 the Administrator and the type certificate appli-
 2 cant.”.

3 (b) ~~TECHNICAL AND CONFORMING AMENDMENTS.—~~

4 Section 44704 is amended in the heading by striking
 5 “**airworthiness certificates,**” and inserting “**air-**
 6 **worthiness certificates,**”.

7 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
 8 **GENERAL AVIATION AIRPLANES.**

9 (a) ~~POLICY.—~~In a manner consistent with the Small
 10 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
 11 note), not later than 180 days after the date of enactment
 12 of this Act, the Administrator shall establish and begin
 13 implementing a risk-based policy that streamlines the in-
 14 stallation of safety enhancing technologies for small gen-
 15 eral aviation airplanes in a manner that reduces regu-
 16 latory delays and significantly improves safety.

17 (b) ~~INCLUSIONS.—~~The safety enhancing technologies
 18 for small general aviation airplanes described in subsection
 19 (a) shall include, at a minimum, the replacement or ret-
 20 rofit of primary flight displays, auto pilots, engine mon-
 21 itors, and navigation equipment.

22 (c) ~~COLLABORATION.—~~In carrying out this section,
 23 the Administrator shall collaborate with general aviation
 24 operators, general aviation manufacturers, and appro-
 25 priate FAA labor organizations, including representatives

1 of FAA aviation safety inspectors and aviation safety engi-
 2 neers, certified under section 7111 of title 5, United
 3 States Code.

4 (d) DEFINITION OF SMALL GENERAL AVIATION AIR-
 5 PLANE.—In this section, the term “small general aviation
 6 airplane” means an airplane that—

7 (1) is certified to the standards of part 23 of
 8 title 14, Code of Federal Regulations;

9 (2) has a seating capacity of not more than 9
 10 passengers; and

11 (3) is not used in scheduled passenger-carrying
 12 operations under part 121 of title 14, Code of Fed-
 13 eral Regulations.

14 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-**
 15 **ERAL AVIATION AIRPLANES.**

16 (a) NOTICE OF PROPOSED RULEMAKING.—Not later
 17 than June 1, 2016, the Administrator shall issue a notice
 18 of proposed rulemaking to comply with section 3 of the
 19 Small Airplane Revitalization Act of 2013 (49 U.S.C.
 20 44704 note).

21 (b) GOVERNMENT REVIEW.—The Federal Govern-
 22 ment’s review process shall be streamlined to meet the
 23 deadline in subsection (a).

24 (c) FINAL RULEMAKING.—Not later than December
 25 31, 2016, the Administrator shall issue a final rulemaking

1 to comply with section 3 of the Small Airplane Revitaliza-
 2 tion Act of 2013 (49 U.S.C. 44704 note).

3 **PART III—FLIGHT STANDARDS REFORM**

4 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-**
 5 **TIVES AND METRICS.**

6 (a) IN GENERAL.—Not later than 120 days after the
 7 date the Advisory Committee is established under section
 8 2212, the Administrator shall establish performance objec-
 9 tives and apply and track performance metrics for the
 10 FAA and the aviation industry relating to flight standards
 11 activities in accordance with this section.

12 (b) COLLABORATION.—The Administrator shall carry
 13 out this section in collaboration with the Advisory Com-
 14 mittee and update agency performance objectives and
 15 metrics after considering the recommendations of the Ad-
 16 visory Committee under paragraphs (8) and (9) of section
 17 2212(e).

18 (c) PERFORMANCE OBJECTIVES.—In carrying out
 19 subsection (a), the Administrator shall ensure that
 20 progress is made toward, at a minimum—

- 21 (1) eliminating delays with respect to such ac-
- 22 tivities;
- 23 (2) increasing accountability for both FAA and
- 24 the aviation industry;

1 ~~(3) fully implementing risk management prin-~~
 2 ~~iples and a systems safety approach;~~

3 ~~(4) reducing duplication of effort;~~

4 ~~(5) promoting appropriate compliance activities~~
 5 ~~and eliminating inconsistent regulatory interpreta-~~
 6 ~~tions and inconsistent enforcement activities;~~

7 ~~(6) improving and providing greater opportuni-~~
 8 ~~ties for training, including recurrent training, in au-~~
 9 ~~ditng and a systems safety approach to oversight;~~

10 ~~(7) developing and allowing the use of a single~~
 11 ~~master source for guidance;~~

12 ~~(8) providing and using a streamlined appeal~~
 13 ~~process for the resolution of regulatory interpreta-~~
 14 ~~tion questions;~~

15 ~~(9) maintaining and improving safety; and~~

16 ~~(10) increasing transparency.~~

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

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

21 ~~(2) transmit to the appropriate committees of~~
 22 ~~Congress an annual report tracking the progress to-~~
 23 ~~ward full implementation of the performance metrics~~
 24 ~~under section 2212.~~

25 ~~(e) DATA.—~~

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

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

14 (f) PUBLICATION.—

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

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

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

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

3 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
 4 **FORM.**

5 ~~(a) ESTABLISHMENT.~~—Not later than 90 days after
 6 the date of enactment of this Act, the Administrator shall
 7 establish the FAA Task Force on Flight Standards Re-
 8 form (referred to in this section as the “Task Force”).

9 ~~(b) MEMBERSHIP.~~—

10 ~~(1) APPOINTMENT.~~—The membership of the
 11 Task Force shall be appointed by the Administrator.

12 ~~(2) NUMBER.~~—The Task Force shall be com-
 13 posed of not more than 20 members.

14 ~~(3) REPRESENTATION REQUIREMENTS.~~—The
 15 membership of the Task Force shall include rep-
 16 resentatives, with knowledge of flight standards reg-
 17 ulatory processes and requirements, of—

18 ~~(A) air carriers;~~

19 ~~(B) general aviation;~~

20 ~~(C) business aviation;~~

21 ~~(D) repair stations;~~

22 ~~(E) unmanned aircraft systems operators;~~

23 ~~(F) flight schools;~~

24 ~~(G) labor unions, including those rep-~~
 25 ~~resenting FAA aviation safety inspectors and~~

1 those representing FAA aviation safety engi-
2 neers; and

3 ~~(H) aviation safety experts.~~

4 ~~(c) DUTIES.—~~The duties of the Task Force shall in-
5 clude, at a minimum, identifying cost-effective best prac-
6 tices and providing recommendations with respect to—

7 ~~(1) simplifying and streamlining flight stand-~~
8 ~~ards regulatory processes;~~

9 ~~(2) reorganizing the Flight Standards Service~~
10 ~~to establish an entity organized by function rather~~
11 ~~than geographic region, if appropriate;~~

12 ~~(3) FAA aviation safety inspector training op-~~
13 ~~portunities;~~

14 ~~(4) FAA aviation safety inspector standards~~
15 ~~and performance; and~~

16 ~~(5) achieving, across the FAA, consistent—~~

17 ~~(A) regulatory interpretations; and~~

18 ~~(B) application of oversight activities.~~

19 ~~(d) REPORT.—~~Not later than 1 year after the date
20 of enactment of this Act, the Task Force shall submit to
21 the Administrator, Advisory Committee, and appropriate
22 committees of Congress a report detailing—

23 ~~(1) the best practices identified and rec-~~
24 ~~ommendations provided by the Task Force under~~
25 ~~subsection (c); and~~

1 (2) any recommendations of the Task Force for
 2 additional regulatory action or cost-effective legisla-
 3 tive action.

4 (e) ~~FEDERAL ADVISORY COMMITTEE ACT.~~—The
 5 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 6 apply to the Task Force.

7 (f) ~~SUNSET.~~—The Task Force shall cease to exist on
 8 the date that the Task Force submits the report required
 9 under subsection (d).

10 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

11 (a) ~~ESTABLISHMENT.~~—Not later than 1 year after
 12 the date of enactment of this Act, the Administrator of
 13 the FAA shall establish a centralized safety guidance data-
 14 base for all of the regulatory guidance issued by the FAA
 15 Office of Aviation Safety regarding compliance with 1 or
 16 more aviation safety-related provisions of the Code of Fed-
 17 eral Regulations.

18 (b) ~~REQUIREMENTS.~~—The database under subsection
 19 (a) shall—

20 (1) for each guidance, include a link to the spe-
 21 cific provision of the Code of Federal Regulations;

22 (2) subject to paragraph (3), be accessible to
 23 the public; and

24 (3) be provided in a manner that—

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

3 (B) protects from inappropriate disclosure
4 proprietary information.

5 (c) DATA ENTRY TIMING.—

6 (1) EXISTING DOCUMENTS.—Not later than 14
7 months after the date the database is established,
8 the Administrator shall have completed entering into
9 the database any applicable regulatory guidance that
10 are in effect and were issued before that date.

11 (2) NEW REGULATORY GUIDANCE AND UP-
12 DATES.—Beginning on the date the database is es-
13 tablished, the Administrator shall ensure that any
14 applicable regulatory guidance that are issued on or
15 after that date are entered into the database as they
16 are issued.

17 (d) CONSULTATION REQUIREMENT.—In establishing
18 the database under subsection (a), the Administrator shall
19 consult and collaborate with appropriate stakeholders, in-
20 cluding labor organizations (including those representing
21 aviation workers, FAA aviation safety engineers, and FAA
22 aviation safety inspectors) and aviation industry stake-
23 holders.

24 (e) DEFINITION OF REGULATORY GUIDANCE.—In
25 this section, the term “regulatory guidance” means all

1 forms of written information issued by the FAA that an
2 individual or entity may use to interpret or apply FAA
3 regulations and requirements, including information an in-
4 dividual or entity may use to determine acceptable means
5 of compliance with such regulations and requirements,
6 such as an order, manual, circular, policy statement, and
7 legal interpretation memorandum.

8 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**
9 **BOARD.**

10 (a) **ESTABLISHMENT.**—Not later than 180 days after
11 the date of enactment of this Act, the Administrator of
12 the FAA shall establish a Regulatory Consistency Commu-
13 nications Board (referred to in this section as the
14 “Board”).

15 (b) **CONSULTATION REQUIREMENT.**—In establishing
16 the Board, the Administrator shall consult and collaborate
17 with appropriate stakeholders, including FAA labor orga-
18 nizations (including labor organizations representing FAA
19 aviation safety inspectors and labor organizations rep-
20 resenting FAA aviation safety engineers) and aviation in-
21 dustry stakeholders.

22 (c) **MEMBERSHIP.**—The Board shall be composed of
23 FAA representatives, appointed by the Administrator,
24 from—

25 (1) the Flight Standards Service;

1 ~~(2) the Aircraft Certification Service; and~~

2 ~~(3) the Office of the Chief Counsel.~~

3 ~~(d) FUNCTIONS.—The Board shall carry out the fol-~~
4 ~~lowing functions:~~

5 ~~(1) Recommend, at a minimum, processes by~~
6 ~~which—~~

7 ~~(A) FAA personnel and persons regulated~~
8 ~~by the FAA may submit regulatory interpreta-~~
9 ~~tion questions without fear of retaliation;~~

10 ~~(B) FAA personnel may submit written~~
11 ~~questions as to whether a previous approval or~~
12 ~~regulatory interpretation issued by FAA per-~~
13 ~~sonnel in another office or region is correct or~~
14 ~~incorrect; and~~

15 ~~(C) any other person may submit anony-~~
16 ~~mous regulatory interpretation questions.~~

17 ~~(2) Meet on a regular basis to discuss and re-~~
18 ~~solve questions submitted under paragraph (1) and~~
19 ~~the appropriate application of regulations and policy~~
20 ~~with respect to each question.~~

21 ~~(3) Provide to a person that submitted a ques-~~
22 ~~tion under subparagraph (A) or (B) of paragraph~~
23 ~~(1) an expeditious written response to the question.~~

24 ~~(4) Recommend a process to make the resolu-~~
25 ~~tion of common regulatory interpretation questions~~

1 publicly available to FAA personnel and the public
 2 in a manner that—

3 (A) does not reveal any identifying data of
 4 the person that submitted a question; and

5 (B) protects any proprietary information.

6 (5) Ensure that responses to questions under
 7 this subsection are incorporated into regulatory
 8 guidance (as defined in section 2233(e)).

9 (c) PERFORMANCE METRICS, TIMELINES, AND
 10 GOALS.—Not later than 180 days after the date that the
 11 Advisory Committee recommends performance objectives
 12 and performance metrics for the FAA and the aviation
 13 industry under paragraphs (8) and (9) of section 2212(e),
 14 the Administrator, in collaboration with the Advisory
 15 Committee, shall—

16 (1) establish performance metrics, timelines,
 17 and goals to measure the progress of the Board in
 18 resolving regulatory interpretation questions sub-
 19 mitted under subsection (d)(1); and

20 (2) implement a process for tracking the
 21 progress of the Board in meeting the performance
 22 metrics, timelines, and goals under paragraph (1).

1 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**
2 **FEASIBILITY REPORT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator, in con-
5 sultation with relevant industry stakeholders, shall—

6 (1) determine the feasibility of realigning flight
7 standards service regional field offices to specialized
8 areas of aviation safety oversight and technical ex-
9 pertise; and

10 (2) submit to the appropriate committees of
11 Congress a report on the findings under paragraph
12 (1).

13 (b) CONSIDERATIONS.—In making a determination
14 under subsection (a), the Administrator shall consider a
15 flight standards service regional field office providing sup-
16 port in the area of its technical expertise to flight stand-
17 ards district offices and certificate management offices.

18 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, and subject to the requirements of subsection
21 (b), the Administrator may enter into a reimbursable
22 agreement with an applicant or certificate-holder for the
23 reasonable travel and per diem expenses of the FAA asso-
24 ciated with official travel to expedite the acceptance or val-
25 idation by a foreign authority of an FAA certificate or
26 design approval.

1 (b) ~~CONDITIONS.~~—The Administrator may enter into
2 an agreement under subsection (a) only if—

3 ~~(1) the travel covered under the agreement is~~
4 determined to be necessary, by both the Adminis-
5 trator and the applicant or certificate-holder, to ex-
6 pedite the acceptance or validation of the relevant
7 certificate or approval;

8 ~~(2) the travel is conducted at the request of the~~
9 applicant or certificate-holder;

10 ~~(3) the travel plans and expenses are approved~~
11 by the applicant or certificate-holder prior to travel;
12 and

13 ~~(4) the agreement requires payment in advance~~
14 of FAA services and is consistent with the processes
15 under section ~~106(1)(6)~~ of title 49, United States
16 Code.

17 (c) ~~REPORT.~~—Not later than 2 years after the date
18 of enactment of this Act, the Administrator shall submit
19 to the appropriate committees of Congress a report on—

20 ~~(1) the number of occasions on which the Ad-~~
21 ministrator entered into reimbursable agreements
22 under this section;

23 ~~(2) the number of occasions on which the Ad-~~
24 ministrator declined a request by an applicant or

1 certificate-holder to enter into a reimbursable agree-
2 ment under this section;

3 ~~(3)~~ the amount of reimbursements collected in
4 accordance with agreements under this section; and

5 (4) the extent to which reimbursable agree-
6 ments under this section assisted in reducing the
7 amount of time necessary for foreign authorities'
8 validations of FAA certificates and design approvals.

9 ~~(d)~~ DEFINITIONS.—In this section:

10 (1) APPLICANT.—The term “applicant” means
11 a person that has applied to a foreign authority for
12 the acceptance or validation of an FAA certificate or
13 design approval.

14 ~~(2)~~ CERTIFICATE-HOLDER.—The term “certifi-
15 cate-holder” means a person that holds a certificate
16 issued by the Administrator under part 21 of title
17 14, Code of Federal Regulations.

18 **PART IV—SAFETY WORKFORCE**

19 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

20 (a) SAFETY WORKFORCE TRAINING STRATEGY.—

21 Not later than 60 days after the date of enactment of this
22 Act, the Administrator of the FAA shall review and revise
23 its safety workforce training strategy to ensure that it—

24 ~~(1)~~ aligns with an effective risk-based approach
25 to safety oversight;

1 (2) best utilizes available resources;

2 (3) allows FAA employees participating in orga-
3 nization management teams or conducting ODA pro-
4 gram audits to complete, expeditiously, appropriate
5 training, including recurrent training, in auditing
6 and a systems safety approach to oversight;

7 (4) seeks knowledge-sharing opportunities be-
8 tween the FAA and the aviation industry in new
9 technologies, best practices, and other areas of inter-
10 est related to safety oversight;

11 (5) fosters an inspector and engineer workforce
12 that has the skills and training necessary to improve
13 risk-based approaches that focus on requirements
14 management and auditing skills; and

15 (6) includes, as appropriate, milestones and
16 metrics for meeting the requirements of paragraphs
17 (1) through (5).

18 (b) REPORT.—Not later than 270 days after the date
19 the strategy is established under subsection (a), the Ad-
20 ministrator shall submit to the appropriate committees of
21 Congress a report on the implementation of the strategy
22 and progress in meeting any milestones or metrics in-
23 cluded in the strategy.

24 (c) DEFINITIONS.—In this section:

1 (1) ODA HOLDER.—The term “ODA holder”
 2 has the meaning given the term in section 44736 of
 3 title 49, United States Code.

4 (2) ODA PROGRAM.—The term “ODA pro-
 5 gram” means the program to standardize FAA over-
 6 sight of the organizations that are approved to per-
 7 form certain functions on behalf of the FAA under
 8 section 44702(d) of title 49, United States Code.

9 (3) ORGANIZATION MANAGEMENT TEAM.—The
 10 term “organization management team” means a
 11 group of FAA employees consisting of FAA aviation
 12 safety engineers, flight test pilots, and aviation safe-
 13 ty inspectors overseeing an ODA holder and its spec-
 14 ified function delegated under section 44702.

15 **SEC. 2242. WORKFORCE STUDY.**

16 (a) WORKFORCE STUDY.—Not later than 90 days
 17 after the date of enactment of this Act, the Comptroller
 18 General of the United States shall conduct a study to as-
 19 sess the workforce and training needs of the Office of
 20 Aviation Safety of the Federal Aviation Administration
 21 and taking into consideration how those needs could be
 22 met.

23 (b) CONTENTS.—The study under subsection (a)
 24 shall include—

1 (1) a review of the current staffing levels and
2 requirements for hiring and training, including re-
3 current training, of aviation safety inspectors and
4 aviation safety engineers;

5 (2) an analysis of the skills and qualifications
6 required of aviation safety inspectors and aviation
7 safety engineers for successful performance in the
8 current and future projected aviation safety regu-
9 latory environment, including an analysis of the need
10 for a systems engineering discipline within the Fed-
11 eral Aviation Administration to guide the engineer-
12 ing of complex systems, with an emphasis on audit-
13 ing an ODA holder (as defined in section 44736(c)
14 of title 49, United States Code);

15 (3) a review of current performance incentive
16 policies of the Federal Aviation Administration, as
17 applied to the Office of Aviation Safety, including
18 awards for performance;

19 (4) an analysis of ways the Federal Aviation
20 Administration can work with the aviation industry
21 and FAA labor force to establish knowledge-sharing
22 opportunities between the Federal Aviation Adminis-
23 tration and the aviation industry in new tech-
24 nologies, best practices, and other areas that could
25 improve the aviation safety regulatory system; and

1 ~~(5)~~ recommendations on the best and most cost-
 2 effective approaches to address the needs of the cur-
 3 rent and future projected aviation safety regulatory
 4 system, including qualifications, training programs,
 5 and performance incentives for relevant agency per-
 6 sonnel.

7 ~~(c)~~ REPORT.—Not later than 270 days after the date
 8 of enactment of this Act, the Comptroller General shall
 9 submit to the appropriate committees of Congress a report
 10 on the results of the study required under subsection ~~(a)~~.

11 **PART V—INTERNATIONAL AVIATION**

12 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE** 13 **STANDARDS, PRODUCTS, AND SERVICES** 14 **ABROAD.**

15 Section 40104 is amended by adding at the end the
 16 following:

17 ~~“(d) PROMOTION OF UNITED STATES AEROSPACE~~
 18 ~~STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The~~
 19 ~~Secretary shall take appropriate actions—~~

20 ~~“(1) to promote United States aerospace-re-~~
 21 ~~lated safety standards abroad;~~

22 ~~“(2) to facilitate and vigorously defend approv-~~
 23 ~~als of United States aerospace products and services~~
 24 ~~abroad;~~

1 “(3) with respect to bilateral partners, to use
 2 bilateral safety agreements and other mechanisms to
 3 improve validation of United States type certificated
 4 aeronautical products and services and enhance mu-
 5 tual acceptance in order to eliminate redundancies
 6 and unnecessary costs; and

7 “(4) with respect to the aeronautical safety au-
 8 thorities of a foreign country, to streamline that
 9 country’s validation of United States aerospace
 10 standards, products, and services.”.

11 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
 12 **RESPONSIBILITIES.**

13 Section 44701(e) is amended by adding at the end
 14 the following:

15 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

16 “(A) ACCEPTANCE.—The Administrator
 17 shall accept an airworthiness directive (as de-
 18 fined in section 39.3 of title 14, Code of Fed-
 19 eral Regulations) issued by an aeronautical
 20 safety authority of a foreign country, and lever-
 21 age that aeronautical safety authority’s regu-
 22 latory process, if—

23 “(i) the country is the state of design
 24 for the product that is the subject of the
 25 airworthiness directive;

1 “(ii) the United States has a bilateral
2 safety agreement relating to aircraft cer-
3 tification with the country;

4 “(iii) as part of the bilateral safety
5 agreement with the country, the Adminis-
6 trator has determined that the aero-
7 nautical safety authority has an aircraft
8 certification system relating to safety that
9 produces a level of safety equivalent to the
10 level produced by the system of the Fed-
11 eral Aviation Administration; and

12 “(iv) the aeronautical safety authority
13 utilizes an open and transparent public no-
14 tice and comment process in the issuance
15 of airworthiness directives.

16 “(B) ALTERNATIVE APPROVAL PROCESS.—

17 Notwithstanding subparagraph (A), the Admin-
18 istrator may issue a Federal Aviation Adminis-
19 tration airworthiness directive instead of accept-
20 ing the airworthiness directive issued by the
21 aeronautical safety authority of a foreign coun-
22 try if the Administrator determines that such
23 issuance is necessary for safety or operational
24 reasons due to the complexity or unique fea-
25 tures of the Federal Aviation Administration

1 airworthiness directive or the United States
2 aviation system.

3 ~~“(C) ALTERNATIVE MEANS OF COMPLI-~~
4 ~~ANCE.—The Administrator may—~~

5 ~~“(i) accept an alternative means of~~
6 ~~compliance, with respect to an airworthi-~~
7 ~~ness directive under subparagraph (A),~~
8 ~~that was approved by the aeronautical~~
9 ~~safety authority of the foreign country that~~
10 ~~issued the airworthiness directive; or~~

11 ~~“(ii) notwithstanding subparagraph~~
12 ~~(A), and at the request of any person af-~~
13 ~~ected by an airworthiness directive under~~
14 ~~that subparagraph, the Administrator may~~
15 ~~approve an alternative means of compli-~~
16 ~~ance with respect to the airworthiness di-~~
17 ~~rective.”.~~

18 **SEC. 2253. FAA LEADERSHIP ABROAD.**

19 ~~(a) IN GENERAL.—To promote United States aero-~~
20 ~~space safety standards, reduce redundant regulatory activ-~~
21 ~~ity, and facilitate acceptance of FAA design and produc-~~
22 ~~tion approvals abroad, the Administrator shall—~~

23 ~~(1) attain greater expertise in issues related to~~
24 ~~dispute resolution, intellectual property, and export~~

1 control laws to better support FAA certification and
2 other aerospace regulatory activities abroad;

3 (2) work with United States companies to more
4 accurately track the amount of time it takes foreign
5 authorities, including bilateral partners, to validate
6 United States type certificated aeronautical prod-
7 ucts;

8 (3) provide assistance to United States compa-
9 nies who have experienced significantly long foreign
10 validation wait times;

11 (4) work with foreign authorities, including bi-
12 lateral partners, to collect and analyze data to deter-
13 mine the timeliness of the acceptance and validation
14 of FAA design and production approvals by foreign
15 authorities and the acceptance and validation of for-
16 eign-certified products by the FAA;

17 (5) establish appropriate benchmarks and
18 metrics to measure the success of bilateral aviation
19 safety agreements and to reduce the validation time
20 for United States type certificated aeronautical
21 products abroad; and

22 (6) work with foreign authorities, including bi-
23 lateral partners, to improve the timeliness of the ac-
24 ceptance and validation of FAA design and produc-
25 tion approvals by foreign authorities and the accept-

1 ance and validation of foreign-certified products by
2 the FAA.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to the appropriate committees of Congress a report that—

6 (1) describes the Administrator’s strategic plan
7 for international engagement;

8 (2) describes the structure and responsibilities
9 of all FAA offices that have international respon-
10 sibilities, including the Aircraft Certification Office;
11 and all the activities conducted by those offices re-
12 lated to certification and production;

13 (3) describes current and forecasted staffing
14 and travel needs for the FAA’s international engage-
15 ment activities, including the needs of the Aircraft
16 Certification Office in the current and forecasted
17 budgetary environment;

18 (4) provides recommendations, if appropriate,
19 to improve the existing structure and personnel and
20 travel policies supporting the FAA’s international
21 engagement activities, including the activities of the
22 Aviation Certification Office, to better support the
23 growth of United States aerospace exports; and

24 (5) identifies regulatory initiatives or cost-effec-
25 tive legislative initiatives needed to improve and en-

1 hance the timely acceptance of United States aero-
2 space products abroad.

3 ~~(c) INTERNATIONAL TRAVEL.—~~The Administrator of
4 the FAA, or the Administrator’s designee, may authorize
5 international travel for any FAA employee, without the
6 approval of any other person or entity, if the Adminis-
7 trator determines that the travel is necessary—

8 (1) to promote United States aerospace safety
9 standards; or

10 ~~(2) to support expedited acceptance of FAA de-~~
11 sign and production approvals.

12 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
13 **FEES.**

14 Section ~~45305~~ is amended—

15 ~~(1) in subsection (a) by striking “Subject to~~
16 subsection (b)” and inserting “Subject to subsection

17 ~~(c)”;~~

18 ~~(2) by redesignating subsections (b) and (c) as~~
19 subsections (c) and (d), respectively; and

20 ~~(3) by inserting after subsection (a) the fol-~~
21 lowing:

22 ~~“(b) CERTIFICATION SERVICES.—~~Subject to sub-
23 section (c), and notwithstanding section ~~45301(a)~~, the Ad-
24 ministrator may establish and collect a fee from a foreign

1 government or entity for services related to certification;
 2 regardless of where the services are provided, if the fee—
 3 “(1) is established and collected in a manner
 4 consistent with aviation safety agreements; and
 5 “(2) does not exceed the estimated costs of the
 6 services.”.

7 **Subtitle C—Airline Passenger** 8 **Safety and Protections**

9 **SEC. 2301. PILOT RECORDS DATABASE DEADLINE.**

10 Section 44703(i)(2) is amended by striking “The Ad-
 11 ministrator shall establish” and inserting “Not later than
 12 April 30, 2017, the Administrator shall establish and
 13 make available for use”.

14 **SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.**

15 The Administrator of the Federal Aviation Adminis-
 16 tration shall collaborate with other aviation authorities to
 17 advance of a global standard for access to air carrier flight
 18 decks and redundancy requirements consistent with the
 19 flight deck access and redundancy requirements in the
 20 United States.

21 **SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.**

22 (a) IN GENERAL.—Not later than 1 year after the
 23 date of enactment of this Act, the Administrator of the
 24 Federal Aviation Administration shall assess current per-
 25 formance standards, and as appropriate, conduct a rule-

1 making to revise the standards to improve near-term and
2 long-term aircraft tracking and flight data recovery, in-
3 cluding retrieval, access, and protection of such data after
4 an incident or accident.

5 (b) CONSIDERATIONS.—In revising the performance
6 standards under subsection (a) the Administrator may
7 consider—

8 (1) various methods for improving detection
9 and retrieval of flight data, including—

10 (A) low frequency underwater locating de-
11 vices; and

12 (B) extended battery life for underwater
13 locating devices;

14 (2) automatic deployable flight recorders;

15 (3) triggered transmission of flight data, and
16 other satellite-based solutions;

17 (4) distress-mode tracking; and

18 (5) protections against disabling flight recorder
19 systems.

20 (c) COORDINATION.—In revising the performance
21 standards under subsection (a), the Administrator shall
22 coordinate with international regulatory authorities and
23 the International Civil Aviation Organization to ensure
24 that any new international standard for aircraft tracking
25 and flight data recovery is consistent with a performance-

1 based approach and is implemented in a globally har-
2 monized manner.

3 **SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.**

4 (a) MODERNIZATION OF TRAINING.—Not later than
5 October 1, 2017, the Administrator of the Federal Avia-
6 tion Administration shall review, and update as necessary,
7 recent guidance regarding pilot flight deck monitoring
8 that an air carrier can use to train and evaluate its pilots
9 to ensure that air carrier pilots are trained to use and
10 monitor automation systems while also maintaining pro-
11 ficiency in manual flight operations consistent with the
12 final rule entitled, “Qualification, Service, and Use of
13 Crewmembers and Aircraft Dispatchers”, published on
14 November 12, 2013 (78 Fed. Reg. 67799).

15 (b) CONSIDERATIONS.—In reviewing and updating
16 the guidance, the Administrator shall—

17 (1) consider casualty driven scenarios during
18 initial and recurrent simulator instruction that focus
19 on automation complacency during system failure,
20 including flight segments when automation is typi-
21 cally engaged and should result in hand flying the
22 aircraft into a safe position while employing crew re-
23 source management principles;

24 (2) consider the development of metrics or
25 measurable tasks an air carrier may use to evaluate

1 the ability of pilots to appropriately monitor flight
2 deck systems;

3 ~~(3)~~ consider the development of metrics an air
4 carrier may use to evaluate manual flying skills and
5 improve related training;

6 ~~(4)~~ convene an expert panel, including members
7 with expertise in human factors, training, and flight
8 operations—

9 ~~(A)~~ to evaluate and develop methods for
10 training flight crews to understand the
11 functionality of automated systems for flight
12 path management;

13 ~~(B)~~ to identify and recommend to the Ad-
14 ministrator the most effective training methods
15 that ensure that pilots can apply manual flying
16 skills in the event of flight deck automation fail-
17 ure or an unexpected event; and

18 ~~(C)~~ to identify and recommend to the Ad-
19 ministrator revision in the training guidance for
20 flight crews to address the needs identified in
21 subparagraphs ~~(A)~~ and ~~(B)~~; and

22 ~~(5)~~ develop any additional standards to be used
23 for guidance the Administrator considers necessary
24 to determine whether air carrier pilots receive suffi-

1 cient training opportunities to develop, maintain,
2 and demonstrate manual flying skills.

3 (c) DOT IG REVIEW.—Not later than 2 years after
4 the date the Administrator reviews the guidance under
5 subsection (a), the Inspector General of the Department
6 of Transportation shall review the air carriers implemen-
7 tation of the guidance and the ongoing work of the expert
8 panel.

9 **SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR**
10 **PILOTS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall consider the recommendations of the
14 Pilot Fitness Aviation Rulemaking Committee in deter-
15 mining whether to implement, as part of a comprehensive
16 medical certification process for pilots with a first- or sec-
17 ond-class airman medical certificate, additional screening
18 for mental health conditions, including depression and sui-
19 cidal thoughts or tendencies, and access treatment that
20 would address any risk associated with such conditions.

21 **SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
22 **AND REST REQUIREMENTS.**

23 (a) MODIFICATION OF FINAL RULE.—Not later than
24 1 year after the date of enactment of this Act, the Admin-
25 istrator of the Federal Aviation Administration shall re-

1 vise the flight attendant duty period limitations and rest
 2 requirements under section 121.467 of title 14, Code of
 3 Federal Regulations.

4 (b) CONTENTS.—Except as provided in subsection
 5 (b), in revising the rule under subsection (a), the Adminis-
 6 trator shall ensure that a flight attendant scheduled to
 7 a duty period of 14 hours or less is given a scheduled rest
 8 period of at least 10 consecutive hours.

9 (c) EXCEPTION.—The rest period required under
 10 subsection (b) may be scheduled or reduced to 9 consecu-
 11 tive hours if the flight attendant is provided a subsequent
 12 rest period of at least 11 consecutive hours.

13 **SEC. 2307. TRAINING FLIGHT ATTENDANTS TO IDENTIFY**
 14 **HUMAN TRAFFICKING.**

15 Section 44734(a) is amended—

16 (1) in paragraph (2) by striking “and” at the
 17 end;

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

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

21 “(4) identifying and timely alerting of appro-
 22 priate government personnel or a law enforcement
 23 officer and filing a report of a potential victim or in-
 24 cidence of human trafficking.”.

1 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

2 (a) **REPORT.**—Not later than 180 days after the date
 3 of enactment of this Act, the Administrator of the Federal
 4 Aviation Administration shall submit to the appropriate
 5 committees of Congress a report on the National Test
 6 Equipment Program (referred to in this section as the
 7 “Program”).

8 (b) **CONTENTS.**—The report shall include—

9 (1) a list of all known outstanding requests for
 10 test equipment, cataloged by type and location,
 11 under the Program;

12 (2) a description of the current method under
 13 the Program of ensuring calibrated equipment is in
 14 place for utilization;

15 (3) a plan by the Administrator for appropriate
 16 inventory of such equipment; and

17 (4) the Administrator’s recommendations for
 18 increasing multi-functionality in future test equip-
 19 ment to be developed and all known and foreseeable
 20 manufacturer technological advances.

21 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
 22 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

23 (a) **IN GENERAL.**—Not later than June 30, 2016, the
 24 Administrator of the Federal Aviation Administration
 25 shall—

1 (1) assess available technologies to determine
2 whether it is feasible, cost-effective, and appropriate
3 to install and deploy, at any airport, systems to pro-
4 vide a direct warning capability to flight crews and
5 air traffic controllers of potential runway incursions;
6 and

7 (2) submit to the appropriate committees of
8 Congress a report on the assessment under para-
9 graph (1), including any recommendations.

10 (b) **CONSIDERATIONS.**—In conducting the assess-
11 ment under subsection (a), the Administration shall con-
12 sider National Transportation Safety Board findings and
13 relevant aviation stakeholder views relating to runway in-
14 cursions.

15 **SEC. 2310. LASER POINTER INCIDENTS.**

16 (a) **IN GENERAL.**—Beginning 90 days after the date
17 of enactment of this Act, the Administrator of the Federal
18 Aviation Administration, in coordination with the Director
19 of the Federal Bureau of Investigation, shall provide quar-
20 terly updates to the appropriate committees of Congress
21 regarding—

22 (1) the number of incidents involving the beam
23 from a laser pointer (as defined in section 39A of
24 title 18, United States Code) being aimed at, or in

1 the flight path of, an aircraft in the airspace juris-
 2 diction of the United States;

3 ~~(2) the number of civil or criminal enforcement~~
 4 ~~actions taken by the Federal Aviation Administra-~~
 5 ~~tion, Department of Transportation, or Department~~
 6 ~~of Justice with regard to the incidents described in~~
 7 ~~paragraph (1), including the amount of the civil or~~
 8 ~~criminal penalties imposed on violators;~~

9 ~~(3) the resolution of any incidents that did not~~
 10 ~~result in a civil or criminal enforcement action; and~~

11 ~~(4) any actions the Department of Transpor-~~
 12 ~~tation or Department of Justice has taken on its~~
 13 ~~own, or in conjunction with other Federal agencies~~
 14 ~~or local law enforcement agencies, to deter the type~~
 15 ~~of activity described in paragraph (1).~~

16 ~~(b) CIVIL PENALTIES.—The Administrator shall re-~~
 17 ~~vise the maximum civil penalty that may be imposed on~~
 18 ~~an individual who aims the beam of a laser pointer at an~~
 19 ~~aircraft in the airspace jurisdiction of the United States,~~
 20 ~~or at the flight path of such an aircraft, to be \$25,000.~~

21 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**

22 **DATA AND REPORTS.**

23 ~~(a) IN GENERAL.—Not later than 1 year after the~~
 24 ~~date of enactment of this Act, the Administrator of the~~
 25 ~~Federal Aviation Administration, in collaboration with hel-~~

1 helicopter air ambulance industry stakeholders, shall assess
 2 the availability of information to the general public related
 3 to the location of heliports and helipads used by heli-
 4 copters providing air ambulance services, including
 5 helipads and helipads outside of those listed as part of
 6 any existing databases of Airport Master Record (5010)
 7 forms.

8 (b) REQUIREMENTS.—Based on the assessment
 9 under subsection (a), the Administrator shall—

10 (1) update, as necessary, any existing guidance
 11 on what information is included in the current data-
 12 bases of Airport Master Record (5010) forms to in-
 13 clude information related to heliports and helipads
 14 used by helicopters providing air ambulance services;
 15 or

16 (2) develop, as appropriate and in collaboration
 17 with helicopter air ambulance industry stakeholders,
 18 a new database of heliports and helipads used by
 19 helicopters providing air ambulance services.

20 (c) REPORTS.—

21 (1) ASSESSMENT.—Not later than 30 days
 22 after the date the assessment under subsection (a)
 23 is complete, the Administrator shall submit to the
 24 appropriate committees of Congress a report on the
 25 assessment, including any recommendations on how

1 to make information related to the location of heli-
 2 ports and helipads used by helicopters providing air
 3 ambulance services available to the general public.

4 (2) IMPLEMENTATION.—Not later than 30 days
 5 after completing action under paragraph (1) or
 6 paragraph (2) of subsection (b), the Administrator
 7 shall submit to the appropriate committees of Con-
 8 gress a report on the implementation of that action.

9 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
 10 is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
 13 by striking “not later than 1 year after the date
 14 of enactment of this section, and annually
 15 thereafter” and inserting “annually”;

16 (B) in paragraph (2), by striking “flights
 17 and hours flown, by registration number, dur-
 18 ing which helicopters operated by the certificate
 19 holder were providing helicopter air ambulance
 20 services” and inserting “hours flown by the hel-
 21 icopters operated by the certificate holder”;

22 (C) in paragraph (3)—

23 (i) by striking “of flight” and insert-
 24 ing “of patients transported and the num-
 25 ber of patient transport”;

1 (ii) by inserting “or” after “inter-
2 facility transport,”; and

3 (iii) by striking “, or ferry or repo-
4 sitioning flight”;

5 (D) in paragraph (5)—

6 (i) by striking “flights and”; and

7 (ii) by striking “while providing air
8 ambulance services”; and

9 (E) by amending paragraph (6) to read as
10 follows:

11 “(6) The number of hours flown at night by
12 helicopters operated by the certificate holder.”;

13 (2) in subsection (d)—

14 (A) by striking “Not later than 2 years
15 after the date of enactment of this section, and
16 annually thereafter, the Administrator shall
17 submit” and inserting “The Administrator shall
18 submit annually”; and

19 (B) by adding at the end the following:

20 “The report shall include the number of acci-
21 dents experienced by helicopter air ambulance
22 operations, the number of fatal accidents experi-
23 enced by helicopter air ambulance operations,
24 and the rate, per 100,000 flight hours, of acci-
25 dents and fatal accidents experienced by opera-

1 tors providing helicopter air ambulance serv-
2 ices.”;

3 ~~(3)~~ by redesignating subsection (e) as sub-
4 section (f); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) IMPLEMENTATION.—In carrying out this sec-
8 tion, the Administrator, in collaboration with part 135 cer-
9 tificate holders providing helicopter air ambulance serv-
10 ices, shall—

11 “(1) propose and develop a method to collect
12 and store the data submitted under subsection (a);
13 including a method to protect the confidentiality of
14 any trade secret or proprietary information sub-
15 mitted; and

16 “(2) ensure that the database under subsection
17 (e) and the report under subsection (d) include data
18 and analysis that will best inform efforts to improve
19 the safety of helicopter air ambulance operations.”.

20 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall—

24 (1) determine, in collaboration with the Na-
25 tional Transportation Safety Board and Part 135

1 industry stakeholders; what, if any, additional data
 2 should be reported as part of an accident or incident
 3 notice to more accurately measure the safety of on-
 4 demand Part 135 aircraft activity; to pinpoint safety
 5 problems; and to form the basis for critical research
 6 and analysis of general aviation issues; and

7 (2) submit to the appropriate committees of
 8 Congress a report on the findings under paragraph
 9 (1); including a description of the additional data to
 10 be collected; a timeframe for implementing the addi-
 11 tional data collection; and any potential obstacles to
 12 implementation.

13 **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

14 Section 40102(a) is amended—

15 (1) by redesignating paragraphs (24) through
 16 (47) as paragraphs (25) through (48), respectively;
 17 and

18 (2) by inserting after paragraph (23) the fol-
 19 lowing:

20 “(24) ‘human factors’ means a multidisciplinary
 21 field that generates and compiles information about
 22 human capabilities and limitations and applies it to
 23 design, development, and evaluation of equipment,
 24 systems, facilities, procedures, jobs, environments,
 25 staffing, organizations, and personnel management

1 for safe, efficient, and effective human performance;
 2 including people’s use of technology.”.

3 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
 4 **THORITY.**

5 It is the sense of Congress that the pilot in command
 6 of an aircraft is directly responsible for, and is the final
 7 authority as to, the operation of that aircraft, as set forth
 8 in section 91.3(a) of title 14, Code of Federal Regulations
 9 (or any successor regulation thereto).

10 **SEC. 2315. ENHANCING ASIAS.**

11 (a) IN GENERAL.—Not later than 1 year after the
 12 date of enactment of this Act, the Administrator of the
 13 Federal Aviation Administration, in consultation with rel-
 14 evant aviation industry stakeholders, shall assess what, if
 15 any, improvements are needed to develop the predictive
 16 capability of the Aviation Safety Information Analysis and
 17 Sharing program (referred to in this section as “ASIAS”)
 18 with regard to identifying precursors to accidents.

19 (b) CONTENTS.—In conducting the assessment under
 20 subsection (a), the Administrator shall—

21 (1) determine what actions are necessary—

22 (A) to improve data quality and standard-
 23 ization; and

24 (B) to increase the data received from ad-
 25 ditional segments of the aviation industry, such

1 as small airplane, helicopter, and business jet
 2 operations;

3 ~~(2) consider how to prioritize the actions de-~~
 4 ~~scribed in paragraph (1); and~~

5 ~~(3) review available methods for disseminating~~
 6 ~~safety trend data from ASIAS to the aviation safety~~
 7 ~~community, including the inspector workforce, to in-~~
 8 ~~form in their risk-based decisionmaking efforts.~~

9 ~~(c) REPORT.—Not later than 60 days after the date~~
 10 ~~the assessment under subsection (a) is complete, the Ad-~~
 11 ~~ministrator shall submit to the appropriate committees of~~
 12 ~~Congress a report on the assessment, including rec-~~
 13 ~~ommendations regarding paragraphs (1) through (3) of~~
 14 ~~subsection (b).~~

15 **SEC. 2316. IMPROVING RUNWAY SAFETY.**

16 ~~(a) IN GENERAL.—The Administrator of the Federal~~
 17 ~~Aviation Administration shall expedite the development of~~
 18 ~~metrics—~~

19 ~~(1) to allow the Federal Aviation Administra-~~
 20 ~~tion to determine whether runway incursions are in-~~
 21 ~~creasing; and~~

22 ~~(2) to assess the effectiveness of implemented~~
 23 ~~runway safety initiatives.~~

24 ~~(b) REPORT.—Not later than 1 year after the date~~
 25 ~~of enactment of this Act, the Administrator shall submit~~

1 to the appropriate committees of Congress a report on the
 2 progress in developing the metrics described in subsection
 3 (a).

4 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
 5 **AND BATTERIES.**

6 (a) **RESTRICTIONS ON TRANSPORTATION OF LITHIUM BATTERIES ON PASSENGER AIRCRAFT.**—Pursuant to
 7 section 828 of the FAA Modernization and Reform Act
 8 of 2012 (49 U.S.C. 44701 note)—

10 (1) not later than 90 days after the date of en-
 11 actment of this Act, the Administrator of the Fed-
 12 eral Aviation Administration shall update applicable
 13 regulations to implement the revised standards
 14 adopted by the International Civil Aviation Organi-
 15 zation (ICAO) on February 22, 2016, regarding—

16 (A) prohibiting the bulk air transportation
 17 of lithium ion batteries on passenger aircraft;
 18 and

19 (B) prohibiting bulk air transport cargo
 20 shipment of lithium batteries with an internal
 21 charge above 30 percent; and

22 (2) the Secretary of Transportation may initiate
 23 a review of existing regulations under parts 171–181
 24 of title 49, Code of Federal Regulations, and any ap-
 25 plicable regulations under title 14, Code of Federal

1 Regulations, regarding the air transportation, in-
 2 cluding passenger-carrying and cargo aircraft, of
 3 lithium batteries and cells.

4 ~~(3) SAVINGS CLAUSE.—~~Nothing in this section
 5 shall be construed as expanding or constricting any
 6 other authority the Secretary of Transportation has
 7 under section 828 of the FAA Modernization and
 8 Reform Act of 2012 (49 U.S.C. 44701 note) to pro-
 9 mulgate additional emergency or permanent regula-
 10 tions as permitted by subsection (b) of that section.

11 ~~(b) LITHIUM BATTERY SAFETY WORKING GROUP.—~~
 12 Not later than 90 days after the date of enactment of this
 13 Act, the President shall establish a lithium battery safety
 14 working group to promote and coordinate efforts related
 15 to the promotion of the safe manufacture, use, and trans-
 16 portation of lithium batteries and cells.

17 ~~(1) COMPOSITION.—~~

18 ~~(A) IN GENERAL.—~~The working group
 19 shall be composed of at least 1 representative
 20 from each of the following:

21 ~~(i) Consumer Product Safety Commis-~~
 22 ~~sion.~~

23 ~~(ii) Department of Transportation.~~

24 ~~(iii) National Institute on Standards~~
 25 ~~and Technology.~~

1 ~~(B) ADDITIONAL MEMBERS.~~—The working
 2 group may include not more than 4 additional
 3 members with expertise in the safe manufac-
 4 ture, use, or transportation of lithium batteries
 5 and cells.

6 ~~(C) SUBCOMMITTEES.~~—The President, or
 7 members of the working group, may—

8 (i) establish working group sub-
 9 committees to focus on specific issues re-
 10 lated to the safe manufacture, use, or
 11 transportation of lithium batteries and
 12 cells; and

13 (ii) include in a subcommittee the par-
 14 ticipation of non-member stakeholders with
 15 expertise in areas that the President or
 16 members consider necessary.

17 ~~(2) REPORT.~~—Not later than 1 year after the
 18 date it is established under subsection (b), the work-
 19 ing group shall—

20 ~~(A) research—~~

21 (i) additional ways to decrease the
 22 risk of fires and explosions from lithium
 23 batteries and cells;

1 (ii) additional ways to ensure uniform
2 transportation requirements for both bulk
3 and individual batteries; and

4 (iii) new or existing technologies that
5 could reduce the fire and explosion risk of
6 lithium batteries and cells; and

7 (B) transmit to the appropriate commit-
8 tees of Congress a report on the research under
9 subparagraph (A), including any legislative rec-
10 ommendations to effectuate the safety improve-
11 ments described in clauses (i) through (iii) of
12 that subparagraph.

13 (3) EXEMPTION FROM FACA.—The Federal Ad-
14 visory Committee Act (5 U.S.C. App.) shall not
15 apply to the working group.

16 (4) TERMINATION.—The working group, and
17 any working group subcommittees, shall terminate
18 90 days after the date the report is transmitted
19 under paragraph (2).

**Subtitle D—General Aviation
Safety**

**SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS
POLICY.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and

(3) establish a process under which appropriate on site airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum tri-annual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220-16D).

1 (b) ~~PERMISSION.~~—Permission to conduct the min-
 2 imum tri-annual preventative maintenance checks de-
 3 scribed under subsection (a)(3) shall not be withheld but
 4 for specific cause.

5 (c) ~~STANDARDS.~~—In updating the standards under
 6 subsection (a)(1), the Administrator shall—

7 (1) ensure the standards are performance-
 8 based;

9 (2) use risk analysis to determine the accuracy
 10 of the automated weather observing systems outputs
 11 required for pilots to perform safe aircraft oper-
 12 ations; and

13 (3) provide a cost benefit analysis to determine
 14 whether the benefits outweigh the cost for any re-
 15 quirement not directly related to safety.

16 (d) ~~REPORT.~~—Not later than September 30, 2017,
 17 the Administrator shall provide a report to the appropriate
 18 committees of Congress on the implementation of require-
 19 ments under this section.

20 **SEC. 2402. TOWER MARKING.**

21 (a) ~~IN GENERAL.~~—Not later than 1 year after the
 22 date of enactment of this Act, the Administrator of the
 23 Federal Aviation Administration shall issue regulations to
 24 require the marking of covered towers.

1 (b) MARKING REQUIRED.—The regulations under
 2 subsection (a) shall require that a covered tower be clearly
 3 marked in a manner that is consistent with applicable
 4 guidance under the Federal Aviation Administration Advi-
 5 sory Circular issued December 4, 2015 (AC 70/7460–1L),
 6 or other relevant safety guidance, as determined by the
 7 Administrator.

8 (c) APPLICATION.—The regulations issued under
 9 subsection (a) shall ensure that—

10 (1) all covered towers constructed on or after
 11 the date on which such regulations take effect are
 12 marked in accordance with subsection (b); and

13 (2) a covered tower constructed before the date
 14 on which such regulations take effect is marked in
 15 accordance with subsection (b) not later than 6
 16 months after such effective date.

17 (d) DEFINITION OF COVERED TOWER.—

18 (1) IN GENERAL.—In this section, the term
 19 “covered tower” means a structure that—

20 (A) is self-standing or supported by guy
 21 wires and ground anchors;

22 (B) is 6 feet or less in diameter at the
 23 above-ground base, excluding concrete footing;

24 (C) at the highest point of the structure is
 25 at least 50 feet above ground level;

1 ~~(D)~~ at the highest point of the structure is
 2 not more than 200 feet above ground level;

3 ~~(E)~~ has accessory facilities on which an an-
 4 tenna, sensor, camera, meteorological instru-
 5 ment, or other equipment is mounted; and

6 ~~(F)~~ is located—

7 (i) outside the boundaries of an incor-
 8 porated city or town; or

9 (ii) on land that is—

10 (I) undeveloped; or

11 (II) used for agricultural pur-
 12 poses.

13 ~~(2) EXCLUSIONS.—~~The term “covered tower”
 14 does not include any structure that—

15 ~~(A)~~ is adjacent to a house, barn, electric
 16 utility station, or other building;

17 ~~(B)~~ is within the curtilage of a farmstead;

18 ~~(C)~~ supports electric utility transmission or
 19 distribution lines;

20 ~~(D)~~ is a wind powered electrical generator
 21 with a rotor blade radius that exceeds 6 feet; or

22 ~~(E)~~ is a street light erected or maintained
 23 by a Federal, State, local, or tribal entity.

24 ~~(c) DATABASE.—~~The Administrator shall—

1 (1) develop a publicly available database that
2 contains the location and height of each covered
3 tower;

4 (2) keep the database current to the extent
5 practicable; and

6 (3) ensure that any proprietary information in
7 the database is protected from disclosure in accord-
8 ance with law.

9 **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Administrator of the Federal Aviation Ad-
12 ministration shall evaluate and update, as necessary,
13 standards for crash-resistant fuel systems for civilian
14 rotorcraft.

15 **Subtitle E—General Provisions**

16 **SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-**
17 **FICER.**

18 (a) IN GENERAL.—Section 106 is amended by adding
19 at the end the following:

20 “(u) DESIGNATED AGENCY SAFETY AND HEALTH
21 OFFICER.—

22 “(1) APPOINTMENT.—There shall be a Des-
23 ignated Agency Safety and Health Officer appointed
24 by the Administrator who shall exclusively fulfill the
25 duties prescribed in this subsection.

1 “(2) RESPONSIBILITIES.—The Designated
2 Agency Safety and Health Officer shall have respon-
3 sibility and accountability for—

4 “(A) auditing occupational safety and
5 health issues across the Administration;

6 “(B) overseeing Administration-wide com-
7 pliance with relevant Federal occupational safe-
8 ty and health statutes and regulations, national
9 industry and consensus standards, and Admin-
10 istration policies; and

11 “(C) encouraging a culture of occupational
12 safety and health to complement the Adminis-
13 tration’s existing safety culture.

14 “(3) REPORTING STRUCTURE.—The Designated
15 Agency Safety and Health Officer shall occupy a
16 full-time, senior executive position and shall report
17 directly to the Assistant Administrator for Human
18 Resource Management.

19 “(4) QUALIFICATIONS AND REMOVAL.—

20 “(A) QUALIFICATIONS.—The Designated
21 Agency Safety and Health Officer shall have
22 demonstrated ability and experience in the es-
23 tablishment and administration of comprehen-
24 sive occupational safety and health programs
25 and knowledge of relevant Federal occupational

1 safety and health statutes and regulations, na-
 2 tional industry and consensus standards, and
 3 Administration policies.

4 “(B) REMOVAL.—The Designated Agency
 5 Safety and Health Officer shall serve at the
 6 pleasure of the Administrator.”.

7 (b) DEADLINE FOR APPOINTMENT.—Not later than
 8 180 days after the date of enactment of this Act, the Ad-
 9 ministrator of the Federal Aviation Administration shall
 10 appoint an individual to serve as the Designated Agency
 11 Safety and Health Officer under section 106(u) of title
 12 49, United States Code.

13 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**
 14 **STATES.**

15 (a) RISK-BASED OVERSIGHT.—Section 44733 is
 16 amended—

17 (1) by redesignating subsection (f) as sub-
 18 section (g);

19 (2) by inserting after subsection (e) the fol-
 20 lowing:

21 “(f) RISK-BASED OVERSIGHT.—

22 “(1) IN GENERAL.—Not later than 90 days
 23 after the date of enactment of the Federal Aviation
 24 Administration Reauthorization Act of 2016, the
 25 Administrator shall take measures to ensure that the

1 safety assessment system established under sub-
2 section (a)—

3 “(A) places particular consideration on in-
4 spections of part 145 repair stations located
5 outside the United States that conduct sched-
6 uled heavy maintenance work on part 121 air
7 carrier aircraft; and

8 “(B) accounts for the frequency and seri-
9 ousness of any corrective actions that part 121
10 air carriers must implement to aircraft fol-
11 lowing such work at such repair stations.

12 “(2) INTERNATIONAL AGREEMENTS.—The Ad-
13 ministrator shall take the measures required under
14 paragraph (1)—

15 “(A) in accordance with the United States
16 obligations under applicable international agree-
17 ments; and

18 “(B) in a manner consistent with the ap-
19 plicable laws of the country in which a repair
20 station is located.

21 “(3) ACCESS TO DATA.—The Administrator
22 may access and review such information or data in
23 the possession of a part 121 air carrier as the Ad-
24 ministrator may require in carrying out paragraph
25 (1)(B).”; and

1 ~~(3)~~ in subsection ~~(g)~~, as redesignated—

2 (A) by redesignating paragraphs (1) and
3 ~~(2)~~ as paragraphs (2) and ~~(3)~~, respectively; and

4 (B) by inserting before paragraph (2), as
5 redesignated, the following:

6 “~~(1)~~ HEAVY MAINTENANCE WORK.—The term
7 ‘heavy maintenance work’ means a C-check, a D-
8 check, or equivalent maintenance operation with re-
9 spect to the airframe of a transport-category air-
10 craft.”.

11 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
12 ING.—The Administrator of the Federal Aviation Admin-
13 istration shall ensure that—

14 (1) not later than 90 days after the date of en-
15 actment of this Act, a notice of proposed rulemaking
16 required pursuant to section 44733(d)(2) of title 49,
17 United States Code, is published in the Federal Reg-
18 ister; and

19 (2) not later than 1 year after the date on
20 which the notice of proposed rulemaking is published
21 in the Federal Register, the rulemaking is finalized.

22 (c) BACKGROUND INVESTIGATIONS.—Not later than
23 180 days after the date of enactment of this Act, the Ad-
24 ministrator of the Federal Aviation Administration shall
25 ensure that each employee of a repair station certificated

1 under part 145 of title 14, Code of Federal Regulations;
 2 who performs a safety-sensitive function on an air carrier
 3 aircraft has undergone a pre-employment background in-
 4 vestigation sufficient to determine whether the individual
 5 presents a threat to aviation safety, in a manner that is—

6 (1) determined acceptable by the Administrator;

7 (2) consistent with the applicable laws of the
 8 country in which the repair station is located; and

9 (3) consistent with the United States obliga-
 10 tions under international agreements.

11 **SEC. 2503. FAA TECHNICAL TRAINING.**

12 (a) ~~E-LEARNING TRAINING PILOT PROGRAM.~~—Not
 13 later than 90 days after the date of enactment of this Act,
 14 the Administrator of the Federal Aviation Administration,
 15 in collaboration with the exclusive bargaining representa-
 16 tives of covered FAA personnel, shall establish an e-learn-
 17 ing training pilot program in accordance with the require-
 18 ments of this section.

19 (b) ~~CURRICULUM.~~—The pilot program shall—

20 (1) include a recurrent training curriculum for
 21 covered FAA personnel to ensure that the covered
 22 FAA personnel receive instruction on the latest avia-
 23 tion technologies, processes, and procedures;

1 (2) focus on providing specialized technical
2 training for covered FAA personnel, as determined
3 necessary by the Administrator;

4 (3) include training courses on applicable regu-
5 lations of the Federal Aviation Administration; and

6 (4) consider the efficacy of instructor-led online
7 training.

8 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
9 gram shall terminate 1 year after the date of establish-
10 ment of the pilot program.

11 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
12 nation of the pilot program, the Administrator shall assess
13 and establish or update an e-learning training program
14 that incorporates lessons learned for covered FAA per-
15 sonnel as a result of the pilot program.

16 (e) DEFINITIONS.—In this section:

17 (1) COVERED FAA PERSONNEL.—The term
18 “covered FAA personnel” means airway transpor-
19 tation systems specialists and aviation safety inspec-
20 tors of the Federal Aviation Administration.

21 (2) E-LEARNING TRAINING.—The term “e-
22 learning training” means learning utilizing electronic
23 technologies to access educational curriculum outside
24 of a traditional classroom.

1 **SEC. 2504. SAFETY CRITICAL STAFFING.**

2 (a) **AUDIT BY DOT INSPECTOR GENERAL.**—Not
 3 later than 1 year after the date of enactment of this Act,
 4 the Inspector General of the Department of Transpor-
 5 tation shall conduct and complete an audit of the staffing
 6 model used by the Federal Aviation Administration to de-
 7 termine the number of aviation safety inspectors that are
 8 needed to fulfill the mission of the Federal Aviation Ad-
 9 ministration and adequately ensure aviation safety.

10 (b) **CONTENTS.**—The audit shall include, at a min-
 11 imum—

12 (1) a review of the staffing model and an anal-
 13 ysis of how consistently the staffing model is applied
 14 throughout the Federal Aviation Administration’s
 15 aviation safety lines of business;

16 (2) a review of the assumptions and methods
 17 used in devising and implementing the staffing
 18 model to assess the adequacy of the staffing model
 19 to predict the number of aviation safety inspectors
 20 needed to properly fulfill the mission of the Federal
 21 Aviation Administration and meet the future growth
 22 of the aviation industry; and

23 (3) a determination on whether the current
 24 staffing model takes into account the Federal Avia-
 25 tion Administration’s authority to fully utilize des-
 26 ignees.

1 (c) REPORT.—Not later than 30 days after the date
 2 of completion of the audit, the Inspector General shall
 3 submit to the appropriate committees of Congress a report
 4 on the results of the audit.

5 **Subtitle F—Third Class Medical**
 6 **Reform and General Aviation**
 7 **Pilot Protections**

8 **SEC. 2601. SHORT TITLE.**

9 This subtitle may be cited as the “Pilot’s Bill of
 10 Rights 2”.

11 **SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL**
 12 **AIRCRAFT PILOTS.**

13 (a) IN GENERAL.—Not later than 180 days after the
 14 date of enactment of this Act, the Administrator of the
 15 Federal Aviation Administration shall issue or revise regu-
 16 lations to ensure that an individual may operate as pilot
 17 in command of a covered aircraft if—

18 (1) the individual possesses a valid driver’s li-
 19 cense issued by a State, territory, or possession of
 20 the United States and complies with all medical re-
 21 quirements or restrictions associated with that li-
 22 cense;

23 (2) the individual holds a medical certificate
 24 issued by the Federal Aviation Administration on
 25 the date of enactment of this Act, held such a cer-

1 tificate at any point during the 10-year period pre-
2 ceding such date of enactment, or obtains such a
3 certificate after such date of enactment;

4 (3) the most recent medical certificate issued by
5 the Federal Aviation Administration to the indi-
6 vidual—

7 (A) indicates whether the certificate is
8 first, second, or third class;

9 (B) may include authorization for special
10 issuance;

11 (C) may be expired;

12 (D) cannot have been revoked or sus-
13 pended; and

14 (E) cannot have been withdrawn;

15 (4) the most recent application for airman med-
16 ical certification submitted to the Federal Aviation
17 Administration by the individual cannot have been
18 completed and denied;

19 (5) the individual has completed a medical edu-
20 cation course described in subsection (c) during the
21 24 calendar months before acting as pilot in com-
22 mand of a covered aircraft and demonstrates proof
23 of completion of the course;

24 (6) the individual, when serving as a pilot in
25 command, is under the care and treatment of a phy-

1 sician if the individual has been diagnosed with any
2 medical condition that may impact the ability of the
3 individual to fly;

4 (7) the individual has received a comprehensive
5 medical examination from a State-licensed physician
6 during the previous 48 months and—

7 (A) prior to the examination, the indi-
8 vidual—

9 (i) completed the individual's section
10 of the checklist described in subsection (b);
11 and

12 (ii) provided the completed checklist
13 to the physician performing the examina-
14 tion; and

15 (B) the physician conducted the com-
16 prehensive medical examination in accordance
17 with the checklist described in subsection (b),
18 checking each item specified during the exam-
19 ination and addressing, as medically appro-
20 priate, every medical condition listed, and any
21 medications the individual is taking; and

22 (8) the individual is operating in accordance
23 with the following conditions:

24 (A) The covered aircraft is carrying not
25 more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

1 (A) a section, for the individual to com-
2 plete that contains—

3 (i) boxes 3 through 13 and boxes 16
4 through 19 of the Federal Aviation Admin-
5 istration Form 8500-8 (3-99); and

6 (ii) a signature line for the individual
7 to affirm that—

8 (I) the answers provided by the
9 individual on that checklist, including
10 the individual's answers regarding
11 medical history, are true and com-
12 plete;

13 (II) the individual understands
14 that he or she is prohibited under
15 Federal Aviation Administration regu-
16 lations from acting as pilot in com-
17 mand, or any other capacity as a re-
18 quired flight crew member, if he or
19 she knows or has reason to know of
20 any medical deficiency or medically
21 disqualifying condition that would
22 make the individual unable to operate
23 the aircraft in a safe manner; and

24 (III) the individual is aware of
25 the regulations pertaining to the pro-

hibition on operations during medical
 deficiency and has no medically dis-
 qualifying conditions in accordance
 with applicable law;

(B) a section with instructions for the indi-
 vidual to provide the completed checklist to the
 physician performing the comprehensive medical
 examination required in subsection (a)(7); and

(C) a section, for the physician to com-
 plete, that instructs the physician—

(i) to perform a clinical examination
 of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and
 throat;

(III) ears, general (internal and
 external canals), and eardrums (per-
 foration);

(IV) eyes (general);
 ophthalmoscopic; pupils (equality and
 reaction); and ocular motility (associ-
 ated parallel movement, nystagmus);

(V) lungs and chest (not includ-
 ing breast examination);

- 1 (VI) heart (precordial activity;
- 2 rhythm, sounds, and murmurs);
- 3 (VII) vascular system (pulse, am-
- 4 plitude, and character, and arms, legs,
- 5 and others);
- 6 (VIII) abdomen and viscera (in-
- 7 cluding hernia);
- 8 (IX) anus (not including digital
- 9 examination);
- 10 (X) skin;
- 11 (XI) G—U system (not including
- 12 pelvic examination);
- 13 (XII) upper and lower extrem-
- 14 ities (strength and range of motion);
- 15 (XIII) spine and other musculo-
- 16 skeletal;
- 17 (XIV) identifying body marks,
- 18 scars, and tattoos (size and location);
- 19 (XV) lymphatics;
- 20 (XVI) neurologic (tendon re-
- 21 flexes, equilibrium, senses, cranial
- 22 nerves, and coordination, etc.);
- 23 (XVII) psychiatric (appearance,
- 24 behavior, mood, communication, and
- 25 memory);

1 (~~XVIII~~) general systemic;

2 (~~XIX~~) hearing;

3 (~~XX~~) vision (distant, near, and
4 intermediate vision, field of vision,
5 color vision, and ocular alignment);

6 (~~XXI~~) blood pressure and pulse;

7 and

8 (~~XXII~~) anything else the physi-
9 cian, in his or her medical judgment,
10 considers necessary;

11 (ii) to exercise medical discretion to
12 address, as medically appropriate, any
13 medical conditions identified, and to exer-
14 cise medical discretion in determining
15 whether any medical tests are warranted
16 as part of the comprehensive medical ex-
17 amination;

18 (iii) to discuss all drugs the individual
19 reports taking (prescription and non-
20 prescription) and their potential to inter-
21 fere with the safe operation of an aircraft
22 or motor vehicle;

23 (iv) to sign the checklist, stating: “I
24 certify that I discussed all items on this
25 checklist with the individual during my ex-

amination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.”; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit

1 and not-for-profit general aviation stakeholder
2 groups;

3 (3) educate pilots on conducting medical self-as-
4 sessments;

5 (4) advise pilots on identifying warning signs of
6 potential serious medical conditions;

7 (5) identify risk mitigation strategies for med-
8 ical conditions;

9 (6) increase awareness of the impacts of poten-
10 tially impairing over-the-counter and prescription
11 drug medications;

12 (7) encourage regular medical examinations and
13 consultations with primary care physicians;

14 (8) inform pilots of the regulations pertaining
15 to the prohibition on operations during medical defi-
16 ciency and medically disqualifying conditions;

17 (9) provide the checklist developed by the Fed-
18 eral Aviation Administration in accordance with sub-
19 section (b); and

20 (10) upon successful completion of the course,
21 electronically provide to the individual and transmit
22 to the Federal Aviation Administration—

23 (A) a certification of completion of the
24 medical education course; which shall be printed
25 and retained in the individual's logbook and

1 made available upon request, and shall contain
2 the individual's name, address, and airman cer-
3 tificate number;

4 (B) subject to subsection (d), a release au-
5 thorizing the National Driver Register through
6 a designated State Department of Motor Vehi-
7 cles to furnish to the Federal Aviation Adminis-
8 tration information pertaining to the individ-
9 ual's driving record;

10 (C) a certification by the individual that
11 the individual is under the care and treatment
12 of a physician if the individual has been diag-
13 nosed with any medical condition that may im-
14 pact the ability of the individual to fly, as re-
15 quired under subsection (a)(6);

16 (D) a form that includes—

17 (i) the name, address, telephone num-
18 ber, and airman certificate number of the
19 individual;

20 (ii) the name, address, telephone num-
21 ber, and State medical license number of
22 the physician performing the comprehen-
23 sive medical examination required in sub-
24 section (a)(7);

1 (iii) the date of the comprehensive
2 medical examination required in subsection
3 (a)(7); and

4 (iv) a certification by the individual
5 that the checklist described in subsection
6 (b) was followed and signed by the physi-
7 cian in the comprehensive medical exam-
8 ination required in subsection (a)(7); and

9 (E) a statement, which shall be printed,
10 and signed by the individual certifying that the
11 individual understands the existing prohibition
12 on operations during medical deficiency by stat-
13 ing: “I understand that I cannot act as pilot in
14 command, or any other capacity as a required
15 flight crew member, if I know or have reason to
16 know of any medical condition that would make
17 me unable to operate the aircraft in a safe
18 manner.”.

19 (d) NATIONAL DRIVER REGISTER.—The authoriza-
20 tion under subsection (c)(10)(B) shall be an authorization
21 for a single access to the information contained in the Na-
22 tional Driver Register.

23 (e) SPECIAL ISSUANCE PROCESS.—

24 (1) IN GENERAL.—An individual who has quali-
25 fied for the third-class medical certificate exemption

1 under subsection (a) and is seeking to serve as a
2 pilot in command of a covered aircraft shall be re-
3 quired to have completed the process for obtaining
4 an Authorization for Special Issuance of a Medical
5 Certificate for each of the following:

6 (A) A mental health disorder, limited to an
7 established medical history or clinical diagnosis
8 of—

9 (i) personality disorder that is severe
10 enough to have repeatedly manifested itself
11 by overt acts;

12 (ii) psychosis, defined as a case in
13 which an individual—

14 (I) has manifested delusions, hal-
15 lucinations, grossly bizarre or disorga-
16 nized behavior, or other commonly ac-
17 cepted symptoms of psychosis; or

18 (II) may reasonably be expected
19 to manifest delusions, hallucinations,
20 grossly bizarre or disorganized behav-
21 ior, or other commonly accepted
22 symptoms of psychosis;

23 (iii) bipolar disorder; or

24 (iv) substance dependence within the
25 previous 2 years, as defined in section

1 67.307(a)(4) of title 14, Code of Federal
2 Regulations.

3 (B) A neurological disorder, limited to an
4 established medical history or clinical diagnosis
5 of any of the following:

6 (i) Epilepsy.

7 (ii) Disturbance of consciousness with-
8 out satisfactory medical explanation of the
9 cause.

10 (iii) A transient loss of control of
11 nervous system functions without satisfac-
12 tory medical explanation of the cause.

13 (C) A cardiovascular condition, limited to a
14 one-time special issuance for each diagnosis of
15 the following:

16 (i) Myocardial infraction.

17 (ii) Coronary heart disease that has
18 required treatment.

19 (iii) Cardiac valve replacement.

20 (iv) Heart replacement.

21 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
22 DITIONS.—In the case of an individual with a car-
23 diovascular condition, the process for obtaining an
24 Authorization for Special Issuance of a Medical Cer-
25 tificate shall be satisfied with the successful comple-

tion of an appropriate clinical evaluation without a
mandatory wait period.

~~(3)~~ SPECIAL RULE FOR MENTAL HEALTH CON-
DITIONS.—

(A) In the case of an individual with a
clinically diagnosed mental health condition, the
third-class medical certificate exemption under
subsection (a) shall not apply if—

(i) in the judgment of the individual's
State-licensed medical specialist, the condi-
tion—

(I) renders the individual unable
to safely perform the duties or exer-
cise the airman privileges described in
subsection (a)(8); or

(II) may reasonably be expected
to make the individual unable to per-
form the duties or exercise the privi-
leges described in subsection (a)(8); or
(ii) the individual's driver's license is
revoked by the issuing agency as a result
of a clinically diagnosed mental health con-
dition.

(B) Subject to subparagraph (A), an indi-
vidual clinically diagnosed with a mental health

1 condition shall certify every 2 years, in conjunc-
2 tion with the certification under subsection
3 ~~(c)(10)(C)~~, that the individual is under the care
4 of a State-licensed medical specialist for that
5 mental health condition.

6 ~~(4) SPECIAL RULE FOR NEUROLOGICAL CONDI-~~
7 ~~TIONS.—~~

8 (A) In the case of an individual with a
9 clinically diagnosed neurological condition, the
10 third-class medical certificate exemption under
11 subsection (a) shall not apply if—

12 (i) in the judgment of the individual's
13 State-licensed medical specialist, the condi-
14 tion—

15 (I) renders the individual unable
16 to safely perform the duties or exer-
17 cise the airman privileges described in
18 subsection (a)(8); or

19 (II) may reasonably be expected
20 to make the individual unable to per-
21 form the duties or exercise the privi-
22 leges described in subsection (a)(8); or
23 (ii) the individual's driver's license is
24 revoked by the issuing agency as a result

1 of a clinically diagnosed neurological condi-
2 tion.

3 ~~(B) Subject to subparagraph (A), an indi-~~
4 vidual clinically diagnosed with a neurological
5 condition shall certify every 2 years, in conjunc-
6 tion with the certification under subsection
7 ~~(c)(10)(C), that the individual is under the care~~
8 of a State-licensed medical specialist for that
9 neurological condition.

10 ~~(f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-~~
11 ~~DITIONS FOR THE CACI PROGRAM.—~~

12 ~~(1) IN GENERAL.—Not later than 180 days~~
13 after the date of enactment of this Act, the Adminis-
14 trator shall review and identify additional medical
15 conditions that could be added to the program
16 known as the Conditions AMEs Can Issue (CACI)
17 program.

18 ~~(2) CONSULTATIONS.—In carrying out para-~~
19 graph (1), the Administrator shall consult with avia-
20 tion, medical, and union stakeholders.

21 ~~(3) REPORT REQUIRED.—Not later than 180~~
22 days after the date of enactment of this Act, the Ad-
23 ministrator shall submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate
25 and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report
 2 listing the medical conditions that have been added
 3 to the CACI program under paragraph (1).

4 ~~(g) EXPEDITED AUTHORIZATION FOR SPECIAL~~
 5 ~~ISSUANCE OF A MEDICAL CERTIFICATE.—~~

6 ~~(1) IN GENERAL.—~~The Administrator shall im-
 7 plement procedures to expedite the process for ob-
 8 taining an Authorization for Special Issuance of a
 9 Medical Certificate under section 67.401 of title 14,
 10 Code of Federal Regulations.

11 ~~(2) CONSULTATIONS.—~~In carrying out para-
 12 graph (1), the Administrator shall consult with avia-
 13 tion, medical, and union stakeholders.

14 ~~(3) REPORT REQUIRED.—~~Not later than 1 year
 15 after the date of enactment of this Act, the Adminis-
 16 trator shall submit to the Committee on Commerce,
 17 Science, and Transportation of the Senate and the
 18 Committee on Transportation and Infrastructure of
 19 the House of Representatives a report describing
 20 how the procedures implemented under paragraph
 21 (1) will streamline the process for obtaining an Au-
 22 thorization for Special Issuance of a Medical Certifi-
 23 cate and reduce the amount of time needed to review
 24 and decide special issuance cases.

1 (h) ~~REPORT REQUIRED.~~—Not later than 5 years
2 after the date of enactment of this Act, the Administrator,
3 in coordination with the National Transportation Safety
4 Board, shall submit to the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives a report that describes the effect of the
8 regulations issued or revised under subsection (a) and in-
9 cludes statistics with respect to changes in small aircraft
10 activity and safety incidents.

11 (i) ~~PROHIBITION ON ENFORCEMENT ACTIONS.~~—Be-
12 ginning on the date that is 1 year after the date of enact-
13 ment of this Act, the Administrator may not take an en-
14 forcement action for not holding a valid third-class med-
15 ical certificate against a pilot of a covered aircraft for a
16 flight, through a good faith effort, if the pilot and the
17 flight meet the applicable requirements under subsection
18 (a), except paragraph (5) of that subsection, unless the
19 Administrator has published final regulations in the Fed-
20 eral Register under that subsection.

21 (j) ~~COVERED AIRCRAFT DEFINED.~~—In this section,
22 the term “covered aircraft” means an aircraft that—

23 (1) is authorized under Federal law to carry not
24 more than 6 occupants; and

1 (2) has a maximum certificated takeoff weight
2 of not more than 6,000 pounds.

3 (k) OPERATIONS COVERED.—The provisions and re-
4 quirements covered in this section do not apply to pilots
5 who elect to operate under the medical requirements under
6 subsection (b) or subsection (c) of section 61.23 of title
7 14, Code of Federal Regulations.

8 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
9 TION.—

10 (1) IN GENERAL.—If the Administrator receives
11 credible or urgent information, including from the
12 National Driver Register or the Administrator's
13 Safety Hotline, that reflects on an individual's abil-
14 ity to safely operate a covered aircraft under the
15 third-class medical certificate exemption in sub-
16 section (a), the Administrator may require the indi-
17 vidual to provide additional information or history so
18 that the Administrator may determine whether the
19 individual is safe to continue operating a covered
20 aircraft.

21 (2) USE OF INFORMATION.—The Administrator
22 may use credible or urgent information received
23 under paragraph (1) to request an individual to pro-
24 vide additional information or to take actions under
25 section 44709(b) of title 49, United States Code.

1 **SEC. 2603. EXPANSION OF PILOT'S BILL OF RIGHTS.**

2 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
 3 CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of
 4 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
 5 44703 note) is amended by striking “or imposing a puni-
 6 tive civil action or an emergency order of revocation under
 7 subsections (d) and (e) of section 44709 of such title” and
 8 inserting “suspending or revoking an airman certificate
 9 under section 44709(d) of such title; or imposing an emer-
 10 gency order of revocation under subsections (d) and (e)
 11 of section 44709 of such title”.

12 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
 13 OF PROOF.—Section 2(e) of the Pilot's Bill of Rights
 14 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
 15 note) is amended—

16 (1) by amending paragraph (1) to read as fol-
 17 lows:

18 “(1) IN GENERAL.—In an appeal filed under
 19 subsection (d) in a United States district court with
 20 respect to a denial, suspension, or revocation of an
 21 airman certificate by the Administrator—

22 “(A) the district court shall review the de-
 23 nial, suspension, or revocation de novo, includ-
 24 ing by—

1 “(i) conducting a full independent re-
2 view of the complete administrative record
3 of the denial, suspension, or revocation;

4 “(ii) permitting additional discovery
5 and the taking of additional evidence; and

6 “(iii) making the findings of fact and
7 conclusions of law required by Rule 52 of
8 the Federal Rules of Civil Procedure with-
9 out being bound to any findings of fact of
10 the Administrator or the National Trans-
11 portation Safety Board.”;

12 (2) by redesignating paragraph (2) as para-
13 graph (3);

14 (3) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) BURDEN OF PROOF.—In an appeal filed
17 under subsection (d) in a United States district
18 court after an exhaustion of administrative remedies,
19 the burden of proof shall be as follows:

20 “(A) In an appeal of the denial of an ap-
21 plication for the issuance or renewal of an air-
22 man certificate under section 44703 of title 49,
23 United States Code, the burden of proof shall
24 be upon the applicant denied an airman certifi-
25 cate by the Administrator.

1 “(B) In an appeal of an order issued by
 2 the Administrator under section 44709 of title
 3 49, United States Code, the burden of proof
 4 shall be upon the Administrator.”; and
 5 (4) by adding at the end the following:

6 “~~(4) APPLICABILITY OF ADMINISTRATIVE PRO-~~
 7 ~~CEDURE ACT.—~~Notwithstanding paragraph (1)(A) of
 8 this subsection or subsection (a)(1) of section 554 of
 9 title 5, United States Code, section 554 of such title
 10 shall apply to adjudications of the Administrator
 11 and the National Transportation Safety Board to
 12 the same extent as that section applied to such adju-
 13 dications before the date of enactment of the Pilot’s
 14 Bill of Rights 2.”.

15 ~~(c) NOTIFICATION OF INVESTIGATION.—~~Subsection
 16 ~~(b)~~ of section 2 of the Pilot’s Bill of Rights (Public Law
 17 ~~112–153~~; 126 Stat. 1159; 49 U.S.C. 44703 note) is
 18 amended—

19 (1) in paragraph (2)(A), by inserting “and the
 20 specific activity on which the investigation is based”
 21 after “nature of the investigation”;

22 (2) in paragraph (3), by striking “timely”; and

23 (3) in paragraph (5), by striking “section
 24 44709(c)(2)” and inserting “section 44709(c)(2)”.

1 (d) ~~RELEASE OF INVESTIGATIVE REPORTS.—~~Section
 2 2 of the Pilot's Bill of Rights (Public Law 112-153; 126
 3 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
 4 inserting after subsection (c) the following:

5 ~~“(f) RELEASE OF INVESTIGATIVE REPORTS.—~~

6 ~~“(1) IN GENERAL.—~~

7 ~~“(A) EMERGENCY ORDERS.—~~In any pro-
 8 ceeding conducted under part 821 of title 49,
 9 Code of Federal Regulations, relating to the
 10 amendment, modification, suspension, or rev-
 11 ocation of an airman certificate, in which the
 12 Administrator issues an emergency order under
 13 subsections (d) and (e) of section 44709, sec-
 14 tion 44710, or section 46105(e) of title 49,
 15 United States Code, or another order that takes
 16 effect immediately, the Administrator shall pro-
 17 vide to the individual holding the airman certifi-
 18 cate the releasable portion of the investigative
 19 report at the time the Administrator issues the
 20 order. If the complete Report of Investigation is
 21 not available at the time the Emergency Order
 22 is issued, the Administrator shall issue all por-
 23 tions of the report that are available at the time
 24 and shall provide the full report within 5 days
 25 of its completion.

1 “(B) OTHER ORDERS.—In any non-emer-
2 gency proceeding conducted under part 821 of
3 title 49, Code of Federal Regulations, relating
4 to the amendment, modification, suspension, or
5 revocation of an airman certificate, in which the
6 Administrator notifies the certificate holder of a
7 proposed certificate action under subsections
8 (b) and (c) of section 44709 or section 44710
9 of title 49, United States Code, the Adminis-
10 trator shall, upon the written request of the
11 covered certificate holder and at any time after
12 that notification, provide to the covered certifi-
13 cate holder the releasable portion of the inves-
14 tigative report.

15 “(2) MOTION FOR DISMISSAL.—If the Adminis-
16 trator does not provide the releasable portions of the
17 investigative report to the individual holding the air-
18 man certificate subject to the proceeding referred to
19 in paragraph (1) by the time required by that para-
20 graph, the individual may move to dismiss the com-
21 plaint of the Administrator or for other relief and,
22 unless the Administrator establishes good cause for
23 the failure to provide the investigative report or for
24 a lack of timeliness, the administrative law judge

1 shall order such relief as the judge considers appro-
 2 priate.

3 ~~“(3) RELEASABLE PORTION OF INVESTIGATIVE~~
 4 ~~REPORT.—For purposes of paragraph (1), the re-~~
 5 ~~leasable portion of an investigative report is all in-~~
 6 ~~formation in the report, except for the following:~~

7 ~~“(A) Information that is privileged.~~

8 ~~“(B) Information that constitutes work~~
 9 ~~product or reflects internal deliberative process.~~

10 ~~“(C) Information that would disclose the~~
 11 ~~identity of a confidential source.~~

12 ~~“(D) Information the disclosure of which is~~
 13 ~~prohibited by any other provision of law.~~

14 ~~“(E) Information that is not relevant to~~
 15 ~~the subject matter of the proceeding.~~

16 ~~“(F) Information the Administrator can~~
 17 ~~demonstrate is withheld for good cause.~~

18 ~~“(G) Sensitive security information, as de-~~
 19 ~~finied in section 15.5 of title 49, Code of Fed-~~
 20 ~~eral Regulations (or any corresponding similar~~
 21 ~~ruling or regulation).~~

22 ~~“(4) RULE OF CONSTRUCTION.—Nothing in~~
 23 ~~this subsection shall be construed to prevent the Ad-~~
 24 ~~ministrator from releasing to an individual subject~~
 25 ~~to an investigation described in subsection (b)(1)—~~

“(A) information in addition to the information included in the releasable portion of the investigative report; or

“(B) a copy of the investigative report before the Administrator issues a complaint.”.

SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) is amended—

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

“(1) IN GENERAL.—The Administrator”;

(2) by striking “reexamine” and inserting “, except as provided in paragraph (2), reexamine”; and

(3) by adding at the end the following:

“(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

“(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

1 “(i) to establish that the airman may
2 not be qualified to exercise the privileges of
3 a particular certificate or rating, based
4 upon an act or omission committed by the
5 airman while exercising those privileges,
6 after the certificate or rating was issued by
7 the Federal Aviation Administration or its
8 designee; or

9 “(ii) to demonstrate that the airman
10 obtained the certificate or the rating
11 through fraudulent means or through an
12 examination that was substantially and de-
13 monstrably inadequate to establish the air-
14 man’s qualifications.

15 “(B) NOTIFICATION REQUIREMENTS.—Be-
16 fore taking any action to reexamine an airman
17 under subparagraph (A), the Administrator
18 shall provide to the airman—

19 “(i) a reasonable basis, described in
20 detail, for requesting the reexamination;
21 and

22 “(ii) any information gathered by the
23 Federal Aviation Administration, that the
24 Administrator determines is appropriate to
25 provide, such as the scope and nature of

1 the requested reexamination, that formed
 2 the basis for that justification.”.

3 ~~(b) AMENDMENT, MODIFICATION, SUSPENSION, OR~~
 4 ~~REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-~~
 5 ~~INATION.—Section 44709(b) is amended—~~

6 ~~(1) in paragraph (1), by redesignating subpara-~~
 7 ~~graphs (A) and (B) as clauses (i) and (ii), respec-~~
 8 ~~tively, and indenting appropriately;~~

9 ~~(2) by redesignating paragraphs (1) and (2) as~~
 10 ~~subparagraphs (A) and (B), respectively, and indent-~~
 11 ~~ing appropriately;~~

12 ~~(3) in the matter preceding subparagraph (A),~~
 13 ~~as redesignated, by striking “The Administrator”~~
 14 ~~and inserting the following:~~

15 ~~“(1) IN GENERAL.—Except as provided in para-~~
 16 ~~graph (2), the Administrator”;~~ and

17 ~~(4) by adding at the end the following:~~

18 ~~“(2) AMENDMENTS, MODIFICATIONS, SUSPEN-~~
 19 ~~SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES~~
 20 ~~AFTER REEXAMINATION.—~~

21 ~~“(A) IN GENERAL.—The Administrator~~
 22 ~~may not issue an order to amend, modify, sus-~~
 23 ~~pend, or revoke an airman certificate held by a~~
 24 ~~student, sport, recreational, or private pilot and~~
 25 ~~issued under section 44703 of this title after a~~

reexamination of the airman holding the certificate unless the Administrator determines that the airman—

“(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

“(ii) materially contributed to the issuance of the certificate by fraudulent means.

“(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot’s Bill of Rights (49 U.S.C. 44703 note).”.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) is amended—

(1) in subparagraph (A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”; and

(2) in subparagraph (B), by striking “subsection (b)(1)(B)” and inserting “subsection (b)(1)(A)(ii)”.

SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—

1 (1) Beginning on the date that is 180 days
 2 after the date of enactment of this Act, the Adminis-
 3 trator of the Federal Aviation Administration may
 4 not take any enforcement action against any indi-
 5 vidual for a violation of a NOTAM (as defined in
 6 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
 7 44701 note)) until the Administrator certifies to the
 8 appropriate congressional committees that the Ad-
 9 ministrator has complied with the requirements of
 10 section 3 of the Pilot’s Bill of Rights, as amended
 11 by this section.

12 (2) In this subsection, the term “appropriate
 13 congressional committees” means—

14 (A) the Committee on Commerce, Science,
 15 and Transportation of the Senate; and

16 (B) the Committee on Transportation and
 17 Infrastructure of the House of Representatives.

18 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
 19 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
 20 44701 note) is amended—

21 (1) in subsection (a)(2)—

22 (A) in the matter preceding subparagraph

23 (A)—

24 (i) by striking “this Act” and insert-
 25 ing “the Pilot’s Bill of Rights 2”; and

1 (ii) by striking “begin” and inserting
2 “complete the implementation of”;

3 (B) by amending subparagraph (B) to read
4 as follows:

5 “(B) to continue developing and modern-
6 izing the NOTAM repository, in a public cen-
7 tral location, to maintain and archive all
8 NOTAMs, including the original content and
9 form of the notices, the original date of publica-
10 tion, and any amendments to such notices with
11 the date of each amendment, in a manner that
12 is Internet-accessible, machine-readable, and
13 searchable;”;

14 (C) in subparagraph (C), by striking the
15 period at the end and inserting “; and”; and

16 (D) by adding at the end the following:

17 “(D) to specify the times during which
18 temporary flight restrictions are in effect and
19 the duration of a designation of special use air-
20 space in a specific area.”; and

21 (2) by amending subsection (d) to read as fol-
22 lows:

23 “(d) DESIGNATION OF REPOSITORY AS SOLE
24 SOURCE FOR NOTAMS.—

25 “(1) IN GENERAL.—The Administrator—

1 “(A) shall consider the repository for
2 NOTAMs under subsection (a)(2)(B) to be the
3 sole location for airmen to check for NOTAMs;
4 and

5 “(B) may not consider a NOTAM to be
6 announced or published until the NOTAM is in-
7 cluded in the repository for NOTAMs under
8 subsection (a)(2)(B).

9 ~~“(2) PROHIBITION ON TAKING ACTION FOR VIO-~~
10 ~~LATIONS OF NOTAMS NOT IN REPOSITORY.—~~

11 ~~“(A) IN GENERAL.—Except as provided in~~
12 ~~subparagraph (B), beginning on the date that~~
13 ~~the repository under subsection (a)(2)(B) is~~
14 ~~final and published, the Administrator may not~~
15 ~~take any enforcement action against an airman~~
16 ~~for a violation of a NOTAM during a flight if—~~

17 ~~“(i) that NOTAM is not available~~
18 ~~through the repository before the com-~~
19 ~~mencement of the flight; and~~

20 ~~“(ii) that NOTAM is not reasonably~~
21 ~~accessible and identifiable to the airman.~~

22 ~~“(B) EXCEPTION FOR NATIONAL SECUR-~~
23 ~~ITY.—Subparagraph (A) shall not apply in the~~
24 ~~case of an enforcement action for a violation of~~

1 a NOTAM that directly relates to national se-
2 curity.”.

3 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

4 (a) IN GENERAL.—Subchapter I of chapter 471 is
5 amended by inserting after section 47124 the following:

6 **“§ 47124a. Accessibility of certain flight data**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ADMINISTRATION.—The term ‘Administra-
9 tion’ means the Federal Aviation Administration.

10 “(2) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the Federal Avia-
12 tion Administration.

13 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
14 plicable individual’ means an individual who is the
15 subject of an investigation initiated by the Adminis-
16 trator related to a covered flight record.

17 “(4) CONTRACT TOWER.—The term ‘contract
18 tower’ means an air traffic control tower providing
19 air traffic control services pursuant to a contract
20 with the Administration under the contract air traf-
21 fic control tower program under section
22 47124(b)(3).

23 “(5) COVERED FLIGHT RECORD.—The term
24 ‘covered flight record’ means any air traffic data (as
25 defined in section 2(b)(4)(B) of the Pilot’s Bill of

1 Rights (49 U.S.C. 44703 note)), created, main-
 2 tained, or controlled by any program of the Adminis-
 3 tration, including any program of the Administration
 4 carried out by employees or contractors of the Ad-
 5 ministration, such as contract towers, flight service
 6 stations, and controller training programs.

7 “(b) PROVISION OF COVERED FLIGHT RECORD TO
 8 ADMINISTRATION.—

9 “(1) REQUESTS.—Whenever the Administration
 10 receives a written request for a covered flight record
 11 from an applicable individual and the covered flight
 12 record is not in the possession of the Administration,
 13 the Administrator shall request the covered flight
 14 record from the contract tower or other contractor
 15 of the Administration in possession of the covered
 16 flight record.

17 “(2) PROVISION OF RECORDS.—Any covered
 18 flight record created, maintained, or controlled by a
 19 contract tower or another contractor of the Adminis-
 20 tration that maintains covered flight records shall be
 21 provided to the Administration if the Administration
 22 requests the record pursuant to paragraph (1).

23 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
 24 TION.—If the Administrator has issued, or subse-
 25 quently issues, a Notice of Proposed Certificate Ac-

tion relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

“(c) IMPLEMENTATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pilot’s Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

“(2) COMPLIANCE BY CONTRACTORS.—

“(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Pilot’s Bill of Rights 2.

“(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Pilot’s Bill of Rights 2 un-

1 less the contract or agreement is renegotiated,
2 renewed, or modified after that date.”.

3 (b) ~~TECHNICAL AND CONFORMING AMENDMENTS.—~~

4 The table of contents for chapter 471 is amended by in-
5 serting after the item relating to section 47124 the fol-
6 lowing:

“47124a. Accessibility of certain flight data.”.

7 **SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
8 **CERTAIN NOTICES.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall revise section 13.11 of title 14, Code
12 of Federal Regulations, to authorize legal counsel of the
13 Federal Aviation Administration to close enforcement ac-
14 tions covered by that section with a warning notice, letter
15 of correction, or other administrative action.

16 **TITLE III—AIR SERVICE** 17 **IMPROVEMENTS**

18 **SEC. 3001. DEFINITIONS.**

19 In this title:

20 (1) ~~COVERED AIR CARRIER.—~~The term “cov-
21 ered air carrier” means an air carrier or a foreign
22 air carrier as those terms are defined in section
23 40102 of title 49, United States Code.

24 (2) ~~ONLINE SERVICE.—~~The term “online serv-
25 ice” means any service available over the Internet,

1 or that connects to the Internet or a wide-area net-
 2 work.

3 ~~(3) TICKET AGENT.~~—The term “ticket agent”
 4 has the meaning given the term in section 40102 of
 5 title 49, United States Code.

6 **Subtitle A—Passenger Air Service** 7 **Improvements**

8 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-** 9 **TIONS.**

10 ~~(a) REVIEW.~~—

11 ~~(1) IN GENERAL.~~—Not later than 1 year after
 12 the date of enactment of this Act, the Secretary of
 13 Transportation shall review the categorization of
 14 delays and cancellations with respect to air carriers
 15 that are required to report such data.

16 ~~(2) CONSIDERATIONS.~~—In conducting the re-
 17 view under paragraph (1), the Secretary shall con-
 18 sider, at a minimum—

19 ~~(A)~~ whether delays and cancellations at-
 20 tributed by an air carrier to weather were un-
 21 avoidable due to an operational or air traffic
 22 control issue, or due to the air carrier’s pref-
 23 erence in determining which flights to delay or
 24 cancel during a weather event;

(B) whether and to what extent delays and cancellations attributed by an air carrier to weather disproportionately impact service to smaller airports and communities; and

(C) whether it is an unfair or deceptive practice in violation of section 41712 of title 49, United States Code, for an air carrier to inform a passenger that a flight is delayed or cancelled due to weather, without any other context or explanation for the delay or cancellation, when the air carrier has discretion as to which flights to delay or cancel.

~~(3)~~ ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—The Secretary may use the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prece. note), to assist in conducting the review and providing recommendations.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to the appropriate committees of Congress a report on the review under subsection (a), including any recommendations.

1 (c) SAVINGS PROVISION.—Nothing in this section
 2 shall be construed as affecting the decision of an air car-
 3 rier to maximize its system capacity during weather-re-
 4 lated events to accommodate the greatest number of pas-
 5 sengers.

6 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

7 (a) REVIEW.—

8 (1) IN GENERAL.—Not later than 1 year after
 9 the date of enactment of this Act, the Secretary of
 10 Transportation shall review whether it is an unfair
 11 or deceptive practice in violation of section 41712 of
 12 title 49, United States Code, for an air carrier to
 13 change the itinerary of a passenger, more than 24
 14 hours before departure, if the new itinerary involves
 15 additional stops or departs 3 hours earlier or later
 16 and compensation or other more suitable air trans-
 17 portation is not offered.

18 (2) ADVISORY COMMITTEE FOR AVIATION CON-
 19 SUMER PROTECTION.—The Secretary may use the
 20 Advisory Committee for Aviation Consumer Protec-
 21 tion, established under section 411 of the FAA Mod-
 22 ernization and Reform Act of 2012 (49 U.S.C.
 23 42301 pre. note), to assist in conducting the review
 24 and providing recommendations.

1 (b) ~~REPORT.~~—Not later than 90 days after the date
 2 the review under subsection (a) is complete, the Secretary
 3 shall submit to appropriate committees of Congress a re-
 4 port on the review under subsection (a), including any rec-
 5 ommendations.

6 **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

7 Not later than 180 days after the date that the re-
 8 views under sections 3101 and 3102 of this Act are com-
 9 plete, the Secretary of Transportation shall issue a supple-
 10 mental notice of proposed rulemaking to its notice of pro-
 11 posed rulemaking published in the Federal Register on
 12 May 23, 2014 (~~DOT-OST-2014-0056~~) (relating to the
 13 transparency of airline ancillary fees and other consumer
 14 protection issues) to consider the following:

15 (1) ~~Requiring an air carrier to provide notifica-~~
 16 ~~tion and refunds or other consideration to a con-~~
 17 ~~sumer who is impacted by delays or cancellations~~
 18 ~~when an air carrier has a choice as to which flights~~
 19 ~~to cancel or delay during a weather-related event.~~

20 (2) ~~Requiring an air carrier to provide notifica-~~
 21 ~~tion and refunds or other consideration to a con-~~
 22 ~~sumer who is impacted by involuntary changes to~~
 23 ~~the consumer's itinerary.~~

1 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
 2 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
 3 **DENTS.**

4 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
 5 LIC CONVENIENCE AND NECESSITY.—Section 4111~~3~~ is
 6 amended—

7 (1) in subsection (a), by striking “a major” and
 8 inserting “any”;

9 (2) in subsection (b)—

10 (A) in paragraph (9), by striking “(and
 11 any other victim of the accident)” and inserting
 12 “(and any other victim of the accident, includ-
 13 ing any victim on the ground)”;

14 (B) in paragraph (16), by striking “major”
 15 and inserting “any”; and

16 (C) in paragraph (17)(A), by striking “sig-
 17 nificant” and inserting “any”; and

18 (3) by amending subsection (c) to read as fol-
 19 lows:

20 “(c) DEFINITIONS.—In this section—

21 “(1) ‘aircraft accident’ means any aviation dis-
 22 aster, regardless of its cause or suspected cause, for
 23 which the National Transportation Safety Board is
 24 the lead investigative agency; and

25 “(2) ‘passenger’ has the meaning given the
 26 term in section 1136.”

1 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
2 AIR TRANSPORTATION.—Section 41313 is amended—

3 (1) in subsection (b), by striking “a major” and
4 inserting “any”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “a sig-
7 nificant” and inserting “any”;

8 (B) in paragraph (2), by striking “a sig-
9 nificant” and inserting “any”;

10 (C) in paragraph (16), by striking “major”
11 and inserting “any”; and

12 (D) in paragraph (17)(A), by striking “sig-
13 nificant” and inserting “any”.

14 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—

15 Section 4136(a) is amended by striking “aircraft accident
16 within the United States involving an air carrier or foreign
17 air carrier and resulting in a major loss of life” and insert-
18 ing “aircraft accident involving an air carrier or foreign
19 air carrier, resulting in any loss of life, and for which the
20 National Transportation Safety Board will serve as the
21 lead investigative agency”.

22 **SEC. 3105. EMERGENCY MEDICAL KITS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, the Administrator of
25 the Federal Aviation Administration shall evaluate and re-

1 vise, as appropriate, the regulations under part 121 of title
 2 14, Code of Federal Regulations, regarding the emergency
 3 medical equipment requirements, including the contents of
 4 the first-aid kit, applicable to all certificate holders oper-
 5 ating passenger-carrying airplanes under that part.

6 (b) **CONSIDERATIONS.**—The Administrator shall con-
 7 sider whether the minimum contents of approved emer-
 8 gency medical kits, including approved first-aid kits, in-
 9 clude appropriate medications and equipment to meet the
 10 emergency medical needs of children, including consider-
 11 ation of an epinephrine auto-injector, as appropriate.

12 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

13 (a) **IN GENERAL.**—Not later than 1 year after the
 14 date of enactment of this Act, the Comptroller General
 15 of the United States shall—

16 (1) conduct a study of airport accessibility best
 17 practices for individuals with disabilities, limited mo-
 18 bility, or visual or hearing impairments; and

19 (2) submit to the appropriate committees of
 20 Congress a report on the study, including the Comp-
 21 troller General's findings, conclusions, and rec-
 22 ommendations.

23 (b) **CONTENTS.**—The study under subsection (a)
 24 shall include accessibility best practices beyond those rec-
 25 ommended under the Architectural Barriers Act of 1968

1 (42 U.S.C. 4151 et seq.); Rehabilitation Act of 1973 (29
 2 U.S.C. 701 et seq.); Air Carrier Access Act of 1986 (100
 3 Stat. 1080; Public Law 99-435); or Americans with Dis-
 4 abilities Act of 1990 (42 U.S.C. 12101 et seq.); that im-
 5 prove infrastructure and communications, such as with re-
 6 gard to wayfinding, amenities, and passenger care.

7 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR**
 8 **AVIATION CONSUMER PROTECTION.**

9 (a) **TERMINATION.**—Section 411(h) of the FAA Mod-
 10 ernization and Reform Act of 2012 (Public Law 112-95;
 11 49 U.S.C. 42301 prece. note) is amended by striking
 12 “March 30, 2016” and inserting “September 30, 2017”.

13 (b) **FINANCIAL DISCLOSURE.**—Section 411 of the
 14 FAA Modernization and Reform Act of 2012 (Public Law
 15 112-95; 49 U.S.C. 42301 prece. note) is further amend-
 16 ed—

17 (1) by redesignating subsection (h) as sub-
 18 section (i); and

19 (2) by inserting before subsection (i), the fol-
 20 lowing:

21 “(h) **CONFLICT OF INTEREST DISCLOSURE.**—Begin-
 22 ning on the date of enactment of the Federal Aviation Ad-
 23 ministration Reauthorization Act of 2016, each member
 24 of the advisory committee who is not a government em-
 25 ployee shall disclose, on an annual basis, any potential

1 conflicts of interest, including financial conflicts of inter-
 2 est, to the Secretary in such form and manner as pre-
 3 scribed by the Secretary.”.

4 (c) RECOMMENDATIONS.—Section 411(g) of the FAA
 5 Modernization and Reform Act of 2012 (Public Law 112–
 6 95; 49 U.S.C. 42301 prece. note) is amended—

7 (1) by striking “of the first 2 calendar years be-
 8 ginning after the date of enactment of this Act” and
 9 inserting “calendar year”; and

10 (2) by inserting “and post on the Department
 11 of Transportation Web site” after “Congress”.

12 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

13 Section 47107(r)(3) is amended by striking “April 1,
 14 2016” and inserting “October 1, 2017”.

15 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

16 (a) IN GENERAL.—Not later than 1 year after the
 17 date of enactment of this Act, the Secretary of Transpor-
 18 tation shall issue final regulations to require a covered air
 19 carrier to promptly provide an automatic refund to a pas-
 20 senger in the amount of any applicable ancillary fees paid
 21 if the covered air carrier has charged the passenger an
 22 ancillary fee for checked baggage but the covered air car-
 23 rier fails to deliver the checked baggage to the passenger
 24 not later than 6 hours after the arrival of a domestic flight
 25 or 12 hours after the arrival of an international flight.

1 (b) **EXCEPTION.**—If as part of the rulemaking the
 2 Secretary makes a determination on the record that a re-
 3 quirement under subsection (a) is unfeasible and will neg-
 4 atively affect consumers in certain cases, the Secretary
 5 may modify 1 or both of the deadlines in that subsection
 6 for such cases, except that—

7 (1) the deadline relating to a domestic flight
 8 may not exceed 12 hours after the arrival of the do-
 9 mestic flight; and

10 (2) the deadline relating to an international
 11 flight may not exceed 24 hours after the arrival of
 12 the domestic flight.

13 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
 14 **ORED BY A COVERED AIR CARRIER.**

15 (a) **IN GENERAL.**—Not later than 1 year after the
 16 date of enactment of this Act, the Secretary of Transpor-
 17 tation shall promulgate regulations that require each cov-
 18 ered air carrier to promptly provide an automatic refund
 19 to a passenger of any ancillary fees paid for services that
 20 the passenger does not receive, including on the pas-
 21 senger's scheduled flight or, if rescheduled, a subsequent
 22 replacement itinerary.

23 (b) **CANCELLED FLIGHTS.**—As part of the rule under
 24 subsection (a), the Secretary shall require each covered air
 25 carrier to promptly provide an automatic refund to a pas-

1 senger of any ancillary fees paid for services that the pas-
 2 senger does not receive for a flight cancelled by the pas-
 3 senger.

4 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

5 (a) IN GENERAL.—Not later than 1 year after the
 6 date of enactment of this Act, the Secretary of Transpor-
 7 tation shall issue final regulations requiring—

8 (1) each covered air carrier to disclose to a con-
 9 sumer the baggage fee, cancellation fee, change fee,
 10 ticketing fee, and seat selection fee of that covered
 11 air carrier in a standardized format; and

12 (2) notwithstanding the manner in which infor-
 13 mation regarding the fees described in paragraph
 14 (1) is collected, each ticket agent to disclose to a
 15 consumer such fees of a covered air carrier in the
 16 standardized format described in paragraph (1).

17 (b) REQUIREMENTS.—The regulations under sub-
 18 section (a) shall require that each disclosure—

19 (1) if ticketing is done on an Internet Web site
 20 or other online service—

21 (A) be prominently displayed to the con-
 22 sumer prior to the point of purchase; and

23 (B) set forth the fees described in sub-
 24 section (a)(1) in clear and plain language and
 25 a font of easily readable size; and

1 (2) if ticketing is done on the telephone, be ex-
 2 pressly stated to the consumer during the telephone
 3 call and prior to the point of purchase.

4 **SEC. 3112. SEAT ASSIGNMENTS.**

5 (a) IN GENERAL.—Not later than 15 months after
 6 the date of enactment of this Act, the Secretary of Trans-
 7 portation shall complete such actions as may be necessary
 8 to require each covered air carrier and ticket agent to dis-
 9 close to a consumer that seat selection for which a fee
 10 is charged is an optional service, and that if a consumer
 11 does not pay for a seat assignment, a seat will be assigned
 12 to the consumer from available inventory at the time the
 13 consumer checks in for the flight or prior to departure.

14 (b) REQUIREMENTS.—The disclosure under sub-
 15 section (a) shall—

16 (1) if ticketing is done on an Internet Web site
 17 or other online service, be prominently displayed to
 18 the consumer on that Internet Web site or online
 19 service during the selection of seating or prior to the
 20 point of purchase; and

21 (2) if ticketing is done on the telephone, be ex-
 22 pressly stated to the consumer during the telephone
 23 call and prior to the point of purchase.

1 **SEC. 3113. CHILD SEATING.**

2 (a) ~~IN GENERAL.~~—Not later than 15 months after
 3 the date of enactment of this Act, the Secretary of Trans-
 4 portation shall complete such actions as may be necessary
 5 to require each covered air carrier and ticket agent to dis-
 6 close to a consumer that if a reservation includes a child
 7 under the age of 13 traveling with an accompanying pas-
 8 senger who is age 13 or older—

9 (1) whether adjoining seats are available at no
 10 additional cost at the time of purchase; and

11 (2) if not, what the covered air carrier's policy
 12 is for accommodating adjoining seat requests at the
 13 time the consumer checks in for the flight or prior
 14 to departure.

15 (b) ~~REQUIREMENTS.~~—The disclosure under sub-
 16 section (a) shall—

17 (1) if ticketing is done on an Internet Web site
 18 or other online service, be prominently displayed to
 19 the consumer on that Internet Web site or online
 20 service during the selection of seating or prior to the
 21 point of purchase; and

22 (2) if ticketing is done on the telephone, be ex-
 23 pressly stated to the consumer during the telephone
 24 call and prior to the point of purchase.

1 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**
 2 **MENT.**

3 (a) IN GENERAL.—Section 42302 is amended—

4 (1) by redesignating subsections (b) and (c) as
 5 subsections (c) and (d), respectively;

6 (2) by inserting after subsection (a), the fol-
 7 lowing:

8 “(b) POINT OF SALE.—Each air carrier, foreign air
 9 carrier, and ticket agent shall inform each consumer of
 10 a carrier service, at the point of sale, that the consumer
 11 can file a complaint about that service with the carrier
 12 and with the Aviation Consumer Protection Division of the
 13 Department of Transportation.”;

14 (3) by amending subsection (c), as redesign-
 15 nated, to read as follows:

16 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
 17 ICE NOTICE.—Each air carrier and foreign air carrier
 18 shall include on its Internet Web site, any related mobile
 19 device application, and online service—

20 “(1) the hotline telephone number established
 21 under subsection (a) or for the Aviation Consumer
 22 Protection Division of the Department of Transpor-
 23 tation;

24 “(2) an active link and the email address, tele-
 25 phone number, and mailing address of the air car-
 26 rier or foreign air carrier, as applicable, for a con-

1 consumer to submit a complaint to the carrier about the
2 quality of service;

3 “(3) notice that the consumer can file a com-
4 plaint with the Aviation Consumer Protection Divi-
5 sion of the Department of Transportation;

6 “(4) an active link to the Internet Web site of
7 the Aviation Consumer Protection Division of the
8 Department of Transportation for a consumer to file
9 a complaint; and

10 “(5) the active link described in paragraph (2)
11 on the same Internet Web site page as the active
12 link described in paragraph (4).”; and

13 (4) in subsection (d), as redesignated—

14 (A) in the matter preceding paragraph (1),
15 by striking “An air carrier or foreign air carrier
16 providing scheduled air transportation using
17 any aircraft that as originally designed has a
18 passenger capacity of 30 or more passenger
19 seats” and inserting “Each air carrier and for-
20 eign air carrier”;

21 (B) in paragraph (1), by striking “air ear-
22 rier” and inserting “carrier”; and

23 (C) in paragraph (2), by striking “air ear-
24 rier” and inserting “carrier”.

1 (b) RULEMAKING.—Not later than 1 year after the
 2 date of enactment of this Act, the Secretary of Transpor-
 3 tation shall promulgate regulations to implement the re-
 4 quirements of section 42302 of title 49, United States
 5 Code, as amended.

6 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
 7 **TECTION INFORMATION.**

8 (a) INTERNET WEB SITE.—Not later than 180 days
 9 after the date of enactment of this Act, the Secretary of
 10 Transportation shall—

11 (1) complete an evaluation of the aviation con-
 12 sumer protection portion of the Department of
 13 Transportation’s public Internet Web site to identify
 14 any changes to the user interface that will improve
 15 usability, accessibility, consumer satisfaction, and
 16 Web site performance;

17 (2) in completing the evaluation under para-
 18 graph (1)—

19 (A) consider the best practices of other
 20 Federal agencies with effective Web sites; and

21 (B) consult with the Federal Web Man-
 22 agers Council;

23 (3) develop a plan, including an implementation
 24 timeline, for—

1 (A) making the changes identified under
2 paragraph (1); and

3 (B) making any necessary changes to that
4 portion of the Web site that will enable a con-
5 sumer—

6 (i) to access information regarding
7 each complaint filed with the Aviation Con-
8 sumer Protection Division of the Depart-
9 ment of Transportation;

10 (ii) to search the complaints described
11 in clause (i) by the name of the air carrier
12 and the type of complaint; and

13 (iii) to determine the date a complaint
14 was filed and the date a complaint was re-
15 solved; and

16 (4) submit the evaluation and plan to the ap-
17 propriate committees of Congress.

18 (b) ~~MOBILE APPLICATION SOFTWARE.~~—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary of Transportation shall—

21 (1) implement a program to develop application
22 software for wireless devices that will enable a user
23 to access information and perform activities related
24 to aviation consumer protection, such as—

1 (A) information regarding airline pas-
2 senger protections, including protections related
3 to lost baggage and baggage fees, disclosure of
4 additional fees, bumping, and tarmac delays;
5 and

6 (B) file an aviation consumer complaint,
7 including a safety and security, airline service,
8 disability and discrimination, or privacy com-
9 plaint, with the Aviation Consumer Protection
10 Division of the Department of Transportation;
11 and

12 (2) make the application software available to
13 the public at no cost.

14 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
15 **SYSTEMS.**

16 Not later than 2 years after the date of the enact-
17 ment of this Act, the Architectural and Transportation
18 Barriers Compliance Board, in consultation with the Sec-
19 retary of Transportation, shall conduct a study to deter-
20 mine the ways in which particular individuals with signifi-
21 cant disabilities who use wheelchairs, including power
22 wheelchairs, can be accommodated through in cabin wheel-
23 chair restraint systems.

1 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**
2 **FOR PERSONS WITH DISABILITIES.**

3 (a) **IN GENERAL.**—Not later than 270 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 describing—

7 (1) each air carrier's training policy for its per-
8 sonnel and contractors regarding assistance for per-
9 sons with disabilities, as required by Department of
10 Transportation regulations;

11 (2) any variations among the air carriers in the
12 policies described in paragraph (1);

13 (3) how the training policies are implemented to
14 meet the Department of Transportation regulations;

15 (4) how frequently an air carrier must train
16 new employees and contractors due to turnover in
17 positions that require such training;

18 (5) how frequently, in the prior 10 years, the
19 Department of Transportation has requested, after
20 reviewing a training policy, that an air carrier take
21 corrective action; and

22 (6) the action taken by an air carrier under
23 paragraph (5).

24 (b) **BEST PRACTICES.**—After the date the report is
25 submitted under subsection (a), the Secretary of Trans-
26 portation, based on the findings of the report, shall de-

1 velop and disseminate to air carriers such best practices
 2 as the Secretary considers necessary to improve the train-
 3 ing policies.

4 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**
 5 **NEEDS OF PASSENGERS WITH DISABILITIES.**

6 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
 7 tation shall establish an advisory committee for the air
 8 travel needs of passengers with disabilities (referred to in
 9 this subsection as the “Advisory Committee”).

10 (b) **DUTIES.**—The Advisory Committee shall advise
 11 the Secretary with regard to the implementation of the
 12 Air Carrier Access Act of 1986 (Public Law 99–435; 100
 13 Stat. 1080), including—

14 (1) assessing the disability-related access bar-
 15 riers encountered by passengers with disabilities;

16 (2) determining the extent to which the pro-
 17 grams and activities of the Department of Transpor-
 18 tation are addressing the barriers described in para-
 19 graph (1);

20 (3) recommending improvements to the air
 21 travel experience of passengers with disabilities; and

22 (4) such activities as the Secretary considers
 23 necessary to carry out this section.

24 (c) **MEMBERSHIP.**—

1 ~~(1) IN GENERAL.—~~The Advisory Committee
 2 shall be comprised of at least 1 representative of
 3 each of the following groups:

4 ~~(A) Passengers with disabilities.~~

5 ~~(B) National disability organizations.~~

6 ~~(C) Air carriers.~~

7 ~~(D) Airport operators.~~

8 ~~(E) Contractor service providers.~~

9 ~~(2) APPOINTMENT.—~~The Secretary of Trans-
 10 portation shall appoint each member of the Advisory
 11 Committee.

12 ~~(3) VACANCIES.—~~A vacancy in the Advisory
 13 Committee shall be filled in the manner in which the
 14 original appointment was made.

15 ~~(d) CHAIRPERSON.—~~The Secretary of Transportation
 16 shall designate, from among the members appointed under
 17 subsection (c), an individual to serve as chairperson of the
 18 Advisory Committee.

19 ~~(e) TRAVEL EXPENSES.—~~Members of the advisory
 20 committee shall serve without pay, but shall receive travel
 21 expenses, including per diem in lieu of subsistence, in ac-
 22 cordance with subchapter I of chapter 57 of title 5, United
 23 States Code.

24 ~~(f) REPORTS.—~~

1 (1) IN GENERAL.—Not later than February 1
2 of each year, the Advisory Committee shall submit
3 to the Secretary of Transportation a report on the
4 needs of passengers with disabilities in air travel, in-
5 cluding—

6 (A) an assessment of disability-related ac-
7 cess barriers, both those that were evident in
8 the preceding year and those that will likely be
9 an issue in the next 5 years;

10 (B) an evaluation of the extent to which
11 the Department of Transportation's programs
12 and activities are eliminating disability-related
13 access barriers;

14 (C) a description of the Advisory Commit-
15 tee's actions during the prior calendar year;

16 (D) a description of activities that the Ad-
17 visory Committee proposed to undertake in the
18 succeeding calendar year; and

19 (E) any recommendations for legislation,
20 administrative action, or other action that the
21 Advisory Committee considers appropriate.

22 (2) REPORT TO CONGRESS.—Not later than 60
23 days after the date the Secretary receives the report
24 under subparagraph (A), the shall submit to Con-
25 gress a copy of the report, including any additional

1 findings or recommendations that the Secretary con-
 2 siderers appropriate.

3 ~~(g) TERMINATION.—The Advisory Committee shall~~
 4 ~~terminate 2 years after the date of enactment of this Act.~~

5 **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE**
 6 **AND CANCELLATION FEES.**

7 ~~(a) IN GENERAL.—The Comptroller General of the~~
 8 ~~United States shall conduct a study of existing airline in-~~
 9 ~~dustry change and cancellation fees and the current indus-~~
 10 ~~try practice for handling changes to or cancellation of~~
 11 ~~ticketed travel on covered air carriers.~~

12 ~~(b) CONSIDERATIONS.—In conducting the study, the~~
 13 ~~Comptroller General shall consider, at a minimum—~~

14 ~~(1) whether and how each covered air carrier~~
 15 ~~calculates its change fees and cancellation fees; and~~

16 ~~(2) the relationship between the cost of the~~
 17 ~~ticket and the date of change or cancellation as com-~~
 18 ~~pared to the date of travel.~~

19 ~~(c) REPORT.—Not later than 1 year after the date~~
 20 ~~of enactment of this Act, the Comptroller General shall~~
 21 ~~submit to the appropriate committees of Congress a report~~
 22 ~~on the study, including the Comptroller General's findings,~~
 23 ~~conclusions, and recommendations.~~

1 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
 2 **TECTION RULES.**

3 (a) IN GENERAL.—The Comptroller General of the
 4 United States shall conduct a study to consider and evalu-
 5 ate Department of Transportation enforcement of aviation
 6 consumer protection rules.

7 (b) CONTENTS.—The study under subsection (a)
 8 shall include an evaluation of—

- 9 (1) available enforcement mechanisms;
- 10 (2) any obstacles to enforcement; and
- 11 (3) trends in Department of Transportation en-
 12 forcement actions.

13 (c) REPORT.—Not later than 1 year after the date
 14 of enactment of this Act, the Comptroller General shall
 15 submit to the appropriate committees of Congress a report
 16 on the study, including the Comptroller General's findings,
 17 conclusions, and recommendations.

18 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

19 (a) IN GENERAL.—Not later than 18 months after
 20 the date of enactment of this Act, the Secretary of Trans-
 21 portation shall initiate a proceeding to study the minimum
 22 seat pitch for passenger seats on aircraft operated by air
 23 carriers (as defined in section 40102 of title 49, United
 24 States Code).

25 (b) CONSIDERATIONS.—In reviewing any minimum
 26 seat pitch under subsection (a), the Secretary shall con-

1 sider the safety of passengers, including passengers with
 2 disabilities.

3 **Subtitle B—Essential Air Service**

4 **SEC. 3201. ESSENTIAL AIR SERVICE.**

5 (a) AUTHORIZATION EXTENSION.—Section 41742 is
 6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “Out of the” and in-
 10 serting “All of the”; and

11 (ii) by striking “or otherwise” and all
 12 that follows through “year is” and insert-
 13 ing “for each of fiscal years 2016 through
 14 2017 are”;

15 (B) in paragraph (2), by striking
 16 “\$150,000,000” and all that follows though
 17 “March 31, 2016” and inserting
 18 “\$155,000,000 for each of fiscal years 2016
 19 through 2017”; and

20 (C) by striking paragraph (3);

21 (2) by striking subsection (b); and

22 (3) by redesignating subsection (c) as sub-
 23 section (b).

24 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
 25 amended by striking clause (ii) and inserting the following:

“~~(ii)~~ was determined, on or after Oc-
tober 1, 1988, and before December 1,
2012, under this subchapter by the Sec-
retary of Transportation to be eligible to
receive subsidized small community air
service under section 41736(a).”.

**SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-
MENT PROGRAM.**

(a) **EXTENSION OF AUTHORIZATION.**—Section
41743(c)(2) is amended to read as follows:

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—

There is authorized to be appropriated to the Sec-
retary \$10,000,000 for each of fiscal years 2016
through 2017 to carry out this section. Such sums
shall remain available until expended.”.

(b) **ELIGIBILITY.**—Section 41743(c)(1) is amended
to read as follows:

“(1) **SIZE.**—On the date of the most recent no-
tice of order soliciting community proposals issued
by the Secretary under this section, the airport serv-
ing the community or consortium—

“(A) was not larger than a small hub air-
port, as determined using the Department of
Transportation’s most recent published classi-
fication; and

1 “(B)(i) had insufficient air carrier service;

2 or

3 “(ii) had unreasonably high air fares.”.

4 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

5 (a) IN GENERAL.—Section 41743(c)(4) is amend-
6 ed—

7 (1) by inserting “(B) SAME PROJECTS.—” be-
8 fore the second sentence and indenting appro-
9 priately;

10 (2) by inserting “(A) IN GENERAL.—” before
11 the first sentence and indenting appropriately;

12 (3) in subparagraph (B), as designated by this
13 subsection, by striking “No community” and insert-
14 ing “Except as provided in subparagraph (C)”; and

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

16 “(C) EXCEPTION.—The Secretary may
17 waive the limitation under subparagraph (B)
18 related to projects that are the same if the Sec-
19 retary determines that the community or con-
20 sortium spent little or no money on its previous
21 project or encountered industry or environ-
22 mental challenges, due to circumstances that
23 were reasonably beyond the control of the com-
24 munity or consortium.”.

1 (b) **AUTHORITY TO MAKE AGREEMENTS.**—Section
 2 41743(e)(1) is amended by adding at the end the fol-
 3 lowing: “The Secretary may amend the scope of a grant
 4 agreement at the request of the community or consortium
 5 and any participating air carrier, and may limit the scope
 6 of a grant agreement to only the elements using grant as-
 7 sistance or to only the elements achieved, if the Secretary
 8 determines that the amendment is reasonably consistent
 9 with the original purpose of the project.”.

10 **SEC. 3204. WAIVERS.**

11 Section 41732 is amended by adding at the end the
 12 following:

13 “(c) **WAIVERS.**—Notwithstanding section 41733(e),
 14 upon request by an eligible place, the Secretary may waive,
 15 in whole or in part, subsections (a) and (b) of this section
 16 or subsections (a) through (c) of section 41734. A waiver
 17 issued under this subsection shall remain in effect for a
 18 limited period of time, as determined by the Secretary.”.

19 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**
 20 **TO SMALL COMMUNITIES.**

21 (a) **IN GENERAL.**—Not later than 120 days after the
 22 date of enactment of this Act, the Secretary of Transpor-
 23 tation and the Administrator of the Federal Aviation Ad-
 24 ministration shall establish a working group—

1 (1) to identify obstacles to attracting and main-
2 taining air transportation service to and from small
3 communities; and

4 (2) to develop recommendations for maintaining
5 and improving air transportation service to and from
6 small communities.

7 (b) OUTREACH.—In carrying out the requirements
8 under paragraphs (1) and (2) of subsection (a), the work-
9 ing group shall consult with—

10 (1) interested Governors;

11 (2) representatives of State and local agencies;
12 and other officials and groups, representing rural
13 States and other rural areas;

14 (3) other representatives of relevant State and
15 local agencies; and

16 (4) members of the public with experience in
17 aviation safety, economic development, and related
18 issues.

19 (c) CONSIDERATIONS.—In carrying out the require-
20 ments under paragraphs (1) and (2) of subsection (a), the
21 working group shall—

22 (1) consider whether funding for, and terms of,
23 current or potential new programs is sufficient to
24 help ensure continuation of or improvement to air
25 transportation service to small communities, includ-

ing the Essential Air Service Program and the Small
Community Air Service Development Program;

(2) identify initiatives to help support pilot
training to provide air transportation service to
small communities;

(3) consider whether Federal funding for air-
ports serving small communities, including airports
that have lost air transportation services or had de-
creased enplanements in recent years, is adequate to
ensure that small communities have access to qual-
ity, affordable air transportation service;

(4) consider potential improvements in pilot
training and any constraints affecting pilot career
pathways that, if addressed, would increase both
aviation safety and pilot supply;

(5) identify innovative State or local efforts that
have established public-private partnerships that are
successful in attracting and retaining air transpor-
tation service in small communities; and

(6) consider such other issues as the Secretary
and Administrator consider appropriate.

(d) COMPOSITION.—

(1) IN GENERAL.—The working group shall be
facilitated through the Administrator or the Admin-
istrator's designee.

1 ~~(2) MEMBERSHIP.—~~Members of the working
2 group shall be appointed by the Administrator and
3 shall include representatives of—

4 ~~(A)~~ State and local government, including
5 State and local aviation officials;

6 ~~(B)~~ State governors;

7 ~~(C)~~ aviation safety experts;

8 ~~(D)~~ economic development officials; and

9 ~~(E)~~ the traveling public from small com-
10 munities.

11 ~~(e) REPORT AND RECOMMENDATIONS.—~~Not later
12 than 1 year after the date of enactment of this Act, the
13 Secretary and the Administrator shall submit to the ap-
14 propriate committees of Congress a report, including—

15 ~~(1)~~ a summary of the views expressed by the
16 participants in the outreach under subsection (b);

17 ~~(2)~~ a description of the working group's find-
18 ings, including the identification of any areas of gen-
19 eral consensus among the non-Federal participants
20 in the outreach under subsection (b); and

21 ~~(3)~~ any recommendations for legislative or regu-
22 latory action that would assist in maintaining and
23 improving air transportation service to and from
24 small communities.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

SEC. 4001. DEFINITIONS.

In this title:

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

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) **ADS-B.**—The term “ADS-B” means automatic dependent surveillance-broadcast.

(4) **ADS-B OUT.**—The term “ADS-B Out” means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(5) **NEXTGEN.**—The term “NextGen” means the Next Generation Air Transportation System.

Subtitle A—Next Generation Air Transportation System

SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report

1 on the Administrator's assessment of each NextGen pro-
2 gram.

3 (b) CONTENTS.—The report under subsection (a)
4 shall include—

5 (1) an estimate of the date that each NextGen
6 program will have a positive return on investment;

7 (2) an assessment of the impacts of each such
8 program for—

9 (A) the Federal Government; and

10 (B) the users of the national airspace sys-
11 tem;

12 (3) a description of how each such program di-
13 rectly contributes to a more safe and efficient air
14 traffic control system; and

15 (4) the status of NextGen programs and of the
16 projected return on investment for each such pro-
17 gram.

18 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
19 ment under subsection (a) the Administrator shall—

20 (1) develop, in coordination with the NextGen
21 Advisory Committee and considering the need for a
22 balance between long-term and near-term user bene-
23 fits; a prioritization of each NextGen program;

24 (2) include the priority list in the report under
25 subsection (b); and

1 ~~(3)~~ prepare budget submissions to reflect the
 2 current status of NextGen programs and projected
 3 returns on investment for each program.

4 ~~(d) DEFINITIONS.—~~In this section:

5 ~~(1) KEY MILESTONES.—~~The term “key mile-
 6 stones” includes cost and deployment schedule, and
 7 benefits anticipated in the most recent baseline.

8 ~~(2) RETURN ON INVESTMENT.—~~The term “re-
 9 turn on investment” means the cost associated with
 10 technologies that are required by law or policy as
 11 compared to the benefits derived from such tech-
 12 nologies by a government or a user of airspace.

13 ~~(e) REPEAL OF NEXTGEN PRIORITIES.—~~The FAA
 14 Modernization and Reform Act of 2012 is amended by
 15 striking section 202 (Public Law 112–95; 49 U.S.C.
 16 40101 note).

17 **SEC. 4102. ENSURING FAA READINESS TO USE NEW TECH-**
 18 **NOLOGY.**

19 ~~(a) IN GENERAL.—~~Not later than December 31,
 20 2017, the Administrator shall—

21 ~~(1)~~ ensure the capability of the Administration
 22 to receive space-based ADS-B data; and

23 ~~(2)~~ use the data described under paragraph (1)
 24 to provide positive air traffic control, including sepa-

1 ration of aircraft over the oceans and other specific
2 regions not covered by radar.

3 (b) ~~REPORT.~~—Not later than 6 months after the date
4 of the enactment of this Act, and biannually thereafter
5 until the date that the Administrator certifies that the Ad-
6 ministration has the capability to receive space-based
7 ADS-B data, the Administrator shall submit to the appro-
8 priate committees of Congress a report that—

9 (1) details the actions the Administrator has
10 taken to ensure 2018 readiness and usage;

11 (2) details the actions that remain to be taken
12 to implement such capability;

13 (3) includes a schedule for expected completion
14 of each outstanding action described in paragraph
15 (2); and

16 (4) includes a detailed description of the invest-
17 ment decisions and requests for funding made by the
18 Administrator that are consistent with the terrestrial
19 ADS-B implementation to ensure a sustained pro-
20 gram beyond 2018.

21 **SEC. 4103. NEXTGEN METRICS REPORT.**

22 Section 710(e)(2) of the Vision 100—Century of
23 Aviation Reauthorization Act (Public Law 108–176; 49
24 U.S.C. 40101 note) is amended—

1 (1) in subparagraph (D), by striking “; and”
2 and inserting a semicolon;

3 (2) in subparagraph (E), by striking the period
4 at the end and inserting “; and”; and

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

6 “(F) a description of the progress made on
7 NextGen performance goals relative to the per-
8 formance metrics established under section 214
9 of the FAA Modernization and Reform Act of
10 2012 (Public Law 112–95; 49 U.S.C. 40101
11 note).”.

12 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

13 (a) **FINDINGS.**—Congress makes the following find-
14 ings:

15 (1) On September 26, 2014, an Administration
16 contract employee deliberately started a fire that de-
17 stroyed critical equipment at the Administration’s
18 Chicago Air Route Traffic Control Center (referred
19 to in this section as the “Chicago Center”) in Au-
20 rora, Illinois.

21 (2) As a result of the damage, Chicago Center
22 was unable to control air traffic for more than 2
23 weeks, thousands of flights were delayed or cancelled
24 into and out of O’Hare International Airport and
25 Midway Airport in Chicago, and aviation stake-

1 holders and airlines reportedly lost over
2 \$350,000,000.

3 ~~(3)~~ According to the Office of the Inspector
4 General of the Department of Transportation, the
5 fire at Chicago Center demonstrated that the Ad-
6 ministration's contingency plans for the Chicago
7 Center and the airspace it controls do not ensure re-
8 dundancy and resiliency for sustained operations.

9 ~~(4)~~ Further, the Inspector General found that
10 Chicago Center incident highlighted the limited flexi-
11 bility and lack of resiliency in critical elements of the
12 Administration's current air traffic control infra-
13 structure, including limited communication capacity
14 and the inability to easily transfer control of air-
15 space and flight plans.

16 ~~(b) COMPREHENSIVE CONTINGENCY PLAN.—~~Not
17 later than 180 days after the date of the enactment of
18 this Act, the Administrator shall update the Administra-
19 tion's comprehensive contingency plan to address potential
20 air traffic facility outages that could have a major impact
21 on operation of the national airspace system.

22 ~~(c) REPORT.—~~Not later than 60 days after the date
23 the plan is updated under subsection (b), the Adminis-
24 trator shall submit to the appropriate committees of Con-
25 gress a report on the update, including any recommenda-

1 tions for ensuring air traffic facility outages do not have
 2 a major impact on operation of the national airspace sys-
 3 tem.

4 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

5 (a) FINDINGS.—Congress makes the following find-
 6 ings:

7 (1) The Administration’s ADS-B program is ex-
 8 pected to be the centerpiece of the NextGen effort
 9 at the Administration, but the satellite-based system
 10 faces uncertainty and controversy.

11 (2) In May 2010, the Administration published
 12 a final rule that mandated airspace users be
 13 equipped with ADS-B Out avionics by January 1,
 14 2020.

15 (3) Subsequently, in April 2015, the Adminis-
 16 tration announced completion of the ADS-B ground-
 17 based radio infrastructure. However, the ADS-B
 18 program faces considerable uncertainty and unan-
 19 swered questions about whether or not the 2020
 20 mandate is still meaningful.

21 (4) In 2014, the Office of the Inspector General
 22 found that while ADS-B is providing benefits where
 23 radar is limited or nonexistent in places such as the
 24 Gulf of Mexico, the system is providing only limited

1 initial services to pilots and air traffic controllers in
2 domestic airspace.

3 (5) The Office of the Inspector General also
4 found, in 2014, that all elements of the system, such
5 as avionics, the ground infrastructure, and controller
6 automation systems, had not yet been tested in com-
7 bination to see if the overall system can be used in
8 congested airspace and perform as well as existing
9 radar, much less allow aircraft to fly closer together.
10 This is referred to as “end-to-end testing.”

11 (6) When this report was issued, commercial
12 and general aviation stakeholders voiced serious con-
13 cerns that equipping with new avionics for the 2020
14 mandate will be difficult due to the cost and limited
15 availability of avionics, and capacity of certified re-
16 pair stations to install avionics.

17 (b) ASSESSMENT.—Not later than 1 year after the
18 date of the enactment of this Act, the Inspector General
19 of the Department of Transportation shall assess—

20 (1) Administration and industry readiness to
21 meet the ADS-B mandate by 2020;

22 (2) changes to ADS-B program since May
23 2010; and

24 (3) additional options to comply with the man-
25 date and consequences, both for individual system

1 users and for the overall safety and efficiency of the
2 national airspace system, for noncompliance.

3 (c) **REPORT.**—Not later than 60 days after the date
4 the assessment under subsection (b) is complete, the In-
5 spector General of the Department of Transportation shall
6 submit to the appropriate committees of Congress a report
7 on the progress made toward meeting the ADS-B mandate
8 by 2020, including any recommendations of the Inspector
9 General to carry out such mandate.

10 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

11 (a) **IN GENERAL.**—To implement a more effective
12 international strategy for achieving NextGen interoper-
13 ability with foreign countries, the Administrator shall take
14 the following actions:

15 (1) Conduct a gap analysis to identify potential
16 risks to NextGen interoperability with other Air
17 Navigation Service Providers and establish a sched-
18 ule for periodically reevaluating such risks.

19 (2) Develop a plan that identifies and docu-
20 ments actions the Administrator will undertake to
21 mitigate such risks, using information from the gap
22 analysis as a basis for making management deci-
23 sions about how to allocate resources for such ac-
24 tions.

1 (b) **REPORT.**—Not later than 1 year after the date
2 of the enactment of this Act, the Administrator shall sub-
3 mit to the appropriate committees of Congress a report
4 on the analysis conducted under paragraph (1) of sub-
5 section (a) and on the actions the Administrator has taken
6 under paragraph (2) of such subsection.

7 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

8 (a) **IN GENERAL.**—The Administrator shall—

9 (1) identify and analyze technical and oper-
10 ational maturity gaps in NextGen transition and im-
11 plementation plans; and

12 (2) develop a plan to mitigate the gaps identi-
13 fied in paragraph (1).

14 (b) **REPORT.**—Not later than 1 year after the date
15 of the enactment of this Act, the Administrator shall sub-
16 mit to the appropriate committees of Congress a report
17 on the actions taken to carry out the plan required by
18 subsection (a)(2).

19 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
20 **IMPROVEMENTS.**

21 (a) **IN GENERAL.**—To help ensure that NextGen
22 operational improvements are fully implemented in the
23 midterm, the Administrator shall—

24 (1) work with airlines and other users of the
25 national airspace system (referred to in this section

1 as “NAS”) to develop and implement a system to
2 systematically track the use of existing performance
3 based navigation (referred to in this section as
4 “PBN”) procedures;

5 (2) require consideration of other key oper-
6 ational improvements in planning for NextGen im-
7 provements, including identifying additional
8 metroplexes for PBN projects, non-metroplex PBN
9 procedures, as well as the identification of unused
10 flight routes for decommissioning;

11 (3) develop and implement guidelines for ensur-
12 ing timely inclusion of appropriate stakeholders, in-
13 cluding airport representatives, in the planning and
14 implementation of NextGen improvement efforts;
15 and

16 (4) assure that NextGen planning documents
17 provide stakeholders information on how and when
18 operational improvements are expected to achieve
19 NextGen goals and targets.

20 (b) REPORT.—Not later than 1 year after the date
21 of the enactment of this Act, the Administrator shall sub-
22 mit to the appropriate committees of Congress a report
23 on the progress made toward implementing the require-
24 ments of subsection (a), and on the schedule and process
25 that will be used to implement PBN at additional airports;

1 including information on how the Administration will part-
2 ner and coordinate with private industry to ensure expedi-
3 tious implementation of performance based navigation.

4 **SEC. 4109. CYBERSECURITY.**

5 (a) IN GENERAL.—The Administrator shall—

6 (1) identify and implement ways to better incor-
7 porate cybersecurity measures as a systems char-
8 acteristic at all levels and phases of the architecture
9 and design of air traffic control programs, including
10 NextGen programs;

11 (2) develop a threat model that will identify
12 vulnerabilities to better focus resources to mitigate
13 cybersecurity risks;

14 (3) develop an appropriate plan to mitigate cy-
15 bersecurity risk, to respond to an attack, intrusion,
16 or otherwise unauthorized access and to adapt to
17 evolving cybersecurity threats; and

18 (4) foster a cybersecurity culture throughout
19 the Administration, including air traffic control pro-
20 grams and relevant contractors.

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Administrator shall sub-
23 mit to the appropriate committees of Congress a report
24 on the progress made toward implementing the require-
25 ments under subsection (a).

1 **SEC. 4110. DEFINING NEXTGEN.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Comptroller General of the United States
4 shall—

5 (1) assess how the line items included in the
6 Administration's NextGen budget request relate to
7 the goals and expected outcomes of NextGen, includ-
8 ing how NextGen programs directly contribute to a
9 measurably safer and more efficient air traffic con-
10 trol system; and

11 (2) submit to the appropriate committees of
12 Congress a report on the results of the assessment
13 under paragraph (1), including any recommenda-
14 tions for the removal of line items that do not per-
15 tain to the overall vision for NextGen.

16 **SEC. 4111. HUMAN FACTORS.**

17 (a) IN GENERAL.—In order to avoid having to subse-
18 quently modify products and services developed as a part
19 of NextGen, the Administrator shall—

20 (1) recognize and incorporate, in early design
21 phases of all relevant NextGen programs, the human
22 factors and procedural and airspace implications of
23 stated goals and associated technical changes; and

24 (2) ensure that a human factors specialist, sep-
25 arate from the research and certification groups, is
26 directly involved with the NextGen approval process.

1 (b) **REPORT.**—Not later than 1 year after the date
2 of the enactment of this Act, the Administrator shall sub-
3 mit to the appropriate committees of Congress a report
4 on the progress made toward implementing the require-
5 ments under subsection (a).

6 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

7 (a) **IN GENERAL.**—The Administrator shall evaluate
8 the current acquisition practices of the Administration to
9 ensure that such practices—

10 (1) identify the current estimated costs for each
11 acquisition system, including all segments;

12 (2) separately identify cumulative amounts for
13 acquisition costs, technical refresh, and other en-
14 hancements in order to identify the total baselined
15 and re-baselined costs for each system; and

16 (3) account for the way funds are being used
17 when reporting to managers, Congress, and other
18 stakeholders.

19 (b) **REPORT.**—Not later than 1 year after the date
20 of the enactment of this Act, the Administrator shall sub-
21 mit to the appropriate committees of Congress a report
22 on the progress made toward implementing the require-
23 ments under subsection (a).

1 **SEC. 4113. EQUIPAGE MANDATES.**

2 ~~(a) IN GENERAL.—~~Before NextGen-related equipage
3 mandates are imposed on users of the national airspace
4 system, the Administrator, in collaboration with all rel-
5 evant stakeholders, shall—

6 ~~(1)~~ provide a statement of estimated cost and
7 benefits that is based upon mature and stable tech-
8 nical specifications; and

9 ~~(2)~~ create a schedule for Administration
10 deliverables and investments by both users and the
11 Administration, including for procedure and airspace
12 design, infrastructure deployment, and training.

13 **SEC. 4114. WORKFORCE.**

14 ~~(a) IN GENERAL.—~~Not later than 1 year after the
15 date of the enactment of this Act, the Administrator
16 shall—

17 ~~(1)~~ identify and assess barriers to attracting,
18 developing, training, and retaining a talented work-
19 force in the areas of systems engineering, architee-
20 ture, systems integration, digital communications,
21 and cybersecurity;

22 ~~(2)~~ develop a comprehensive plan to attract, de-
23 velop, train, and retain talented individuals; and

24 ~~(3)~~ identify the resources needed to attract, de-
25 velop, and retain this talent.

1 (b) **REPORT.**—The Administrator shall submit to the
 2 appropriate committees of Congress a report on the
 3 progress made toward implementing the requirements
 4 under subsection (a).

5 **SEC. 4115. ARCHITECTURAL LEADERSHIP.**

6 (a) **IN GENERAL.**—In order to provide an adequate
 7 technical foundation for steering NextGen’s technical gov-
 8 ernance and managing inevitable changes in technology
 9 and operations, the Administrator shall—

10 (1) develop a plan that—

11 (A) uses an architecture leadership com-
 12 munity and an effective governance approach to
 13 assure a proper balance between documents and
 14 artifacts and to provide high-level guidance;

15 (B) enables effective management and
 16 communication of dependencies;

17 (C) provides flexibility and the ability to
 18 evolve to ensure accommodation of future
 19 needs; and

20 (D) communicates changing circumstances
 21 in order to align agency and airspace user ex-
 22 pectations;

23 (2) determine the feasibility of conducting a
 24 small number of experiments among the Administra-
 25 tion’s system integration partners to prototype can-

1 didate solutions for establishing and managing a vi-
2 brant architectural community; and

3 ~~(3)~~ develop a method to initiate, grow, and en-
4 gage a capable architecture community, from both
5 within and outside of the Administration, who will
6 expand the breadth and depth of expertise that is
7 steering architectural changes.

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Administrator shall sub-
10 mit to the appropriate committees of Congress a report
11 on the progress made toward implementing the require-
12 ments under subsection (a).

13 **SEC. 4116. PROGRAMMATIC RISK MANAGEMENT.**

14 (a) IN GENERAL.—To better inform the Administra-
15 tion’s decisions regarding the prioritization of efforts and
16 allocation of resources for NextGen, the Administrator
17 shall—

18 ~~(1)~~ solicit input from specialists in probability
19 and statistics to identify and prioritize the pro-
20 grammatic and implementation risks to NextGen;
21 and

22 ~~(2)~~ develop a method to manage and mitigate
23 the risks identified in paragraph ~~(1)~~.

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, the Administrator shall sub-

1 mit to the appropriate committees of Congress a report
 2 on the progress made toward implementing the require-
 3 ments under subsection (a).

4 **Subtitle B—Administration** 5 **Organization and Employees**

6 **SEC. 4121. COST-SAVING INITIATIVES.**

7 (a) **IN GENERAL.**—To ensure that Administration
 8 initiatives are being implemented in a timely and fiscally
 9 responsible manner, the Administrator shall—

10 (1) identify and implement agencywide cost-sav-
 11 ing initiatives; and

12 (2) develop appropriate schedules and metrics
 13 to measure whether the initiatives are successful in
 14 reducing costs.

15 (b) **REPORT.**—Not later than 1 year after the date
 16 of the enactment of this Act, the Administrator shall sub-
 17 mit to the appropriate committees of Congress a report
 18 on the progress made toward implementing the require-
 19 ments under subsection (a).

20 **SEC. 4122. TREATMENT OF ESSENTIAL EMPLOYEES DURING** 21 **FURLOUGHS.**

22 (a) **DEFINITION OF ESSENTIAL EMPLOYEE.**—In this
 23 section, the term “essential employee” means an employee
 24 of the Administration who performs work involving the

1 safety of human life or the protection of property, as de-
2 termined by the Administrator.

3 (b) ~~IN GENERAL.~~—In implementing spending reduc-
4 tions under Federal law, the Administrator may furlough
5 1 or more employees of the Administration, except an es-
6 sential employee, if the Administrator determines the fur-
7 lough is necessary to achieve the required spending reduc-
8 tions.

9 (c) ~~TRANSFER OF BUDGETARY RESOURCES.~~—The
10 Administrator may transfer budgetary resources within
11 the Administration to carry out subsection (b), except that
12 the transfer may only be made to maintain essential em-
13 ployees.

14 **SEC. 4123. CONTROLLER CANDIDATE INTERVIEWS.**

15 (a) ~~IN GENERAL.~~—Not later than 60 days after the
16 date of the enactment of this Act, the Administrator shall
17 require that an in-person interview be conducted with each
18 individual applying for an air traffic control specialist po-
19 sition before that individual may be hired to fill that posi-
20 tion.

21 (b) ~~GUIDANCE.~~—Not later than 30 days after the
22 date of the enactment of this Act, the Administrator shall
23 establish guidelines regarding the in-person interview
24 process described in subsection (a).

1 **SEC. 4124. HIRING OF AIR TRAFFIC CONTROLLERS.**

2 Section 44506 is amended by adding at the end the
3 following:

4 “(f) **HIRING OF CERTAIN AIR TRAFFIC CONTROL**
5 **SPECIALISTS.**—Notwithstanding section 3307 of title 5,
6 United States Code, the maximum limit of age for an
7 original appointment to a position as an air traffic con-
8 troller shall be 35 years of age for those with a minimum
9 of 52 weeks experience after receipt of an air traffic cer-
10 tification or air traffic control facility rating in a civilian
11 or military air traffic control facility.”.

12 **TITLE V—MISCELLANEOUS**

13 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
14 **VESTIGATIVE OFFICERS.**

15 Section 1113 is amended by striking subsection (h).

16 **SEC. 5002. PERFORMANCE-BASED NAVIGATION.**

17 Section 213(e) of the FAA Modernization and Re-
18 form Act of 2012 (Public Law 112–95; 49 U.S.C. 40101
19 note) is amended by adding at the end the following:

20 “(3) **NOTIFICATIONS AND CONSULTATIONS.**—

21 Not later than 90 days before applying a categorical
22 exclusion under this subsection to a new procedure
23 at an OEP airport, the Administrator shall—

24 “(A) notify and consult with the operator
25 of the airport at which the procedure would be
26 implemented; and

1 “(B) consider consultations or other en-
 2 gagement with the community in the which the
 3 airport is located to inform the public of the
 4 procedure.

5 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
 6 CLUSIONS.—

7 “(A) IN GENERAL.—The Administrator
 8 shall review any decision of the Administrator
 9 made on or after February 14, 2012, and be-
 10 fore the date of the enactment of this para-
 11 graph to grant a categorical exclusion under
 12 this subsection with respect to a procedure to
 13 be implemented at an OEP airport that was a
 14 material change from procedures previously in
 15 effect at the airport to determine if the imple-
 16 mentation of the procedure had a significant ef-
 17 fect on the human environment in the commu-
 18 nity in which the airport is located if the oper-
 19 ator of that airport—

20 “(i) requests such a review; and

21 “(ii) demonstrates that there is good
 22 cause to believe that the implementation of
 23 the procedure had such an effect.

24 “(B) CONTENT OF REVIEW.—If, in con-
 25 ducting a review under subparagraph (A) with

1 respect to a procedure implemented at an OEP
 2 airport, the Administrator, in consultation with
 3 the operator of the airport, determines that im-
 4 plementing the procedure had a significant ef-
 5 fect on the human environment in the commu-
 6 nity in which the airport is located, the Admin-
 7 istrator shall—

8 “(i) consult with the operator of the
 9 airport to identify measures to mitigate the
 10 effect of the procedure on the human envi-
 11 ronment; and

12 “(ii) in conducting such consultations,
 13 consider the use of alternative flight paths
 14 that do not substantially degrade the effi-
 15 ciencies achieved by the implementation of
 16 the procedure being reviewed.

17 “(C) HUMAN ENVIRONMENT DEFINED.—

18 In this paragraph, the term ‘human environ-
 19 ment’ has the meaning given such term in sec-
 20 tion 1508.14 of title 40, Code of Federal Regu-
 21 lations (as in effect on the day before the date
 22 of the enactment of this paragraph).”

23 **SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.**

24 Section 40128 is amended—

1 (1) in subsection (a)(3), by striking “the” be-
2 fore “title 14”; and

3 (2) by amending subsection (f) to read as fol-
4 lows:

5 “~~(f)~~ TRANSPORTATION ROUTES.—

6 “~~(1)~~ IN GENERAL.—This section shall not apply
7 to any air tour operator while flying over or near
8 any Federal land managed by the Director of the
9 National Park Service, including Lake Mead Na-
10 tional Recreation Area, solely as a transportation
11 route, to conduct an air tour over the Grand Canyon
12 National Park.

13 “~~(2)~~ EN ROUTE.—For purposes of this sub-
14 section, an air tour operator flying over the Hoover
15 Dam in the Lake Mead National Recreation Area en
16 route to the Grand Canyon National Park shall be
17 deemed to be flying solely as a transportation
18 route.”.

19 **SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMER-**
20 **CIAL SPACE LAUNCH SITE RUNWAYS.**

21 (a) IN GENERAL.—Section 44718(b)(1) is amend-
22 ed—

23 (1) by striking “air navigation facilities and
24 equipment” and inserting “air or space navigation
25 facilities and equipment”;

1 (2) in subparagraph (D), by striking “; and”
2 and inserting a semicolon;

3 (3) in subparagraph (E), by striking the period
4 at the end and inserting “; and”; and

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

6 “(F) the impact on launch and reentry for
7 launch and reentry vehicles arriving or depart-
8 ing from a launch site or reentry site licensed
9 by the Secretary.”.

10 (b) RULEMAKING.—Not later than 18 months after
11 the date of enactment of this Act, the Administrator of
12 the Federal Aviation Administration shall initiate a rule-
13 making to implement the amendments made by subsection
14 (a).

15 **SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOP-**
16 **MENT.**

17 Not later than 1 year after the date of enactment
18 of this Act, the Comptroller General of the United States
19 shall submit to the appropriate committees of Congress
20 a report on the existing system of spaceports licensed by
21 the Federal Aviation Administration that includes rec-
22 ommendations regarding—

23 (1) the extent to which, and the manner in
24 which, the Federal Government could participate in

1 the construction, improvement, development, or
 2 maintenance of such spaceports; and

3 ~~(2) potential funding sources.~~

4 **SEC. 5006. AVIATION FUEL.**

5 ~~(a) USE OF UNLEADED AVIATION GASOLINE.—~~The
 6 Administrator of the Federal Aviation Administration
 7 shall allow the use of an unleaded aviation gasoline in an
 8 aircraft as a replacement for a leaded gasoline if the Ad-
 9 ministrator—

10 ~~(1) determines that the unleaded aviation gaso-~~
 11 ~~line qualifies as a replacement for an approved lead-~~
 12 ~~ed gasoline;~~

13 ~~(2) identifies the aircraft and engines that are~~
 14 ~~eligible to use the qualified replacement unleaded~~
 15 ~~gasoline; and~~

16 ~~(3) adopts a process (other than the traditional~~
 17 ~~means of certification) to allow eligible aircraft and~~
 18 ~~engines to operate using qualified replacement un-~~
 19 ~~leaded gasoline in a manner that ensures safety.~~

20 ~~(b) TIMING.—~~The Administrator shall adopt the
 21 process described in subsection ~~(a)(3)~~ not later than 180
 22 days after the later of—

23 ~~(1) the date on which the Administration com-~~
 24 ~~pletes the Piston Aviation Fuels Initiative; or~~

1 (2) the date on which the American Society for
 2 Testing and Materials publishes a production speci-
 3 fication for an unleaded aviation gasoline.

4 **SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS**
 5 **PLAN.**

6 (a) **IN GENERAL.**—No later than 1 year after the
 7 date of enactment of this Act, the Secretary of Transpor-
 8 tation and the Secretary of Health and Human Services,
 9 in coordination with the Secretary of Homeland Security,
 10 the Secretary of Labor, the Secretary of State, the Sec-
 11 retary of Defense, and representatives of other Federal de-
 12 partments and agencies, as necessary, shall develop a com-
 13 prehensive national aviation communicable disease pre-
 14 paredness plan.

15 (b) **MINIMUM COMPONENTS.**—The plan developed
 16 under subsection (a) shall—

17 (1) be developed in consultation with other rel-
 18 evant stakeholders, including State, local, tribal, and
 19 territorial governments, air carriers, first respond-
 20 ers, and the general public;

21 (2) provide for the development of a commu-
 22 nications system or protocols for providing com-
 23 prehensive, appropriate, and up to date information
 24 regarding communicable disease threats and pre-
 25 paredness between all relevant stakeholders;

1 (3) document the roles and responsibilities of
2 relevant Federal department and agencies, including
3 coordination requirements;

4 (4) provide guidance to air carriers, airports,
5 and other appropriate aviation stakeholders on how
6 to develop comprehensive communicable disease pre-
7 paredness plans for their respective organizations, in
8 accordance with the plan to be developed under sub-
9 section (a);

10 (5) be scalable and adaptable so that the plan
11 can be used to address the full range of commu-
12 nicable disease threats and incidents;

13 (6) provide information on communicable
14 threats and response training resources for all rel-
15 evant stakeholders, including Federal, State, local,
16 tribal, and territorial government employees, airport
17 officials, aviation industry employees and contrac-
18 tors, first responders, and health officials;

19 (7) develop protocols for the dissemination of
20 comprehensive, up to date, and appropriate informa-
21 tion to the traveling public concerning communicable
22 disease threats and preparedness;

23 (8) be updated periodically to incorporate les-
24 sons learned with supplemental information; and

1 (9) be provided in writing, electronically, and
2 accessible via the Internet.

3 (c) INTERAGENCY FRAMEWORK.—The plan devel-
4 oped under subsection (a) shall—

5 (1) be conducted under the existing interagency
6 framework for national level all hazards emergency
7 preparedness planning or another appropriate frame-
8 work; and

9 (2) be consistent with the obligations of the
10 United States under international agreements.

11 **SEC. 5008. ADVANCED MATERIALS CENTER OF EXCEL-**
12 **LENCE.**

13 (a) IN GENERAL.—Chapter 445 is amended by add-
14 ing at the end the following:

15 **“§ 44518. Advanced Materials Center of Excellence**

16 “(a) IN GENERAL.—The Administrator of the Fed-
17 eral Aviation Administration shall develop an Advanced
18 Materials Center of Excellence (referred to in this section
19 as the ‘Center’), which shall focus on applied research and
20 training on the durability and maintainability of advanced
21 materials in transport airframe structures.

22 “(b) RESPONSIBILITIES.—The Center shall—

23 “(1) promote and facilitate collaboration among
24 academia, the Transportation Division of the Fed-
25 eral Aviation Administration, and the commercial

1 aircraft industry, including manufacturers, commer-
 2 cial air carriers, and suppliers; and

3 ~~“(2) establish goals set to advance technology;~~
 4 ~~improve engineering practices; and facilitate con-~~
 5 ~~tinuing education in relevant areas of study.~~

6 ~~“(e) AUTHORIZATION OF APPROPRIATIONS.—There~~
 7 ~~is authorized to be appropriated to the Administrator~~
 8 ~~\$500,000 for each of the fiscal years 2016 to 2017 to~~
 9 ~~carry out this section.”.~~

10 ~~(b) TABLE OF CONTENTS.—The table of contents for~~
 11 ~~chapter 445 is amended by adding at the end the fol-~~
 12 ~~lowing:~~

~~“44518. Advanced Materials Center of Excellence.”.~~

13 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

14 ~~(a) IN GENERAL.—Not later than 1 year after the~~
 15 ~~date of enactment of this Act, the Comptroller General~~
 16 ~~of the United States shall—~~

17 ~~(1) complete a study of crimes of violence (as~~
 18 ~~defined in section 16 of title 18, United States~~
 19 ~~Code) committed against airline customer service~~
 20 ~~representatives while they are performing their du-~~
 21 ~~ties and on airport property; and~~

22 ~~(2) submit the findings of the study, including~~
 23 ~~any recommendations, to Congress.~~

24 ~~(b) GAP ANALYSIS.—The study shall include a gap~~
 25 ~~analysis to determine if State and local laws and resources~~

1 are adequate to deter or otherwise address the crimes of
 2 violence described in subsection (a) and recommendations
 3 on how to address any identified gaps.

4 **SEC. 5010. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
 6 AT CONGESTED AIRPORTS.—Section 40104(e) is amended
 7 by striking “47176” and inserting “47175”.

8 (b) CONSULTATION ON CARRIER RESPONSE NOT
 9 COVERED BY PLAN.—Section 41313(c)(16) is amended by
 10 striking “the foreign air carrier will consult” and inserting
 11 “will consult”.

12 (c) WEIGHING MAH.—Section 41907 is amended by
 13 striking “and –administrative” and inserting “and admin-
 14 istrative”.

15 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
 16 44728 is amended—

17 (1) in subsection (e), by striking “chapter” and
 18 inserting “title”; and

19 (2) in subsection (d)(3), by striking “is” and
 20 inserting “be”.

21 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
 22 amended by striking “United States government” and in-
 23 serting “United States Government”.

1 (f) ~~CLASSIFIED EVIDENCE.~~—Section 46111(g)(2)(A)
 2 is amended by striking “(18 U.S.C. App.)” and inserting
 3 “(18 U.S.C. App.)”.

4 (g) ~~ALLOWABLE COST STANDARDS.~~—Section
 5 47110(b)(2) is amended—

6 (1) in subparagraph (B), by striking
 7 “compatability” and inserting “compatibility”; and

8 (2) in subparagraph (D)(i), by striking “eli-
 9 matic” and inserting “elimatic”.

10 (h) ~~DEFINITION OF QUALIFIED HUBZONE SMALL~~
 11 ~~BUSINESS CONCERN.~~—Section 47113(a)(3) is amended
 12 by striking “(15 U.S.C. 632(o))” and inserting “(15
 13 U.S.C. 632(p))”.

14 (i) ~~DISCRETIONARY FUND.~~—Section 47115 is
 15 amended—

16 (1) by striking subsection (i); and

17 (2) by redesignating subsection (j) as sub-
 18 section (i).

19 (j) ~~SPECIAL APPORTIONMENT CATEGORIES.~~—Section
 20 47117(e)(1)(B) is amended by striking “at least” and in-
 21 serting “At least”.

22 (k) ~~SOLICITATION AND CONSIDERATION OF COM-~~
 23 ~~MENTS.~~—Section 47171(l) is amended by striking “4371”
 24 and inserting “4321”.

1 ~~(H) OPERATIONS AND MAINTENANCE.—~~Section
 2 48104 is amended by striking “(a) AUTHORIZATION OF
 3 APPROPRIATIONS.—the” and inserting “The”.

4 ~~(m) EXPENDITURES FROM AIRPORT AND AIRWAY~~
 5 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
 6 enue Code of 1986 is amended by striking “farms” and
 7 inserting “farms)”.

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

9 (a) *SHORT TITLE.*—*This Act may be cited as the*
 10 *“Federal Aviation Administration Reauthorization Act of*
 11 *2016”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 49, United States Code.

Sec. 3. Definition of appropriate committees of Congress.

Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 1001. Airport planning and development and noise compatibility planning and programs.

Sec. 1002. Air navigation facilities and equipment.

Sec. 1003. FAA operations.

Sec. 1004. FAA research and development.

Sec. 1005. Funding for aviation programs.

Sec. 1006. Extension of expiring authorities.

Subtitle B—Airport Improvement Program Modifications

Sec. 1201. Small airport regulation relief.

Sec. 1202. Priority review of construction projects in cold weather States.

Sec. 1203. State block grants updates.

Sec. 1204. Contract Tower Program updates.

Sec. 1205. Approval of certain applications for contract tower program.

Sec. 1206. Remote towers.

Sec. 1207. Midway Island airport.

Sec. 1208. Airport road funding.

Sec. 1209. Repeal of inherently low-emission airport vehicle pilot program.

- Sec. 1210. Modification of zero-emission airport vehicles and infrastructure pilot program.*
- Sec. 1211. Repeal of airport ground support equipment emissions retrofit pilot program.*
- Sec. 1212. Funding eligibility for airport energy efficiency assessments.*
- Sec. 1213. Recycling plans; safety projects at unclassified airports.*
- Sec. 1214. Transfers of instrument landing systems.*
- Sec. 1215. Non-movement area surveillance pilot program.*
- Sec. 1216. Amendments to definitions.*
- Sec. 1217. Clarification of noise exposure map updates.*
- Sec. 1218. Provision of facilities.*
- Sec. 1219. Contract weather observers.*
- Sec. 1220. Federal share adjustment.*
- Sec. 1221. Miscellaneous technical amendments.*
- Sec. 1222. Mothers' rooms at airports.*
- Sec. 1223. Eligibility for airport development grants at airports that enter into certain leases with components of the Armed Forces.*
- Sec. 1224. Clarification of definition of aviation-related activity for hangar use purposes of airport improvement grants.*
- Sec. 1225. Use of airport improvement program funds for runway safety repairs.*

Subtitle C—Passenger Facility Charges

- Sec. 1301. PFC streamlining.*
- Sec. 1302. Intermodal access projects.*
- Sec. 1303. Use of revenue at a previously associated airport.*
- Sec. 1304. Future aviation infrastructure and financing study.*

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.*

PART I—PRIVACY AND TRANSPARENCY

- Sec. 2101. Unmanned aircraft systems privacy policy.*
- Sec. 2102. Sense of Congress.*
- Sec. 2103. Federal Trade Commission authority.*
- Sec. 2104. National Telecommunications and Information Administration multi-stakeholder process.*
- Sec. 2105. Identification standards.*
- Sec. 2106. Commercial and governmental operators.*
- Sec. 2107. Analysis of current remedies under Federal, State, and local jurisdictions.*

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.*
- Sec. 2122. Utilization of unmanned aircraft system test sites.*
- Sec. 2123. Additional research, development, and testing.*
- Sec. 2124. Safety standards.*
- Sec. 2125. Unmanned aircraft systems in the Arctic.*
- Sec. 2126. Special authority for certain unmanned aircraft systems.*
- Sec. 2127. Additional rulemaking authority.*
- Sec. 2128. Governmental unmanned aircraft systems.*
- Sec. 2129. Special rules for model aircraft.*

- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.*
- Sec. 2131. Safety statements.*
- Sec. 2132. Treatment of unmanned aircraft operating underground.*
- Sec. 2133. Enforcement.*
- Sec. 2134. Aviation emergency safety public services disruption.*
- Sec. 2135. Pilot project for airport safety and airspace hazard mitigation.*
- Sec. 2136. Contribution to financing of regulatory functions.*
- Sec. 2137. Sense of Congress regarding small UAS rulemaking.*
- Sec. 2138. Unmanned aircraft systems traffic management.*
- Sec. 2139. Emergency exemption process.*
- Sec. 2140. Public uas operations by tribal governments.*
- Sec. 2141. Carriage of property by small unmanned aircraft systems for compensation or hire.*
- Sec. 2142. Collegiate Training Initiative program for unmanned aircraft systems.*

PART III—TRANSITION AND SAVINGS PROVISIONS

- Sec. 2151. Senior advisor for unmanned aircraft systems integration.*
- Sec. 2152. Effect on other laws.*
- Sec. 2153. Spectrum.*
- Sec. 2154. Applications for designation.*
- Sec. 2155. Use of unmanned aircraft systems at institutions of higher education.*
- Sec. 2156. Transition language.*

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.*
- Sec. 2212. Safety oversight and certification advisory committee.*

PART II—AIRCRAFT CERTIFICATION REFORM

- Sec. 2221. Aircraft certification performance objectives and metrics.*
- Sec. 2222. Organization designation authorizations.*
- Sec. 2223. ODA review.*
- Sec. 2224. Type certification resolution process.*
- Sec. 2225. Safety enhancing technologies for small general aviation airplanes.*
- Sec. 2226. Streamlining certification of small general aviation airplanes.*

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.*
- Sec. 2232. FAA task force on flight standards reform.*
- Sec. 2233. Centralized safety guidance database.*
- Sec. 2234. Regulatory Consistency Communications Board.*
- Sec. 2235. Flight standards service realignment feasibility report.*
- Sec. 2236. Additional certification resources.*

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.*
- Sec. 2242. Workforce study.*

PART V—INTERNATIONAL AVIATION

- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.*

- Sec. 2252. Bilateral exchanges of safety oversight responsibilities.*
- Sec. 2253. FAA leadership abroad.*
- Sec. 2254. Registration, certification, and related fees.*

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Pilot records database deadline.*
- Sec. 2302. Access to air carrier flight decks.*
- Sec. 2303. Aircraft tracking and flight data.*
- Sec. 2304. Automation reliance improvements.*
- Sec. 2305. Enhanced mental health screening for pilots.*
- Sec. 2306. Flight attendant duty period limitations and rest requirements.*
- Sec. 2307. Training to combat human trafficking for certain air carrier employees.*
- Sec. 2308. Report on obsolete test equipment.*
- Sec. 2309. Plan for systems to provide direct warnings of potential runway incursions.*
- Sec. 2310. Laser pointer incidents.*
- Sec. 2311. Helicopter air ambulance operations data and reports.*
- Sec. 2312. Part 135 accident and incident data.*
- Sec. 2313. Definition of human factors.*
- Sec. 2314. Sense of Congress; pilot in command authority.*
- Sec. 2315. Enhancing ASIAS.*
- Sec. 2316. Improving runway safety.*
- Sec. 2317. Safe air transportation of lithium cells and batteries.*
- Sec. 2318. Prohibition on implementation of policy change to permit small, non-locking knives on aircraft.*
- Sec. 2319. Aircraft cabin evacuation procedures.*

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.*
- Sec. 2402. Tower marking.*
- Sec. 2403. Crash-resistant fuel systems.*
- Sec. 2404. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.*

Subtitle E—General Provisions

- Sec. 2501. Designated agency safety and health officer.*
- Sec. 2502. Repair stations located outside United States.*
- Sec. 2503. FAA technical training.*
- Sec. 2504. Safety critical staffing.*
- Sec. 2505. Approach control radar in all air traffic control towers.*

Subtitle F—Third Class Medical Reform and General Aviation Pilot Protections

- Sec. 2601. Short title.*
- Sec. 2602. Medical certification of certain small aircraft pilots.*
- Sec. 2603. Expansion of pilot's bill of rights.*
- Sec. 2604. Limitations on reexamination of certificate holders.*
- Sec. 2605. Expediting updates to notam program.*
- Sec. 2606. Accessibility of certain flight data.*
- Sec. 2607. Authority for legal counsel to issue certain notices.*

TITLE III—AIR SERVICE IMPROVEMENTS

Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

Sec. 3101. Causes of airline delays or cancellations.

Sec. 3102. Involuntary changes to itineraries.

Sec. 3103. Additional consumer protections.

Sec. 3104. Addressing the needs of families of passengers involved in aircraft accidents.

Sec. 3105. Emergency medical kits.

Sec. 3106. Travelers with disabilities.

Sec. 3107. Extension of Advisory Committee for Aviation Consumer Protection.

Sec. 3108. Extension of competitive access reports.

Sec. 3109. Refunds for delayed baggage.

Sec. 3110. Refunds for other fees that are not honored by a covered air carrier.

Sec. 3111. Disclosure of fees to consumers.

Sec. 3112. Seat assignments.

Sec. 3113. Child seating.

Sec. 3114. Consumer complaint process improvement.

Sec. 3115. Online access to aviation consumer protection information.

Sec. 3116. Study on in cabin wheelchair restraint systems.

Sec. 3117. Training policies regarding assistance for persons with disabilities.

Sec. 3118. Advisory committee on the air travel needs of passengers with disabilities.

Sec. 3119. Report on covered air carrier change, cancellation, and baggage fees.

Sec. 3120. Enforcement of aviation consumer protection rules.

Sec. 3121. Dimensions for passenger seats.

Sec. 3122. Cell phone voice communication ban.

Sec. 3123. Availability of slots for new entrant air carriers at Newark Liberty International Airport.

Subtitle B—Essential Air Service

Sec. 3201. Essential air service.

Sec. 3202. Small community air service development program.

Sec. 3203. Small community program amendments.

Sec. 3204. Waivers.

Sec. 3205. Working group on improving air service to small communities.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

Sec. 4001. Definitions.

Subtitle A—Next Generation Air Transportation System

Sec. 4101. Return on investment assessment.

Sec. 4102. Ensuring FAA readiness to use new technology.

Sec. 4103. NextGen annual performance goals.

Sec. 4104. Facility outage contingency plans.

Sec. 4105. ADS-B mandate assessment.

Sec. 4106. Nextgen interoperability.

Sec. 4107. NextGen transition management.

Sec. 4108. Implementation of NextGen operational improvements.

Sec. 4109. Cybersecurity.

Sec. 4110. Defining NextGen.

- Sec. 4111. Human factors.*
- Sec. 4112. Major acquisition reports.*
- Sec. 4113. Equipage mandates.*
- Sec. 4114. Workforce.*
- Sec. 4115. Architectural leadership.*
- Sec. 4116. Programmatic risk management.*
- Sec. 4117. NextGen prioritization.*

Subtitle B—Administration Organization and Employees

- Sec. 4121. Cost-saving initiatives.*
- Sec. 4122. Treatment of essential employees during furloughs.*
- Sec. 4123. Controller candidate interviews.*
- Sec. 4124. Hiring of air traffic controllers.*
- Sec. 4125. Computation of basic annuity for certain air traffic controllers.*
- Sec. 4126. Air traffic services at aviation events.*
- Sec. 4127. Full annuity supplement for certain air traffic controllers.*
- Sec. 4128. Inclusion of disabled veteran leave in Federal Aviation Administration personnel management system.*

TITLE V—MISCELLANEOUS

- Sec. 5001. National Transportation Safety Board investigative officers.*
- Sec. 5002. Performance-Based Navigation.*
- Sec. 5003. Overflights of national parks.*
- Sec. 5004. Navigable airspace analysis for commercial space launch site runways.*
- Sec. 5005. Survey and report on spaceport development.*
- Sec. 5006. Aviation fuel.*
- Sec. 5007. Comprehensive Aviation Preparedness Plan.*
- Sec. 5008. Advanced Materials Center of Excellence.*
- Sec. 5009. Interference with airline employees.*
- Sec. 5010. Secondary cockpit barriers.*
- Sec. 5011. GAO evaluation and audit.*
- Sec. 5012. Federal Aviation Administration performance measures and targets.*
- Sec. 5013. Staffing of certain air traffic control towers.*
- Sec. 5014. Critical airfield markings.*
- Sec. 5015. Research and deployment of certain airfield pavement technologies.*
- Sec. 5016. Report on general aviation flight sharing.*
- Sec. 5017. Increase in duration of general aviation aircraft registration.*
- Sec. 5018. Modification of limitation of liability relating to aircraft.*
- Sec. 5019. Government Accountability Office study of illegal drugs seized at international airports in the United States.*
- Sec. 5020. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.*
- Sec. 5021. Work plan for the New York/New Jersey/Philadelphia metroplex program.*
- Sec. 5022. Report on plans for air traffic control facilities in the New York City and Newark region.*
- Sec. 5023. GAO study of international airline alliances.*
- Sec. 5024. Treatment of multi-year lessees of large and turbine-powered multiengine aircraft.*
- Sec. 5025. Evaluation of emerging technologies.*
- Sec. 5026. Student outreach report.*
- Sec. 5027. Right to privacy when using air traffic control system.*
- Sec. 5028. Conduct of security screening by the Transportation Security Administration at certain airports.*

Sec. 5029. Aviation cybersecurity.

Sec. 5030. Technical and conforming amendments.

1 **SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, wherever in*
3 *this Act an amendment or repeal is expressed in terms of*
4 *an amendment to, or repeal of, a section or other provision,*
5 *the reference shall be considered to be made to a section or*
6 *other provision of title 49, United States Code.*

7 **SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF**
8 **CONGRESS.**

9 *In this Act, the term “appropriate committees of Con-*
10 *gress” means the Committee on Commerce, Science, and*
11 *Transportation of the Senate and the Committee on Trans-*
12 *portation and Infrastructure of the House of Representa-*
13 *tives.*

14 **SEC. 4. EFFECTIVE DATE.**

15 *Except as otherwise expressly provided, this Act and*
16 *the amendments made by this Act shall take effect on the*
17 *date of enactment of this Act.*

TITLE I—AUTHORIZATIONS
Subtitle A—Funding of FAA
Programs

SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND
NOISE COMPATIBILITY PLANNING AND PRO-
GRAMS.

(a) AUTHORIZATION.—Section 48103(a) is amended by striking “section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) \$3,350,000,000 for each of fiscal years 2012 through 2015 and \$2,652,083,333 for the period beginning on October 1, 2015, and ending on July 15, 2016” and inserting “section 47505(a)(2), carrying out noise compatibility programs under section 47504(c), for an airport cooperative research program under section 44511, for Airports Technology-Safety research, and Airports Technology-Efficiency research, \$3,350,000,000 for fiscal year 2016 and \$3,750,000,000 for fiscal year 2017”.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking “July 15, 2016” and inserting “September 30, 2017”.

SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

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

1 “(2) \$2,862,020,524 for fiscal year 2017.”.

2 **SEC. 1003. FAA OPERATIONS.**

3 (a) *IN GENERAL.*—Section 106(k)(1) is amended by
4 striking subparagraphs (A) through (E) and inserting the
5 following:

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

7 and

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

9 (b) *AUTHORIZED EXPENDITURES.*—Section 106(k)(2)
10 is amended by striking “for fiscal years 2012 through 2015”
11 each place it appears and inserting “for fiscal years 2016
12 through 2017”.

13 (c) *AUTHORITY TO TRANSFER FUNDS.*—Section
14 106(k)(3) is amended by striking “2012 through 2015 and
15 for the period beginning on October 1, 2015, and ending
16 on July 15, 2016” and inserting “2016 through 2017”.

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

18 Section 48102 is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph

21 (1)—

22 (i) by striking “44511-44513” and in-
23 sserting “44512-44513”; and

1 (ii) by striking “and, for each of fiscal
2 years 2012 through 2015, under subsection
3 (g)”;

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

6 (C) by striking paragraph (9) and inserting
7 the following:

8 “(9) \$166,000,000 for fiscal year 2016; and

9 “(10) \$169,000,000 for fiscal year 2017.”; and

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

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

12 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
13 ANTEE.—Section 48114(a)(1)(A) is amended to read as fol-
14 lows:

15 “(A) IN GENERAL.—The total budget re-
16 sources made available from the Airport and
17 Airway Trust Fund each fiscal year under sec-
18 tions 48101, 48102, 48103, and 106(k)—

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

21 “(I) 90 percent of the estimated
22 level of receipts plus interest credited to
23 the Airport and Airway Trust Fund
24 for that fiscal year; and

1 “(II) the actual level of receipts
 2 plus interest credited to the Airport
 3 and Airway Trust Fund for the second
 4 preceding fiscal year minus the total
 5 amount made available for obligation
 6 from the Airport and Airway Trust
 7 Fund for the second preceding fiscal
 8 year; and

9 “(ii) may be used only for the aviation
 10 investment programs listed in subsection
 11 (b)(1).”.

12 (b) *ENFORCEMENT OF GUARANTEES.*—Section
 13 48114(c)(2) is amended by striking “2016” and inserting
 14 “2017”.

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

16 (a) *MARSHALL ISLANDS, MICRONESIA, AND PALAU.*—
 17 Section 47115(j) is amended by striking “2015 and for the
 18 period beginning on October 1, 2015, and ending on July
 19 15, 2016,” and inserting “2017”.

20 (b) *EXTENSION OF COMPATIBLE LAND USE PLANNING*
 21 *AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.*—
 22 Section 47141(f) is amended by striking “July 15, 2016”
 23 and inserting “September 30, 2017”.

1 (c) *INSPECTOR GENERAL REPORT ON PARTICIPATION*
 2 *IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS*
 3 *CONCERNS.*—

4 (1) *IN GENERAL.*—*For each of fiscal years 2016*
 5 *through 2017, the Inspector General of the Depart-*
 6 *ment of Transportation shall submit to Congress a re-*
 7 *port on the number of new small business concerns*
 8 *owned and controlled by socially and economically*
 9 *disadvantaged individuals, including those owned by*
 10 *veterans, that participated in the programs and ac-*
 11 *tivities funded using the amounts made available*
 12 *under this Act.*

13 (2) *NEW SMALL BUSINESS CONCERNS.*—*For pur-*
 14 *poses of paragraph (1), a new small business concern*
 15 *is a small business concern that did not participate*
 16 *in the programs and activities described in para-*
 17 *graph (1) in a previous fiscal year.*

18 (3) *CONTENTS.*—*The report shall include—*

19 (A) *a list of the top 25 and bottom 25 large*
 20 *and medium hub airports in terms of providing*
 21 *opportunities for small business concerns owned*
 22 *and controlled by socially and economically dis-*
 23 *advantaged individuals to participate in the*
 24 *programs and activities funded using the*
 25 *amounts made available under this Act;*

1 (B) the results of an assessment, to be con-
 2 ducted by the Inspector General, on the reasons
 3 why the top airports have been successful in pro-
 4 viding such opportunities; and

5 (C) recommendations to the Administrator
 6 of the Federal Aviation Administration and
 7 Congress on methods for other airports to achieve
 8 results similar to those of the top airports.

9 (d) *EXTENSION OF PILOT PROGRAM FOR REDEVELOP-*
 10 *MENT OF AIRPORT PROPERTIES.*—Section 822(k) of the
 11 *FAA Modernization and Reform Act of 2012 (49 U.S.C.*
 12 *47141 note)* is amended by striking “July 15, 2016” and
 13 inserting “September 30, 2017”.

14 ***Subtitle B—Airport Improvement***
 15 ***Program Modifications***

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

17 Section 47114(c)(1) is amended by adding at the end
 18 the following:

19 “(G) *SPECIAL RULE FOR FISCAL YEARS 2016*
 20 *THROUGH 2017.*—Notwithstanding subparagraph
 21 (A), the Secretary shall apportion to a sponsor
 22 of an airport under that subparagraph for each
 23 of fiscal years 2016 through 2017 an amount
 24 based on the number of passenger boardings at

1 the airport during calendar year 2012 if the air-
2 port—

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

5 “(ii) had fewer than 10,000 passenger
6 boardings during the calendar year used to
7 calculate the apportionment for fiscal year
8 2016 or 2017 under subparagraph (A); and

9 “(iii) had scheduled air service in the
10 calendar year used to calculate the appor-
11 tionment.”.

12 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
13 **IN COLD WEATHER STATES.**

14 (a) *IN GENERAL.*—The Administrator of the Federal
15 Aviation Administration, to the extent practicable, shall
16 schedule the Administrator’s review of construction projects
17 so that projects to be carried out in the States in which
18 the weather during a typical calendar year prevents major
19 construction projects from being carried out before May 1
20 are reviewed as early as possible.

21 (b) *REPORT.*—The Administrator shall update the ap-
22 propriate committees of Congress annually on the effective-
23 ness of the review and prioritization.

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

2 Section 47128(a) is amended by striking “9 qualified
3 States for fiscal years 2000 and 2001 and 10 qualified
4 States for each fiscal year thereafter” and inserting “15
5 qualified States for fiscal year 2016 and each fiscal year
6 thereafter”.

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

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

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

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

19 (c) *CAP ON FEDERAL SHARE OF COST OF CONSTRUC-*
20 *TION.*—Section 47124(b)(4)(C) is amended by striking
21 “\$2,000,000” and inserting “\$4,000,000”.

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

24 “(d) *COST BENEFIT RATIOS.*—

25 “(1) *CONTRACT AIR TRAFFIC CONTROL TOWER*
26 *PROGRAM AT COST-SHARE AIRPORTS.*—Beginning on

1 *the date of enactment of the Federal Aviation Admin-*
 2 *istration Reauthorization Act of 2016, if an air traf-*
 3 *fic control tower is operating under the Cost-share*
 4 *Program, the Secretary shall annually calculate a*
 5 *new benefit-to-cost ratio for the tower.*

6 “(2) *CONTRACT TOWER PROGRAM AT NON-COST-*
 7 *SHARE AIRPORTS.—Beginning on the date of enact-*
 8 *ment of the Federal Aviation Administration Reau-*
 9 *thorization Act of 2016, if a tower is operating under*
 10 *the Contract Tower Program and continued under*
 11 *subsection (b)(1), the Secretary shall not calculate a*
 12 *new benefit-to-cost ratio for the tower unless the an-*
 13 *nual aircraft traffic at the airport where the tower is*
 14 *located decreases by more than 25 percent from the*
 15 *previous year or by more than 60 percent over a 3-*
 16 *year period.*

17 “(3) *CONSIDERATIONS.—In establishing a ben-*
 18 *efit-to-cost ratio under paragraph (1) or paragraph*
 19 *(2), the Secretary may consider only the following*
 20 *costs:*

21 “(A) *The Federal Aviation Administration’s*
 22 *actual cost of wages and benefits of personnel*
 23 *working at the tower.*

24 “(B) *The Federal Aviation Administration’s*
 25 *actual telecommunications costs of the tower.*

1 “(C) *Relocation and replacement costs of*
2 *equipment of the Federal Aviation Administra-*
3 *tion associated with the tower, if paid for by the*
4 *Federal Aviation Administration.*

5 “(D) *Logistics, such as direct costs associ-*
6 *ated with establishing or updating the tower’s*
7 *interface with other systems and equipment of*
8 *the Federal Aviation Administration, if paid for*
9 *by the Federal Aviation Administration.*

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

13 “(A) *Airway facilities costs, including labor*
14 *and other costs associated with maintaining and*
15 *repairing the systems and equipment of the Fed-*
16 *eral Aviation Administration.*

17 “(B) *Costs for depreciating the building and*
18 *equipment owned by the Federal Aviation Ad-*
19 *ministration.*

20 “(C) *Indirect overhead costs of the Federal*
21 *Aviation Administration.*

22 “(D) *Costs for utilities, janitorial, and other*
23 *services paid for or provided by the airport or*
24 *the State or political subdivision of a State hav-*

1 *ing jurisdiction over the airport where the tower*
 2 *is located.*

3 “(E) *The cost of new or replacement equip-*
 4 *ment, or construction of a new or replacement*
 5 *tower, if the costs incurred were incurred by the*
 6 *airport or the State or political subdivision of a*
 7 *State having jurisdiction over the airport where*
 8 *the tower is or will be located.*

9 “(F) *Other expenses of the Federal Aviation*
 10 *Administration not directly associated with the*
 11 *actual operation of the tower.*

12 “(5) *MARGIN OF ERROR.—The Secretary shall*
 13 *add a 5 percent margin of error to a benefit-to-cost*
 14 *ratio determination to acknowledge and account for*
 15 *any direct or indirect factors that are not included in*
 16 *the criteria the Secretary used in calculating the ben-*
 17 *efit-to-cost ratio.*

18 “(6) *PROCEDURES.—The Secretary shall estab-*
 19 *lish procedures—*

20 “(A) *to allow an airport or the State or po-*
 21 *litical subdivision of a State having jurisdiction*
 22 *over the airport where the tower is located not*
 23 *less than 90 days following the receipt of an ini-*
 24 *tial benefit-to-cost ratio determination from the*
 25 *Secretary—*

1 “(i) to request the Secretary reconsider
2 that determination; and

3 “(ii) to submit updated or additional
4 data to the Secretary in support of the re-
5 consideration;

6 “(B) to allow the Secretary not more than
7 90 days to review the data submitted under sub-
8 paragraph (A)(ii) and respond to the request
9 under subparagraph (A)(i);

10 “(C) to allow the airport, State, or political
11 subdivision of a State, as applicable, 30 days fol-
12 lowing the date of the response under subpara-
13 graph (B) to review the response before any ac-
14 tion is taken based on a benefit-to-cost deter-
15 mination; and

16 “(D) to provide, after the end of the period
17 described in subparagraph (C), an 18-month
18 grace period before cost-share payments are due
19 from the airport, State, or political subdivision
20 of a State if as a result of the benefit-to-cost
21 ratio determination the airport, State, or polit-
22 ical subdivision, as applicable, is required to
23 transition to the Cost-share Program.

24 “(e) DEFINITIONS.—In this section:

1 “(1) *CONTRACT TOWER PROGRAM*.—The term
2 ‘Contract Tower Program’ means the level I air traf-
3 fic control tower contract program established under
4 subsection (a) and continued under subsection (b)(1).

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

8 (e) *CONFORMING AMENDMENTS*.—Section 47124(b) is
9 amended—

10 (1) in paragraph (1)(C), by striking “the pro-
11 gram established under paragraph (3)” and inserting
12 “the Cost-share Program”;

13 (2) in paragraph (3)—

14 (A) in the heading, by striking “*CONTRACT*
15 *AIR TRAFFIC CONTROL TOWER PROGRAM*” and
16 inserting “*COST-SHARE PROGRAM*”;

17 (B) in subparagraph (A), by striking “con-
18 tract tower program established under subsection
19 (a) and continued under paragraph (1) (in this
20 paragraph referred to as the ‘Contract Tower
21 Program’)” and inserting “Contract Tower Pro-
22 gram”;

23 (C) in subparagraph (B), by striking “In
24 carrying out the program” and inserting “In
25 carrying out the Cost-share Program”;

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

4 (E) in subparagraph (D), by striking
 5 “under the program” and inserting “under the
 6 Cost-share Program”; and

7 (F) in subparagraph (F), by striking “the
 8 program continued under paragraph (1)” and
 9 inserting “the Contract Tower Program”; and

10 (3) in paragraph (4)(B)(i)(I), by striking “con-
 11 tract tower program established under subsection (a)
 12 and continued under paragraph (1) or the pilot pro-
 13 gram established under paragraph (3)” and inserting
 14 “Contract Tower Program or the Cost-share Pro-
 15 gram”.

16 (f) *EXEMPTION.*—Section 47124(b)(3)(D) is amended
 17 by adding at the end the following: “Airports with both
 18 Part 121 air service and more than 25,000 passenger
 19 enplanements in calendar year 2014 shall be exempt from
 20 any cost share requirement under the Cost-share Program.”.

21 (g) *SAVINGS PROVISION.*—Notwithstanding the
 22 amendments made by this section, the towers for which as-
 23 sistance is being provided under section 41724 of title 49,
 24 United States Code, on the day before the date of enactment

1 *of this Act may continue to be provided such assistance*
 2 *under the terms of that section as in effect on that day.*

3 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR CON-**
 4 **TRACT TOWER PROGRAM.**

5 *(a) IN GENERAL.—If the Administrator of the Federal*
 6 *Aviation Administration has not implemented a revised*
 7 *cost-benefit methodology for purposes of determining eligi-*
 8 *bility for the Contract Tower Program before the date that*
 9 *is 30 days after the date of enactment of this Act, any air*
 10 *traffic control tower with an application for participation*
 11 *in the Contract Tower Program pending as of January 1,*
 12 *2016, shall be approved for participation in the Contract*
 13 *Tower Program if the Administrator determines the tower*
 14 *is eligible under the criteria set forth in the Federal Avia-*
 15 *tion Administration report, Establishment and Discontin-*
 16 *uance Criteria for Airport Traffic Control Towers, dated Au-*
 17 *gust 1990 (FAA–APO–90–7).*

18 *(b) REQUESTS FOR ADDITIONAL AUTHORITY.—The*
 19 *Administrator shall respond not later than 30 days after*
 20 *the date the Administrator receives a formal request from*
 21 *an airport and air traffic control contractor for additional*
 22 *authority to expand contract tower operational hours and*
 23 *staff to accommodate flight traffic outside of current tower*
 24 *operational hours.*

1 (c) *DEFINITION OF CONTRACT TOWER PROGRAM.*—In
2 this section, the term “Contract Tower Program” has the
3 meaning given the term in section 47124(e) of title 49,
4 United States Code.

5 **SEC. 1206. REMOTE TOWERS.**

6 (a) *PILOT PROGRAM.*—

7 (1) *ESTABLISHMENT.*—The Administrator of the
8 Federal Aviation Administration shall establish—

9 (A) in consultation with airport operators
10 and general aviation users, a pilot program at
11 public-use airports to construct and operate re-
12 mote towers; and

13 (B) a selection process for participation in
14 the pilot program.

15 (2) *SAFETY CONSIDERATIONS.*—In establishing
16 the pilot program, the Administrator shall consult
17 with operators of remote towers in foreign countries
18 to design the pilot program in a manner that
19 leverages as many safety and airspace efficiency bene-
20 fits as possible.

21 (3) *REQUIREMENTS.*—In selecting the airports
22 for participation in the pilot program, the Adminis-
23 trator shall—

1 (A) to the extent practicable, ensure that at
2 least 2 different vendors of remote tower systems
3 participate;

4 (B) include at least 1 airport currently in
5 the Contract Tower Program and at least 1 air-
6 port that does not have an air traffic control
7 tower; and

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

10 (4) *RESEARCH.*—In selecting an airport for par-
11 ticipation in the pilot program, the Administrator
12 shall consider—

13 (A) how inclusion of that airport will add
14 research value to assist the Administrator in
15 evaluating the feasibility, safety, and benefits of
16 using remote towers;

17 (B) the amount and variety of air traffic at
18 an airport; and

19 (C) the costs and benefits of including that
20 airport.

21 (5) *DATA.*—The Administrator shall clearly
22 identify and collect air traffic control information
23 and data from participating airports that will assist
24 the Administrator in evaluating the feasibility, safety,
25 and cost-benefits of remote towers.

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

5 (A) detailing any benefits, costs, or safety
 6 improvements associated with the use of the re-
 7 mote towers; and

8 (B) evaluating the feasibility of using re-
 9 mote towers, particularly in the Contract Tower
 10 Program and for airports without any air traffic
 11 control tower, or to improve safety at airports
 12 with towers.

13 (7) *DEADLINE.*—Not later than 1 year after the
 14 date of enactment of this Act, the Administrator shall
 15 select airports for participation in the pilot program.

16 (8) *DEFINITIONS.*—In this subsection:

17 (A) *CONTRACT TOWER PROGRAM.*—The
 18 term “Contract Tower Program” has the mean-
 19 ing given the term in section 47124(e) of title 49,
 20 United States Code.

21 (B) *REMOTE TOWER.*—The term “remote
 22 tower” means a system whereby air traffic serv-
 23 ices are provided to operators at an airport from
 24 a location that may not be on or near the air-
 25 port.

1 (b) *AIP FUNDING ELIGIBILITY.*—For purposes of the
 2 pilot program under subsection (a), and after certificated
 3 systems are available, constructing a remote tower or ac-
 4 quiring and installing air traffic control, communications,
 5 or related equipment for a remote tower shall be considered
 6 airport development (as defined in section 47102 of title
 7 49, United States Code) for purposes of subchapter I of
 8 chapter 471 of that title if components are installed and
 9 used at the airport, except for off-airport sensors installed
 10 on leased towers, as needed.

11 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

12 Section 186(d) of the Vision 100—Century of Aviation
 13 Reauthorization Act (Public Law 108–176; 117 Stat. 2518)
 14 is amended by striking “and for the period beginning on
 15 October 1, 2015, and ending on July 15, 2016,” and insert-
 16 ing “and for fiscal years 2016 through 2017”.

17 **SEC. 1208. AIRPORT ROAD FUNDING.**

18 (a) *AIRPORT DEVELOPMENT GRANT ASSURANCES.*—
 19 Section 47107(b) is amended by adding at the end the fol-
 20 lowing:

21 “(4) This subsection does not prevent the use of
 22 airport revenue for the maintenance and improve-
 23 ment of the on-airport portion of a surface transpor-
 24 tation facility providing access to an airport and
 25 non-airport locations if the surface transportation fa-

1 *cility is owned or operated by the airport owner or*
 2 *operator and the use of airport revenue is prorated to*
 3 *airport use and limited to portions of the facility lo-*
 4 *cated on the airport. The Secretary shall determine*
 5 *the maximum percentage contribution of airport rev-*
 6 *enue toward surface transportation facility mainte-*
 7 *nance or improvement, taking into consideration the*
 8 *current and projected use of the surface transpor-*
 9 *tation facility located on the airport for airport and*
 10 *non-airport purposes. The de minimus use, as deter-*
 11 *mined by the Secretary, of a surface transportation*
 12 *facility for non-airport purposes shall not require*
 13 *prorating.”.*

14 *(b) RESTRICTIONS ON THE USE OF AIRPORT REV-*
 15 *ENUE.—Section 47133(c) is amended—*

16 *(1) by inserting “(1)” before “Nothing” and in-*
 17 *denting appropriately; and*

18 *(2) by adding at the end the following:*

19 *“(2) Nothing in this section may be construed to*
 20 *prevent the use of airport revenue for the prorated*
 21 *maintenance and improvement costs of the on-airport*
 22 *portion of the surface transportation facility, subject*
 23 *to the provisions of section 47107(b)(4).”.*

1 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
 2 **PORT VEHICLE PILOT PROGRAM.**

3 (a) *REPEAL.*—Section 47136 is repealed.

4 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 5 *The table of contents for chapter 471 is amended by striking*
 6 *the item relating to section 47136 and inserting the fol-*
 7 *lowing:*

“47136. [Reserved].”.

8 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
 9 **HICLES AND INFRASTRUCTURE PILOT PRO-**
 10 **GRAM.**

11 *Section 47136a is amended—*

12 (1) *in subsection (a), by striking “, including”*
 13 *and inserting “used exclusively for transporting pas-*
 14 *sengers on-airport or for employee shuttle buses with-*
 15 *in the airport, including”; and*

16 (2) *in subsection (f), by inserting “, as in effect*
 17 *on the day before the date of enactment of the Federal*
 18 *Aviation Administration Reauthorization Act of*
 19 *2016,” after “section 47136”.*

20 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
 21 **MENT EMISSIONS RETROFIT PILOT PRO-**
 22 **GRAM.**

23 (a) *REPEAL.*—Section 47140 is repealed.

24 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 25 *The table of contents for chapter 471 is amended by striking*

1 *the item relating to section 47140 and inserting the fol-*
 2 *lowing:*

“47140. [Reserved].”.

3 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EF-**
 4 **FICIENCY ASSESSMENTS.**

5 (a) *COST REIMBURSEMENTS.*—Section 47140a(a) is
 6 amended by striking “airport.” and inserting “airport, and
 7 to reimburse the airport sponsor for the costs incurred in
 8 conducting the assessment.”.

9 (b) *SAFETY PRIORITY.*—Section 47140a(b)(2) is
 10 amended by inserting “, including a certification that no
 11 safety projects would be deferred by prioritizing a grant
 12 under this section,” after “an application”.

13 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
 14 **CLASSIFIED AIRPORTS.**

15 Section 47106(a) is amended—

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

18 (2) in paragraph (6)—

19 (A) in the matter preceding subparagraph
 20 (A), by striking “for an airport that has an air-
 21 port master plan, the master plan addresses”
 22 and inserting “a master plan project, it will ad-
 23 dress”; and

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

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

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

5 “(A) for maintenance of the pavement of the
6 primary runway;

7 “(B) for obstruction removal for the pri-
8 mary runway;

9 “(C) for the rehabilitation of the primary
10 runway; or

11 “(D) a project that the Secretary considers
12 necessary for the safe operation of the airport.”.

13 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYSTEMS.**

14 Section 44502(e) is amended by striking the first sen-
15 tence and inserting “An airport may transfer, without con-
16 sideration, to the Administrator of the Federal Aviation Ad-
17 ministration an instrument landing system consisting of a
18 glide slope and localizer that conforms to performance speci-
19 fications of the Administrator if an airport improvement
20 project grant was used to assist in purchasing the system,
21 and if the Federal Aviation Administration has determined
22 that a satellite navigation system cannot provide a suitable
23 approach.”.

1 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
2 **PROGRAM.**

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

5 **“§ 47143. Non-movement area surveillance surface dis-**
6 **play systems pilot program**

7 “(a) *IN GENERAL.*—The Administrator of the Federal
8 Aviation Administration may carry out a pilot program
9 to support non-Federal acquisition and installation of
10 qualifying non-movement area surveillance surface display
11 systems and sensors if—

12 “(1) the Administrator determines that acquisi-
13 tion and installation of qualifying non-movement
14 area surveillance surface display systems and sensors
15 improve safety or capacity in the National Airspace
16 System; and

17 “(2) the non-movement area surveillance surface
18 display systems and sensors are supplemental to ex-
19 isting movement area systems and sensors at the se-
20 lected airports established under other programs ad-
21 ministered by the Administrator.

22 “(b) *PROJECT GRANTS.*—

23 “(1) *IN GENERAL.*—For purposes of carrying out
24 the pilot program, the Administrator may make a
25 project grant out of funds apportioned under para-
26 graph (1) or paragraph (2) of section 47114(c) to not

1 *more than 5 eligible sponsors to acquire and install*
2 *qualifying non-movement area surveillance surface*
3 *display systems and sensors. The Administrator may*
4 *distribute not more than \$2,000,000 per sponsor from*
5 *the discretionary fund. The airports selected to par-*
6 *ticipate in the pilot program shall have existing Fed-*
7 *eral Aviation Administration movement area systems*
8 *and airlines that are participants in Federal Avia-*
9 *tion Administration's Airport Collaborative Decision*
10 *Making process.*

11 “(2) *PROCEDURES.*—*In accordance with the au-*
12 *thority under section 106, the Administrator may es-*
13 *tablish procurement procedures applicable to grants*
14 *issued under this subsection. The procedures may per-*
15 *mit the sponsor to carry out the project with vendors*
16 *that have been accepted in the procurement procedure*
17 *or using Federal Aviation Administration contracts.*
18 *The procedures may provide for the direct reimburse-*
19 *ment (including administrative costs) of the Adminis-*
20 *trator by the sponsor using grant funds under this*
21 *subsection, for the ordering of system-related equip-*
22 *ment and its installation, or for the direct ordering*
23 *of system-related equipment and its installation by*
24 *the sponsor, using such grant funds, from the sup-*
25 *pliers with which the Administrator has contracted.*

1 “(3) *DATA EXCHANGE PROCESSES.*—*The Admin-*
 2 *istrator may establish data exchange processes to*
 3 *allow airport participation in the Federal Aviation*
 4 *Administration’s Airport Collaborative Decision Mak-*
 5 *ing process and fusion of the non-movement surveil-*
 6 *lance data with the Administration’s movement area*
 7 *systems.*

8 “(c) *DEFINITIONS.*—*In this section:*

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

12 “(2) *NON-MOVEMENT AREA SURVEILLANCE SUR-*
 13 *FACE DISPLAY SYSTEM AND SENSORS.*—*The term*
 14 *‘non-movement area surveillance surface display sys-*
 15 *tem and sensors’ is a non-Federal surveillance system*
 16 *that uses on-airport sensors that track vehicles or air-*
 17 *craft that are equipped with transponders in the non-*
 18 *movement area.*

19 “(3) *QUALIFYING NON-MOVEMENT AREA SUR-*
 20 *VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-*
 21 *SORS.*—*The term ‘qualifying non-movement area sur-*
 22 *veillance surface display system and sensors’ is a*
 23 *non-movement area surveillance surface display sys-*
 24 *tem that—*

1 “(A) provides the required transmit and re-
 2 ceive data formats consistent with the National
 3 Airspace System architecture at the appropriate
 4 service delivery point;

5 “(B) is on-airport; and

6 “(C) is airport operated.”.

7 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 8 The table of contents of chapter 471 is amended by inserting
 9 after the item relating to section 47142 the following:

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

10 **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

11 Section 47102 is amended—

12 (1) by redesignating paragraphs (10) through
 13 (28) as paragraphs (12) through (30), respectively;

14 (2) by redesignating paragraphs (7) through (9)
 15 as paragraphs (8) through (10), respectively;

16 (3) in paragraph (3)—

17 (A) in subparagraph (B)—

18 (i) by redesignating clauses (iii)
 19 through (x) as clauses (iv) through (xi), re-
 20 spectively; and

21 (ii) by striking clause (ii) and insert-
 22 ing the following:

23 “(II) security equipment owned
 24 and operated by the airport, including
 25 explosive detection devices, universal

1 *access control systems, perimeter fencing,*
 2 *ing, and emergency call boxes, which*
 3 *the Secretary may require by regula-*
 4 *tion for, or approve as contributing*
 5 *significantly to, the security of individ-*
 6 *uals and property at the airport;*

7 *“(III) safety apparatus owned*
 8 *and operated by the airport, which the*
 9 *Secretary may require by regulation*
 10 *for, or approve as contributing signifi-*
 11 *cantly to, the safety of individuals and*
 12 *property at the airport, and integrated*
 13 *in-pavement lighting systems for run-*
 14 *ways and taxiways and other runway*
 15 *and taxiway incursion prevention de-*
 16 *vices;”;*

17 *(B) in subparagraph (K), by striking “such*
 18 *project will result in an airport receiving appro-*
 19 *priate” and inserting “the airport would be able*
 20 *to receive”; and*

21 *(C) in subparagraph (L)—*

22 *(i) by striking “or conversion of vehi-*
 23 *cles and” and inserting “of vehicles used ex-*
 24 *clusively for transporting passengers on-air-*

1 port, employee shuttle buses within the air-
2 port, or”;

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

5 (iii) by striking “7505a) and if such
6 project will result in an airport receiving
7 appropriate” and inserting “7505a)) and if
8 the airport would be able to receive”;

9 (4) in paragraph (5), by striking “regulations”
10 and inserting “requirements”;

11 (5) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) ‘categorized airport’ means a nonprimary
14 airport that has an identified role in the National
15 Plan of Integrated Airport Systems.”;

16 (6) in paragraph (9), as redesignated, by strik-
17 ing “public” and inserting “public-use”;

18 (7) by inserting after paragraph (10), as redesi-
19 gnated, the following:

20 “(11) ‘joint use airport’ means an airport owned
21 by the Department of Defense, at which both military
22 and civilian aircraft make shared use of the air-
23 field.”;

24 (8) in paragraph (24), as redesignated, by
25 amending subparagraph (B)(i) to read as follows:

1 “(i) determined by the Secretary to
2 have at least—

3 “(I) 100 based aircraft that are
4 currently registered with the Federal
5 Aviation Administration under chap-
6 ter 445 of this title; and

7 “(II) 1 based jet aircraft that is
8 currently registered with the Federal
9 Aviation Administration where, for the
10 purposes of this clause, ‘based’ means
11 the aircraft or jet aircraft overnights at
12 the airport for the greater part of the
13 year; or”; and

14 (9) by adding at the end the following:

15 “(31) ‘unclassified airport’ means a nonprimary
16 airport that is included in the National Plan of Inte-
17 grated Airport Systems that is not categorized by the
18 Administrator of the Federal Aviation Administra-
19 tion in the most current report entitled *General Avia-
20 tion Airports: A National Asset*.”.

21 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**

22 **DATES.**

23 *Section 47503(b) is amended—*

24 (1) by striking “a change in the operation of the
25 airport would establish” and inserting “there is a

1 *change in the operation of the airport that would es-*
 2 *tablish”; and*

3 *(2) by inserting after “reduction” the following:*

4 *“if the change has occurred during the longer of—*

5 *“(1) the noise exposure map period forecast by*
 6 *the airport operator under subsection (a); or*

7 *“(2) the implementation timeframe of the opera-*
 8 *tor’s noise compatibility program”.*

9 **SEC. 1218. PROVISION OF FACILITIES.**

10 *Section 44502 is amended by adding at the end the*
 11 *following:*

12 *“(f) AIRPORT SPACE.—*

13 *“(1) RESTRICTION.—The Administrator may not*
 14 *require an airport owner or sponsor (as defined in*
 15 *section 47102) to provide to the Federal Aviation Ad-*
 16 *ministration without cost any of the following:*

17 *“(A) Building construction, maintenance,*
 18 *utilities, or expenses for services relating to air*
 19 *traffic control, air navigation, or weather report-*
 20 *ing.*

21 *“(B) Space in a facility owned by the air-*
 22 *port owner or sponsor for services relating to air*
 23 *traffic control, air navigation, or weather report-*
 24 *ing.*

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

3 “(A) *any agreement the Secretary may have*
 4 *or make with an airport owner or sponsor for*
 5 *the airport owner or sponsor to provide any of*
 6 *the items described in subparagraph (A) or sub-*
 7 *paragraph (B) of paragraph (1) at below-market*
 8 *rates; or*

9 “(B) *any grant assurance that requires an*
 10 *airport owner or sponsor to provide land to the*
 11 *Administration without cost for an air traffic*
 12 *control facility.”.*

13 **SEC. 1219. CONTRACT WEATHER OBSERVERS.**

14 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 15 *of enactment of this Act, the Administrator of the Federal*
 16 *Aviation Administration shall submit to the appropriate*
 17 *committees of Congress a report—*

18 (1) *which includes public and stakeholder input,*
 19 *and examines all safety risks, hazard effects, efficiency*
 20 *and operational effects on airports, airlines, and*
 21 *other stakeholders that could result from loss of con-*
 22 *tract weather observer service at the 57 airports tar-*
 23 *geted for the loss of this service;*

24 (2) *detailing how the Federal Aviation Adminis-*
 25 *tration will accurately report rapidly changing severe*

1 *weather conditions at these airports, including thun-*
2 *derstorms, lightning, fog, visibility, smoke, dust, haze,*
3 *cloud layers and ceilings, ice pellets, and freezing*
4 *rain or drizzle without contract weather observers;*
5 *and*

6 (3) *indicating how airports can comply with ap-*
7 *plicable Federal Aviation Administration orders gov-*
8 *erning weather observations given the current docu-*
9 *mented limitations of automated surface observing*
10 *systems.*

11 (b) *MORATORIUM.—The Administrator may not final-*
12 *ize any determination regarding the continued use of the*
13 *contract weather observer service at any airport until after*
14 *the date the report is submitted under subsection (a).*

15 (c) *REPORT ON GOLDEN TRIANGLE INITIATIVE OF*
16 *NOAA.—*

17 (1) *REPORT REQUIRED.—Not later than 1 year*
18 *after the date of enactment of this Act, the Adminis-*
19 *trator of the National Oceanic and Atmospheric Ad-*
20 *ministration and the Administrator of the Federal*
21 *Aviation Administration shall jointly submit to the*
22 *appropriate committees of Congress a report on the*
23 *Golden Triangle Initiative of the National Oceanic*
24 *and Atmospheric Administration.*

1 (2) *ELEMENTS.*—*The report shall include the fol-*
 2 *lowing:*

3 (A) *An assessment of the impacts of en-*
 4 *hanced aviation forecast services provided as*
 5 *part of the Golden Triangle Initiative on weath-*
 6 *er-related air traffic delays.*

7 (B) *A description of the costs of providing*
 8 *such enhanced aviation forecast services.*

9 (C) *A description of potential alternative*
 10 *mechanisms to provide enhanced aviation fore-*
 11 *cast services comparable to such enhanced avia-*
 12 *tion forecast services for airports in rural or low*
 13 *population density areas.*

14 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

15 *Section 47109(a)(5) is amended to read as follows:*

16 “(5) 95 percent for a project at an airport for
 17 *which the United States Government’s share would*
 18 *otherwise be capped at 90 percent under paragraph*
 19 *(2) or paragraph (3) if the Administrator determines*
 20 *that the project is a successive phase of a multi-*
 21 *phased construction project for which the sponsor re-*
 22 *ceived a grant in fiscal year 2011 or earlier.”.*

23 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

24 (a) *AIRPORT SECURITY PROGRAM.*—*Section 47137 is*
 25 *amended—*

1 (1) in subsection (a), by striking “Transportation” and inserting “Homeland Security”;

2 (2) in subsection (e), by striking “Homeland Security” and inserting “Transportation”; and

3 (3) in subsection (g), by inserting “of Transportation” after “Secretary” the first place it appears.

4 (b) *SECTION 516 PROPERTY CONVEYANCE RE-*
5 *LEASES.*—Section 817(a) of the *FAA Modernization and*
6 *Reform Act of 2012* (49 U.S.C. 47125 note) is amended—

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

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

12 **SEC. 1222. MOTHERS’ ROOMS AT AIRPORTS.**

13 (a) *LACTATION AREA DEFINED.*—Section 47102, as
14 amended by section 1216 of this Act, is further amended—

15 (1) by redesignating paragraphs (12) through
16 (31) as paragraphs (13) through (32), respectively;
17 and

18 (2) by inserting after paragraph (11) the fol-
19 lowing:

20 “(12) ‘lactation area’ means a room or other lo-
21 cation in a commercial service airport that—
22
23
24

1 “(A) provides a location for members of the
2 public to express breast milk that is shielded
3 from view and free from intrusion from the pub-
4 lic;

5 “(B) has a door that can be locked;

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

8 “(D) is readily accessible to and usable by
9 individuals with disabilities, including individ-
10 uals who use wheelchairs; and

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

12 (b) *PROJECT GRANTS WRITTEN ASSURANCES FOR*
13 *LARGE AND MEDIUM HUB AIRPORTS.—*

14 (1) *IN GENERAL.—*Section 47107(a) is amend-
15 ed—

16 (A) in paragraph (20), by striking “and”
17 at the end;

18 (B) in paragraph (21), by striking the pe-
19 riod at the end and inserting “; and”; and

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

21 “(22) with respect to a medium or large hub air-
22 port, the airport owner or operator will maintain a
23 lactation area in each passenger terminal building of
24 the airport in the sterile area (as defined in section

1 1540.5 of title 49, Code of Federal Regulations) of the
2 building.”.

3 (2) *APPLICABILITY.*—

4 (A) *IN GENERAL.*—The amendment made
5 by paragraph (1) shall apply to a project grant
6 application submitted for a fiscal year beginning
7 on or after the date that is 2 years after the date
8 of the enactment of this Act.

9 (B) *SPECIAL RULE.*—The requirement in
10 the amendments made by paragraph (1) that a
11 lactation area be located in the sterile area of a
12 passenger terminal building shall not apply with
13 respect to a project grant application for a pe-
14 riod of time, determined by the Secretary of
15 Transportation, if the Secretary determines that
16 construction or maintenance activities make it
17 impracticable or unsafe for the lactation area to
18 be located in the sterile area of the building.

19 (c) *TERMINAL DEVELOPMENT COSTS.*—Section
20 47119(a) is amended by adding at the end the following:

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

1 (d) *PRE-EXISTING FACILITIES.*—On application by an
 2 airport sponsor, the Secretary of Transportation may deter-
 3 mine that a lactation area in existence on the date of the
 4 enactment of this Act complies with the requirement of
 5 paragraph (22) of section 47107(a) of title 49, United
 6 States Code, as added by subsection (b), notwithstanding
 7 the absence of one of the facilities or characteristics referred
 8 to in the definition of the term “lactation area” in para-
 9 graph (12) of section 47102 of such title, as added by sub-
 10 section (a).

11 **SEC. 1223. ELIGIBILITY FOR AIRPORT DEVELOPMENT**
 12 **GRANTS AT AIRPORTS THAT ENTER INTO**
 13 **CERTAIN LEASES WITH COMPONENTS OF THE**
 14 **ARMED FORCES.**

15 Section 47107, as amended by section 1208 of this Act,
 16 is further amended by adding at the end the following:

17 “(t) *AIRPORTS THAT ENTER INTO CERTAIN LEASES*
 18 *WITH THE ARMED FORCES.*—The Secretary of Transpor-
 19 tation may not disapprove a project grant application
 20 under this subchapter for an airport development project
 21 at an airport solely because the airport renews a lease for
 22 the use, at a nominal rate, of airport property by a regular
 23 or reserve component of the Armed Forces, including the
 24 National Guard.”.

1 **SEC. 1224. CLARIFICATION OF DEFINITION OF AVIATION-**
 2 **RELATED ACTIVITY FOR HANGAR USE PUR-**
 3 **POSES OF AIRPORT IMPROVEMENT GRANTS.**

4 *Section 47107, as amended by section 1223 of this Act,*
 5 *is further amended by adding at the end the following:*

6 *“(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—*

7 *“(1) IN GENERAL.—The construction of a covered*
 8 *aircraft shall be treated as an aeronautical activity*
 9 *for purposes of—*

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

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

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

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

20 *“(B) constructed or under construction, re-*
 21 *pair, or restoration by a private individual at a*
 22 *general aviation airport.”.*

1 **SEC. 1225. USE OF AIRPORT IMPROVEMENT PROGRAM**
2 **FUNDS FOR RUNWAY SAFETY REPAIRS.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 471, as
4 amended by this subtitle, is further amended by adding at
5 the end the following:

6 **“§47144. Use of funds for repairs for runway safety re-**
7 **pairs**

8 “(a) *IN GENERAL.*—The Secretary of Transportation
9 may make project grants under this subchapter to an air-
10 port described in subsection (b) from funds under section
11 47114 apportioned to that airport or funds available for
12 discretionary grants to that airport under section 47115 to
13 conduct airport development to repair the runway safety
14 area of the airport damaged as a result of a natural disaster
15 in order to maintain compliance with the regulations of
16 the Federal Aviation Administration relating to runway
17 safety areas, without regard to whether construction of the
18 runway safety area damaged was carried out using
19 amounts the airport received under this subchapter.

20 “(b) *AIRPORTS DESCRIBED.*—An airport is described
21 in this subsection if—

22 “(1) the airport is a public-use airport;

23 “(2) the airport is listed in the National Plan of
24 Integrated Airport Systems of the Federal Aviation
25 Administration;

1 “(3) the runway safety area of the airport was
2 damaged as a result of a natural disaster;

3 “(4) the airport was denied funding under the
4 Robert T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 4121 et seq.) with respect to
6 the disaster;

7 “(5) the operator of the airport has exhausted all
8 legal remedies, including legal action against any
9 parties (or insurers thereof) whose action or inaction
10 may have contributed to the need for the repair of the
11 runway safety area;

12 “(6) there is still a demonstrated need for the
13 runway safety area to accommodate current or immi-
14 nent aeronautical demand; and

15 “(7) the cost of repairing or replacing the run-
16 way safety area is reasonable in relation to the an-
17 ticipated operational benefit of repairing the runway
18 safety area, as determined by the Administrator of the
19 Federal Aviation Administration.”.

20 (b) CONFORMING AMENDMENT.—The table of contents
21 for chapter 471, as amended by this subtitle, is further
22 amended by inserting after the item relating to section
23 47143 the following:

 “47144. Use of funds for repairs for runway safety repairs.”.

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

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

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

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

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

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

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

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

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

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

21 “(n) *PFC ELIGIBILITY FOR INTERMODAL GROUND AC-*
 22 *CESS PROJECTS.*—

23 “(1) *IN GENERAL.*—*The Secretary may authorize*
 24 *a passenger facility charge imposed under subsection*

1 *(b)(1) to be used to finance the eligible capital costs*
 2 *of an intermodal ground access project.*

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

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

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

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

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

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

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

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

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

18 **SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCIATED**
 19 **AIRPORT.**

20 *Section 40117, as amended by section 1302 of this Act,*
 21 *is further amended by adding at the end the following:*

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

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

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

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

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

13 *(a) FUTURE AVIATION INFRASTRUCTURE AND FINANC-*
 14 *ING STUDY.—Not later than 60 days after the date of enact-*
 15 *ment of this Act, the Secretary of Transportation shall enter*
 16 *into an agreement with the Transportation Research Board*
 17 *of the National Academies to conduct a study and make*
 18 *recommendations on the actions needed to upgrade and re-*
 19 *store the national aviation infrastructure system to its role*
 20 *as a premier system that meets the growing and shifting*
 21 *demands of the 21st century, including airport infrastruc-*
 22 *ture needs and existing financial resources for commercial*
 23 *service airports.*

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

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

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

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

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

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

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

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

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

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

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

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

18 (13) *airline competition;*

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

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

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

1 *Board shall submit to the Secretary and the appropriate*
 2 *committees of Congress a report on its findings and rec-*
 3 *ommendations.*

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

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

10 ***SEC. 2001. DEFINITIONS.***

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

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

18 ***PART I—PRIVACY AND TRANSPARENCY***

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

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

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

2 *It is the sense of Congress that—*

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

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

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

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

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

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

4 *Not later than July 31, 2016, the Administrator of the*
5 *National Telecommunications and Information Adminis-*
6 *tration shall submit to the appropriate committees of Con-*
7 *gress a report on the industry privacy best practices devel-*
8 *oped through the multi-stakeholder engagement process (es-*
9 *tablished under Presidential Memorandum of February 15,*
10 *2015 (80 Fed. Reg. 9355)) on unmanned aircraft systems*
11 *transparency and accountability. In addition to the agreed*
12 *upon best practices, this report shall include relevant stake-*
13 *holder recommendations for legislative or regulatory action*
14 *regarding privacy, accountability, and transparency, in-*
15 *cluding ways to encourage the adoption of privacy policies*
16 *by companies that use unmanned aircraft systems for com-*
17 *pensation or hire, or in the furtherance of a business enter-*
18 *prise. The report shall take into account existing rights pro-*
19 *tected under the First Amendment to the United States*
20 *Constitution in public spaces and the First Amendment*
21 *rights of journalists to control their archives.*

22 **SEC. 2105. IDENTIFICATION STANDARDS.**

23 *(a) IN GENERAL.—The Director of the National Insti-*
24 *tute of Standards and Technology, in collaboration with the*
25 *Administrator of the Federal Aviation Administration, and*
26 *in consultation with the Secretary of Transportation, the*

1 *President of RTCA, Inc., and the Administrator of the Na-*
2 *tional Telecommunications and Information Administra-*
3 *tion, shall convene industry stakeholders to facilitate the de-*
4 *velopment of consensus standards for remotely identifying*
5 *operators and owners of unmanned aircraft systems and*
6 *associated unmanned aircraft.*

7 **(b) CONSIDERATIONS.**—*As part of the standards devel-*
8 *oped under subsection (a), the Director shall consider—*

9 *(1) requirements for remote identification of un-*
10 *manned aircraft systems;*

11 *(2) appropriate requirements for different classi-*
12 *fications of unmanned aircraft systems operations,*
13 *including public and civil;*

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

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

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

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

3 (d) *GUIDANCE.*—Not later than 1 year after the date
4 that the Director submits the report on the consensus identi-
5 fication standards under subsection (c), the Administrator
6 of the Federal Aviation Administration shall issue regu-
7 latory guidance based on the consensus identification stand-
8 ards.

9 **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERATORS.**

10 (a) *IN GENERAL.*—Except for model aircraft under
11 section 44808 of title 49, United States Code, in authorizing
12 the operation of any public unmanned aircraft system or
13 the operation of any unmanned aircraft system by a person
14 conducting civil aircraft operations, the Administrator of
15 the Federal Aviation Administration, to the extent prac-
16 ticable and consistent with applicable law and without
17 compromising national security, homeland defense, or law
18 enforcement, shall make the identifying information in sub-
19 section (b) available to the public via an easily searchable
20 online database. The Administrator shall place a clear and
21 conspicuous link to the database on the home page of the
22 Federal Aviation Administration’s website.

23 (b) *CONTENTS.*—The database described in subsection
24 (a) shall contain the following:

1 (1) *The name of each individual, or agency, as*
2 *applicable, authorized to conduct civil or public un-*
3 *manned aircraft systems operations described in sub-*
4 *section (a).*

5 (2) *The name of each owner of an unmanned*
6 *aircraft system described in paragraph (1).*

7 (3) *The expiration date of any authorization re-*
8 *lated to a person identified in paragraph (1) or para-*
9 *graph (2).*

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

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

18 (6) *For any unmanned aircraft system that will*
19 *collect personally identifiable information about indi-*
20 *viduals, including the use of facial recognition—*

21 (A) *the circumstance under which the sys-*
22 *tem will be used;*

23 (B) *the specific kinds of personally identifi-*
24 *able information that the system will collect*
25 *about individuals;*

1 (C) how the information referred to in sub-
2 paragraph (B), and the conclusions drawn from
3 such information, will be used, disclosed, and
4 otherwise handled, including—

5 (i) how the collection or retention of
6 such information that is unrelated to the
7 specific use will be minimized;

8 (ii) under what circumstances such in-
9 formation might be sold, leased, or otherwise
10 provided to third parties;

11 (iii) the period during which such in-
12 formation will be retained;

13 (iv) when and how such information,
14 including information no longer relevant to
15 the specified use, will be destroyed; and

16 (v) steps that will be used to protect
17 against the unauthorized disclosure of any
18 information or data, such as the use of
19 encryption methods and other security fea-
20 tures; and

21 (D) if personally identifiable information
22 related to an individual has been collected—

23 (i) a reasonable process for the indi-
24 vidual to request to obtain such data in a
25 timely and an intelligible manner and, if

1 *such a request is denied, a process by which*
2 *the individual may obtain the reasons for*
3 *the denial and challenge the denial; and*

4 (ii) *a process by which the individual*
5 *may challenge the accuracy of such data*
6 *and, if the challenge is successful, have such*
7 *data erased or amended.*

8 (7) *With respect to public unmanned aircraft*
9 *systems—*

10 (A) *the locations where the unmanned air-*
11 *craft system will operate;*

12 (B) *the time during which the unmanned*
13 *aircraft system will operate;*

14 (C) *the general purpose of the flight; and*

15 (D) *the technical capabilities that the un-*
16 *manned aircraft system possesses.*

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

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

4 (e) *TERMINATION.*—*The Administrator may cease the*
 5 *operation of such database on September 30, 2017.*

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

8 *Not later than 1 year after the date of enactment of*
 9 *this Act, the Comptroller General of the United States shall*
 10 *conduct and submit to the appropriate committees of Con-*
 11 *gress a review of the privacy issues and concerns associated*
 12 *with the operation of unmanned aircraft systems in the na-*
 13 *tional airspace system that—*

14 (1) *examines and identifies the existing Federal,*
 15 *State, or local laws, including constitutional law, that*
 16 *address an individual's personal privacy;*

17 (2) *identifies specific issues and concerns that*
 18 *may limit the availability of existing civil or crimi-*
 19 *nal legal remedies regarding inappropriate operation*
 20 *of unmanned aircraft systems in the national air-*
 21 *space system;*

22 (3) *identifies any deficiencies in current Federal,*
 23 *State, or local privacy protections; and*

1 (4) *recommends legislative or other actions to ad-*
 2 *dress the limitations and deficiencies identified in*
 3 *paragraphs (2) and (3).*

4 **PART II—UNMANNED AIRCRAFT SYSTEMS**

5 **SEC. 2121. DEFINITIONS.**

6 (a) *IN GENERAL.*—*Part A of subtitle VII is amended*
 7 *by inserting after chapter 447 the following:*

8 **“CHAPTER 448—UNMANNED AIRCRAFT**
 9 **SYSTEMS**

 “*Sec.*
 “*44801. Definitions.*

10 **“§ 44801. Definitions**

11 *“In this chapter—*

12 “(1) ‘*appropriate committees of Congress*’ *means*
 13 *the Committee on Commerce, Science, and Transpor-*
 14 *tation of the Senate and the Committee on Transpor-*
 15 *tation and Infrastructure of the House of Representa-*
 16 *tives.*

17 “(2) ‘*Arctic*’ *means the United States zone of the*
 18 *Chukchi Sea, Beaufort Sea, and Bering Sea north of*
 19 *the Aleutian chain.*

20 “(3) ‘*certificate of waiver*’ and ‘*certificate of au-*
 21 *thorization*’ *mean a Federal Aviation Administration*
 22 *grant of approval for a specific flight operation.*

1 “(4) ‘permanent areas’ means areas on land or
2 water that provide for launch, recovery, and oper-
3 ation of small unmanned aircraft.

4 “(5) ‘public unmanned aircraft system’ means
5 an unmanned aircraft system that meets the quali-
6 fications and conditions required for operation of a
7 public aircraft (as defined in section 40102(a)).

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

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

16 “(8) ‘test range’ means a defined geographic area
17 where research and development are conducted as au-
18 thorized by the Administrator of the Federal Aviation
19 Administration.

20 “(9) ‘test site’ means any of the 6 test ranges es-
21 tablished by the Administrator of the Federal Avia-
22 tion Administration under section 332(c) of the FAA
23 Modernization and Reform Act of 2012 (49 U.S.C.
24 40101 note), as in effect on the day before the date
25 of enactment of the Federal Aviation Administration

8 “(11) ‘unmanned aircraft system’ means an un-
9 manned aircraft and associated elements (including
10 communication links and the components that control
11 the unmanned aircraft) that are required for the oper-
12 ator to operate safely and efficiently in the national
13 airspace system.”.

“448. *Unmanned Aircraft Systems* 44801”.

19 (a) *IN GENERAL.*—Chapter 448, as designated by sec-
20 tion 2121 of this Act, is amended by inserting after section
21 44801 the following:

23 “(a)(1) *IN GENERAL.*—The Administrator of the Fed-
24 eral Aviation Administration shall establish and update, as
25 appropriate, a program for the use of the 6 test sites estab-

1 *lished under section 332(c) of the FAA Modernization and*
2 *Reform Act of 2012 (49 U.S.C. 40101 note), and any public*
3 *entity authorized by the Federal Aviation Administration*
4 *as an unmanned aircraft system flight test center before*
5 *January 1, 2009, to facilitate the safe integration of un-*
6 *manned aircraft systems into the national airspace system.*

7 “(2) *TERMINATION.*—*The program shall terminate on*
8 *September 30, 2017.*

9 “(b) *PROGRAM REQUIREMENTS.*—*In establishing the*
10 *program under subsection (a), the Administrator shall—*

11 “(1) *designate airspace for safely testing the in-*
12 *tegration of unmanned flight operations in the na-*
13 *tional airspace system;*

14 “(2) *develop operational standards and air traf-*
15 *fic requirements for unmanned flight operations at*
16 *test sites, including test ranges;*

17 “(3) *coordinate with and leverage the resources*
18 *of the National Aeronautics and Space Administra-*
19 *tion and the Department of Defense;*

20 “(4) *address both civil and public unmanned*
21 *aircraft systems;*

22 “(5) *ensure that the program is coordinated with*
23 *relevant aspects of the Next Generation Air Transpor-*
24 *tation System;*

1 “(6) provide for verification of the safety of un-
2 manned aircraft systems and related navigation pro-
3 cedures as it relates to continued development of
4 standards for integration into the national airspace
5 system;

6 “(7) engage each test site operator in projects for
7 research, development, testing, and evaluation of un-
8 manned aircraft systems to facilitate the Federal
9 Aviation Administration’s development of standards
10 for the safe integration of unmanned aircraft into the
11 national airspace system, which may include solu-
12 tions for—

13 “(A) developing and enforcing geographic
14 and altitude limitations;

15 “(B) classifications of airspace where man-
16 ufacturers must prevent flight of an unmanned
17 aircraft system;

18 “(C) classifications of airspace where manu-
19 facturers of unmanned aircraft systems must
20 alert the operator to hazards or limitations on
21 flight;

22 “(D) sense and avoid capabilities;

23 “(E) beyond-line-of-sight, nighttime oper-
24 ations and unmanned traffic management, or
25 other critical research priorities; and

1 “(F) improving privacy protections through
2 the use of advances in unmanned aircraft sys-
3 tems technology;

4 “(8) coordinate periodically with all test site op-
5 erators to ensure test site operators know which data
6 should be collected, what procedures should be fol-
7 lowed, and what research would advance efforts to
8 safely integrate unmanned aircraft systems into the
9 national airspace system;

10 “(9) allow a test site to develop multiple test
11 ranges within the test site;

12 “(10) streamline the approval process for test
13 sites when processing unmanned aircraft certificates
14 of waiver or authorization for operations at the test
15 sites;

16 “(11) require each test site operator to protect
17 proprietary technology, sensitive data, or sensitive re-
18 search of any civil or private entity when using that
19 test site without the need to obtain an experimental
20 or special airworthiness certificate;

21 “(12) evaluate options for the operation of 1 or
22 more small unmanned aircraft systems beyond the
23 visual line of sight of the operator for testing under
24 controlled conditions that ensure the safety of persons
25 and property, including on the ground; and

1 “(13) allow test site operators to receive Federal
2 funding, other than from the Federal Aviation Ad-
3 ministration, including in-kind contributions, from
4 test site participants in the furtherance of research,
5 development, and testing objectives.

6 “(c) *TEST SITE LOCATIONS*.—In determining the loca-
7 tion of a test site under subsection (a), the Administrator
8 shall—

9 “(1) take into consideration geographic and cli-
10 matic diversity;

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

13 “(3) consult with the Administrator of the Na-
14 tional Aeronautics and Space Administration and the
15 Secretary of Defense.

16 “(d) *REPORT TO CONGRESS*.—

17 “(1) *IN GENERAL*.—Not later than 1 year after
18 the date of enactment of the Federal Aviation Admin-
19 istration Reauthorization Act of 2016, the Adminis-
20 trator shall submit to the appropriate committees of
21 Congress a report on the establishment and implemen-
22 tation of the program under subsection (a).

23 “(2) *BRIEFINGS*.—Beginning 180 days after the
24 date of enactment of the Federal Aviation Adminis-
25 tration Reauthorization Act of 2016, and every 180

1 *days thereafter until September 30, 2017, the Admin-*
2 *istrator shall provide to the appropriate committees of*
3 *Congress a briefing that includes—*

4 “(A) *a current summary of unmanned air-*
5 *craft systems operations at the test sites since the*
6 *last briefing to Congress;*

7 “(B) *a description of all of the data gen-*
8 *erated from the operations described in subpara-*
9 *graph (A), and shared with the Federal Aviation*
10 *Administration through a cooperative research*
11 *and development agreement authorized in section*
12 *2123 of the Federal Aviation Administration Re-*
13 *authorization Act of 2016, that relate to un-*
14 *manned aircraft systems research priorities, in-*
15 *cluding beyond-line-of-sight, unmanned traffic*
16 *management, nighttime operations, and sense*
17 *and avoid technology;*

18 “(C) *a description of how the data described*
19 *in subparagraph (B) will be or is used—*

20 “(i) *to advance Federal Aviation Ad-*
21 *ministration priorities;*

22 “(ii) *to validate the safety of un-*
23 *manned aircraft systems and related tech-*
24 *nology; and*

1 “(iii) to inform future rulemaking re-
 2 lated to the integration of unmanned air-
 3 craft systems into the national airspace;

4 “(D) an evaluation of the activities and
 5 specific outcomes from activities at the test sites
 6 that support the safe integration of unmanned
 7 aircraft systems under this chapter; and

8 “(E) recommendations for future Federal
 9 Aviation Administration test site operations that
 10 would generate data necessary to inform future
 11 rulemaking related to unmanned aircraft sys-
 12 tems.

13 “(e) *REVIEW OF OPERATIONS BY TEST SITE OPERA-*
 14 *TIONS.—The operator of each test site under subsection (a)*
 15 *shall—*

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

18 “(A) ongoing or completed research; and

19 “(B) data regarding operations by private
 20 and public operators; and

21 “(2) submit to the Administrator, in such form
 22 and manner as specified by the Administrator, the re-
 23 sults of the review, including recommendations to fur-
 24 ther enable private research and development oper-
 25 ations at the test sites that contribute to the Federal

1 *Aviation Administration’s safe integration of un-*
 2 *manned aircraft systems into the national airspace*
 3 *system, on a quarterly basis until the program termi-*
 4 *nates.*

5 “(f) *TESTING.*—*The Secretary may authorize an oper-*
 6 *ator of a test site described in subsection (a) to administer*
 7 *testing requirements established by the Administrator for*
 8 *unmanned aircraft systems operations.”.*

9 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

10 (1) *TABLE OF CONTENTS.*—*The table of contents*
 11 *for chapter 448, as added by section 2121 of this Act,*
 12 *is further amended by inserting after the item relat-*
 13 *ing to section 44801 the following:*

“44802. *Unmanned aircraft system test sites.”.*

14 (2) *PILOT PROJECTS.*—*Section 332 of the FAA*
 15 *Modernization and Reform Act of 2012 (49 U.S.C.*
 16 *40101 note) is amended by striking subsection (c).*

17 **SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND**
 18 **TESTING.**

19 (a) *RESEARCH PLAN.*—*Not later than 1 year after the*
 20 *date of enactment of this Act, the Administrator of the Fed-*
 21 *eral Aviation Administration and the United States Un-*
 22 *manned Aircraft System Executive Committee, jointly, and*
 23 *in coordination with industry, users, the Center of Excel-*
 24 *lence for Unmanned Aircraft Systems, and test site opera-*
 25 *tors, shall develop a research plan to identify ongoing re-*

1 search into the broad range of technical, procedural, and
 2 policy concerns arising from the integration of unmanned
 3 aircraft systems into the national airspace system, and re-
 4 search needs regarding those concerns. In developing the
 5 plan, the Administrator shall determine and engage the ap-
 6 propriate entities to meet the research needs identified in
 7 the plan.

8 (b) *COLLABORATIVE RESEARCH AND DEVELOPMENT*
 9 *AGREEMENTS.*—The Administrator may use the other
 10 transaction authority under section 106(l)(6) of title 49,
 11 United States Code, and enter into collaborative research
 12 and development agreements, to direct research related to
 13 unmanned aircraft systems, including at any test site
 14 under section 44802(a) of that title.

15 **SEC. 2124. SAFETY STANDARDS.**

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

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

20 “(a) *CONSENSUS AIRCRAFT SAFETY STANDARDS.*—
 21 Not later than 60 days after the date of enactment of the
 22 Federal Aviation Administration Reauthorization Act of
 23 2016, the Director of the National Institute of Standards
 24 and Technology and the Administrator of the Federal Avia-
 25 tion Administration, in consultation with government and

1 *industry stakeholders and appropriate standards-setting or-*
2 *ganizations, shall initiate a collaborative process to develop*
3 *risk-based, consensus industry airworthiness standards re-*
4 *lated to the safe integration of small unmanned aircraft*
5 *systems into the national airspace system.*

6 “(b) *CONSIDERATIONS.—In developing the consensus*
7 *aircraft safety standards, the Director and Administrator*
8 *shall consider the following:*

9 “(1) *Technologies or standards related to geo-*
10 *graphic limitations, altitude limitations, and sense*
11 *and avoid capabilities.*

12 “(2) *Using performance-based standards.*

13 “(3) *Predetermined action to maintain safety in*
14 *the event that a communications link between a small*
15 *unmanned aircraft and its operator is lost or com-*
16 *promised.*

17 “(4) *Detectability and identifiability to pilots,*
18 *the Federal Aviation Administration, and air traffic*
19 *controllers, as appropriate.*

20 “(5) *Means to prevent tampering with or modi-*
21 *fication of any system, limitation, or other safety*
22 *mechanism or standard under this section or any*
23 *other provision of law, including a means to identify*
24 *any tampering or modification that has been made.*

1 “(6) *Consensus identification standards under*
2 *section 2105.*

3 “(7) *How to update or modify a small un-*
4 *manned aircraft system that was commercially dis-*
5 *tributed prior to the development of the consensus air-*
6 *craft safety standards so that, to the greatest extent*
7 *practicable, such systems meet the consensus aircraft*
8 *safety standards.*

9 “(8) *Any technology or standard related to small*
10 *unmanned aircraft systems that promotes aviation*
11 *safety.*

12 “(c) *CONSULTATION.—In developing the consensus air-*
13 *craft safety standards under subsection (a), the Director*
14 *and Administrator shall consult with—*

15 “(1) *the Administrator of the National Aero-*
16 *navitics and Space Administration;*

17 “(2) *the President of RTCA, Inc.;*

18 “(3) *the Secretary of Defense;*

19 “(4) *each operator of a test site under section*
20 *44802;*

21 “(5) *the Center of Excellence for Unmanned Air-*
22 *craft Systems;*

23 “(6) *unmanned aircraft systems stakeholders;*
24 *and*

25 “(7) *community-based aviation organizations.*

1 “(d) *FAA APPROVAL.*—Not later than 1 year after the
 2 date of enactment of the Federal Aviation Administration
 3 Reauthorization Act of 2016, the Administrator of the Fed-
 4 eral Aviation Administration shall establish a process for
 5 the approval of small unmanned aircraft systems make and
 6 models based upon the consensus aircraft safety standards
 7 developed under subsection (a). The consensus aircraft safe-
 8 ty standards developed under subsection (a) shall allow the
 9 Administrator to approve small unmanned aircraft systems
 10 for operation within the national airspace system without
 11 requiring the type certification process in parts 21 and 23
 12 of the Code of Federal Regulations.

13 “(e) *ELIGIBILITY.*—The consensus aircraft safety
 14 standards for approval of small unmanned aircraft systems
 15 developed under this section shall set eligibility require-
 16 ments for an airworthiness approval of a small unmanned
 17 aircraft system which shall include the following:

18 “(1) An applicant must provide the Federal
 19 Aviation Administration with—

20 “(A) the aircraft’s operating instructions;
 21 and

22 “(B) the manufacturer’s statement of com-
 23 pliance as described in subsection (f) of this sec-
 24 tion.

1 “(2) *A sample aircraft must be inspected by the*
2 *Federal Aviation Administration and found to be in*
3 *a condition for safe operation and in compliance with*
4 *the consensus aircraft safety standards required by*
5 *the Administrator in subsection (d).*

6 “(f) *MANUFACTURER’S STATEMENT OF COMPLIANCE*
7 *FOR SMALL UAS.—The manufacturer’s statement of com-*
8 *pliance shall—*

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

11 “(2) *state that the aircraft make and model*
12 *meets the provisions of the standard identified in*
13 *paragraph (1);*

14 “(3) *state that the aircraft make and model con-*
15 *forms to the manufacturer’s design data, using the*
16 *manufacturer’s quality assurance system that meets*
17 *the identified consensus standard adopted by the Ad-*
18 *ministrator in subsection (d), and is manufactured in*
19 *way that ensures consistency in the production proc-*
20 *ess so that every unit produced meets the applicable*
21 *consensus aircraft safety standards;*

22 “(4) *state that the manufacturer will make*
23 *available to any interested person—*

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

4 “(B) the aircraft’s maintenance and inspec-
5 tion procedures, that meet the standard identi-
6 fied in paragraph (1);

7 “(5) state that the manufacturer will monitor
8 and correct safety-of-flight issues through a continued
9 airworthiness system that meets the standard identi-
10 fied in paragraph (1);

11 “(6) state that at the request of the Administra-
12 tion, the manufacturer will provide access by the Ad-
13 ministration to its facilities; and

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

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

20 “(B) found the sample aircraft performance
21 acceptable; and

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

24 “(g) PROHIBITION.—It shall be unlawful for any per-
25 son to introduce or deliver for introduction into interstate

1 *commerce any unmanned aircraft manufactured after the*
 2 *date that the Administrator adopts consensus aircraft safety*
 3 *standards under this section, unless the manufacturer has*
 4 *received approval under subsection (d) for each make and*
 5 *model.”.*

6 (b) *TABLE OF CONTENTS.—The table of contents for*
 7 *chapter 448, as amended by section 2122 of this Act, is fur-*
 8 *ther amended by inserting after the item relating to section*
 9 *44802 the following:*

“44803. Aircraft safety standards.”.

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

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

14 **“§44804. Unmanned aircraft systems in the Arctic**

15 *“(a) IN GENERAL.—The Secretary of Transportation*
 16 *shall develop a plan and initiate a process to work with*
 17 *relevant Federal agencies and national and international*
 18 *communities to designate permanent areas in the Arctic*
 19 *where small unmanned aircraft may operate 24 hours per*
 20 *day for research and commercial purposes.*

21 *“(b) PLAN CONTENTS.—The plan under subsection (a)*
 22 *shall include the development of processes to facilitate the*
 23 *safe operation of unmanned aircraft beyond line of sight.*

24 *“(c) REQUIREMENTS.—Each permanent area des-*
 25 *ignated under subsection (a) shall enable over-water flights*

1 *from the surface to at least 2,000 feet in altitude, with in-*
 2 *gress and egress routes from selected coastal launch sites.*

3 “(d) *AGREEMENTS.*—*To implement the plan under*
 4 *subsection (a), the Secretary may enter into an agreement*
 5 *with relevant national and international communities.*

6 “(e) *AIRCRAFT APPROVAL.*—*Not later than 1 year*
 7 *after the entry into force of an agreement necessary to effec-*
 8 *tuate the purposes of this section, the Secretary shall work*
 9 *with relevant national and international communities to*
 10 *establish and implement a process, or may apply an appli-*
 11 *cable process already established, for approving the use of*
 12 *unmanned aircraft in the designated permanent areas in*
 13 *the Arctic without regard to whether an unmanned aircraft*
 14 *is used as a public aircraft, a civil aircraft, or a model*
 15 *aircraft.”.*

16 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

17 (1) *TABLE OF CONTENTS.*—*The table of contents*
 18 *for chapter 448, as amended by section 2124 of this*
 19 *Act, is further amended by inserting after the item re-*
 20 *lating to section 44803 the following:*

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

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

1 **SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
2 **AIRCRAFT SYSTEMS.**

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

6 **“§44805. Special authority for certain unmanned air-**
7 **craft systems**

8 “(a) *IN GENERAL.*—Notwithstanding any other re-
9 quirement of this chapter, the Secretary of Transportation
10 shall use a risk-based approach to determine if certain un-
11 manned aircraft systems may operate safely in the national
12 airspace system notwithstanding completion of the com-
13 prehensive plan and rulemaking required by section 332 of
14 the FAA Modernization and Reform Act of 2012 (49 U.S.C.
15 40101 note) or the guidance required by section 44807.

16 “(b) *ASSESSMENT OF UNMANNED AIRCRAFT SYS-*
17 *TEMS.*—In making the determination under subsection (a),
18 the Secretary shall determine, at a minimum—

19 “(1) *which types of unmanned aircraft systems,*
20 *if any, as a result of their size, weight, speed, oper-*
21 *ational capability, proximity to airports and popu-*
22 *lated areas, and operation within or beyond visual*
23 *line of sight, or operation during the day or night, do*
24 *not create a hazard to users of the national airspace*
25 *system or the public; and*

1 “(2) *whether a certificate under section 44703 or*
2 *section 44704 of this title, or a certificate of waiver*
3 *or certificate of authorization, is required for the op-*
4 *eration of unmanned aircraft systems identified*
5 *under paragraph (1) of this subsection.*

6 “(c) *REQUIREMENTS FOR SAFE OPERATION.—If the*
7 *Secretary determines under this section that certain un-*
8 *manned aircraft systems may operate safely in the national*
9 *airspace system, the Secretary shall establish requirements*
10 *for the safe operation of such aircraft systems in the na-*
11 *tional airspace system, including operation related to re-*
12 *search, development, and testing of proprietary systems.*

13 “(d) *PILOT CERTIFICATION EXEMPTION.—If the Sec-*
14 *retary proposes, under this section, to require an operator*
15 *of an unmanned aircraft system to hold an airman certifi-*
16 *cate, a medical certificate, or to have a minimum number*
17 *of hours operating a manned aircraft, the Secretary shall*
18 *set forth the reasoning for such proposal and seek public*
19 *notice and comment before imposing any such require-*
20 *ments.*

21 “(e) *SUNSET.—The authority under this section for the*
22 *Secretary to determine if certain unmanned aircraft sys-*
23 *tems may operate safely in the national airspace system*
24 *terminates effective September 30, 2017.”.*

25 “(b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

1 (1) *TABLE OF CONTENTS.*—*The table of contents*
 2 *for chapter 448, as amended by section 2125 of this*
 3 *Act, is further amended by inserting after the item re-*
 4 *lating to section 44804 the following:*

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

5 (2) *SPECIAL RULES FOR CERTAIN UNMANNED*
 6 *AIRCRAFT SYSTEMS.*—*Section 333 of the FAA Mod-*
 7 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
 8 *note) and the item relating to that section in the table*
 9 *of contents under section 1(b) of that Act (126 Stat.*
 10 *13) are repealed.*

11 **SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.**

12 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 13 *that—*

14 (1) *beyond visual line of sight operations of un-*
 15 *manned aerial systems have tremendous potential—*

16 (A) *to enhance research and development*
 17 *both commercially and in academics;*

18 (B) *to spur economic growth and develop-*
 19 *ment through innovative applications of this*
 20 *emerging technology; and*

21 (C) *to improve emergency response efforts as*
 22 *it relates to assessing damage to critical infra-*
 23 *structure such as roads, bridges, and utilities, in-*
 24 *cluding water and power, ultimately speeding re-*
 25 *sponse time;*

1 (2) *advancements in miniaturization of safety*
 2 *technologies, including for aircraft weighing under*
 3 *4.4 pounds, have increased economic opportunities for*
 4 *using unmanned aircraft systems while reducing ki-*
 5 *netic energy and risk compared to unmanned aircraft*
 6 *that may weigh as much as 55 pounds;*

7 (3) *advancements in unmanned technology will*
 8 *have the capacity to ultimately improve manned air-*
 9 *craft safety; and*

10 (4) *integrating unmanned aircraft systems safely*
 11 *into the national airspace, including beyond visual*
 12 *line of sight operations on a routine basis should re-*
 13 *main a top priority for the Federal Aviation Admin-*
 14 *istration as it pursues additional rulemakings under*
 15 *the amendments made by this section.*

16 (b) *IN GENERAL.*—Chapter 448, as amended by section
 17 2126 of this Act, is further amended by inserting after sec-
 18 tion 44805 the following:

19 **“§44806. Additional rulemaking authority**

20 “(a) *IN GENERAL.*—Notwithstanding the rulemaking
 21 required by section 332 of the *FAA Modernization and Re-*
 22 *form Act of 2012* (49 U.S.C. 40101 note) or the guidance
 23 required by section 44807 of this title and subject to sub-
 24 section (b)(2) of this section and section 44808, the Admin-
 25 istrator may issue regulations under which a person may

1 *operate certain unmanned aircraft systems (as determined*
2 *by the Administrator) in the United States—*

3 *“(1) without an airman certificate;*

4 *“(2) without an airworthiness certificate for the*
5 *associated unmanned aircraft; or*

6 *“(3) that are not registered with the Federal*
7 *Aviation Administration.*

8 *“(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-*
9 *ATIONAL RULES.—*

10 *“(1) IN GENERAL.—Notwithstanding the rule-*
11 *making required by section 332 of the FAA Mod-*
12 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
13 *note), the Administrator shall issue regulations not*
14 *later than 270 days after the date of enactment of the*
15 *Federal Aviation Administration Reauthorization Act*
16 *of 2016 under which any person may operate a micro*
17 *unmanned aircraft system classification of unmanned*
18 *aircraft systems, the aircraft component of which*
19 *weighs 4.4 pounds or less, including payload, without*
20 *the person operating the system being required to pass*
21 *any airman certification requirement, including any*
22 *requirements under section 44703 of this title, part 61*
23 *of title 14, Code of Federal Regulations, or any other*
24 *rule or regulation relating to airman certification.*

1 “(2) *OPERATIONAL RULES.—The rulemaking re-*
2 *quired by paragraph (1) relating to micro unmanned*
3 *aircraft systems shall consider the following rules, or*
4 *any appropriate modifications thereof concerning al-*
5 *titude, airspeed, geographic location, and time of day*
6 *as the Administrator considers appropriate, for oper-*
7 *ation of such systems:*

8 “(A) *Operation an altitude of less than 400*
9 *feet above ground level.*

10 “(B) *Operation with an airspeed of not*
11 *greater than 40 knots.*

12 “(C) *Operation within the visual line of*
13 *sight of the operator.*

14 “(D) *Operation during the hours between*
15 *sunrise and sunset.*

16 “(E) *Operation not less than 5 statute miles*
17 *from the geographic center of an airport with an*
18 *operational air traffic control tower or an air-*
19 *port denoted on a current aeronautical chart*
20 *published by the Federal Aviation Administra-*
21 *tion, except that a micro unmanned aircraft sys-*
22 *tem may be operated within 5 statute miles of*
23 *such an airport if the operator of the system—*

24 “(i) *provides notice to the airport oper-*
25 *ator; and*

1 “(ii) in the case of an airport with an
2 operational air traffic control tower, re-
3 ceives approval from the air traffic control
4 tower.

5 “(c) *SCOPE OF REGULATIONS.*—

6 “(1) *IN GENERAL.*—In determining whether a
7 person may operate an unmanned aircraft system
8 under 1 or more of the circumstances described under
9 paragraphs (1) through (3) of subsection (a), the Ad-
10 ministrators shall use a risk-based approach and con-
11 sider, at a minimum, the physical and functional
12 characteristics of the unmanned aircraft system.

13 “(2) *LIMITATION.*—The Administrator may only
14 issue regulations under this section for unmanned
15 aircraft systems that the Administrator determines
16 may be operated safely in the national airspace sys-
17 tem.

18 “(d) *RULES OF CONSTRUCTION.*—Nothing in this sec-
19 tion may be construed—

20 “(1) to prohibit a person from operating an un-
21 manned aircraft system under a circumstance de-
22 scribed under paragraphs (1) through (3) of sub-
23 section (a) if—

24 “(A) the circumstance is allowed by regula-
25 tions issued under this section; and

1 “(B) the person operates the unmanned air-
 2 craft system in a manner prescribed by the regu-
 3 lations; and

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

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

“44806. Additional rulemaking authority.”.

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

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

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

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

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

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

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

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

16 “(b) *STANDARDS FOR OPERATION AND CERTIFI-*
17 *CATION.—The Administrator of the Federal Aviation Ad-*
18 *ministration shall develop and implement operational and*
19 *certification requirements for the operation of a public un-*
20 *manned aircraft system in the national airspace system.*

21 “(c) *AGREEMENTS WITH GOVERNMENT AGENCIES.—*

22 “(1) *IN GENERAL.—The Secretary shall enter*
23 *into an agreement with each appropriate public agen-*
24 *cy to simplify the process for issuing a certificate of*
25 *waiver or a certificate of authorization with respect*

1 to an application for authorization to operate a pub-
2 lic unmanned aircraft system in the national air-
3 space system.

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

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

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

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

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

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

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

22 “(C) allow a government public safety agen-
23 cy to operate an unmanned aircraft weighing 25
24 pounds or less if that unmanned aircraft is oper-
25 ated—

1 “(i) *within or beyond the line of sight*
2 *of the operator;*

3 “(ii) *less than 400 feet above the*
4 *ground;*

5 “(iii) *during daylight conditions;*

6 “(iv) *within Class G airspace; and*

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

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

18 “(1) *prior to the deployment of any new un-*
19 *manned aircraft system technology, and at least every*
20 *3 years, existing policies and procedures relating to*
21 *the collection, use, retention, and dissemination of in-*
22 *formation obtained by an unmanned aircraft system*
23 *must be examined to ensure that privacy, civil rights,*
24 *and civil liberties are protected;*

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

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

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

19 “(A) the head of the Federal agency deter-
20 mines that retention of the information is di-
21 rectly relevant and necessary to accomplish the
22 specific purpose for which the Federal agency
23 used the unmanned aircraft system;

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

4 “(C) the information is required to be re-
5 tained for a longer period under other applicable
6 law, including regulations;

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

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

13 “(B) dissemination satisfies an authorized
14 purpose and complies with that Federal agency’s
15 disclosure requirements;

16 “(6) to the extent it does not compromise law en-
17 forcement or national security a Federal agency
18 shall—

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

23 “(B) keep the public informed about the
24 Federal agency’s unmanned aircraft system pro-
25 gram, including any changes to that program

1 *that would significantly affect privacy, civil*
2 *rights, or civil liberties;*

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

7 “(i) *a brief description of types or cat-*
8 *egories of missions flown; and*

9 “(ii) *the number of times the Federal*
10 *agency provided assistance to other agencies*
11 *or to State, local, tribal, or territorial gov-*
12 *ernments; and*

13 “(D) *make available on a public and*
14 *searchable Internet website the data minimiza-*
15 *tion policy of the Federal agency;*

16 “(7) *ensures oversight of the Federal agency’s un-*
17 *manned aircraft system use, including—*

18 “(A) *the use of audits or assessments that*
19 *comply with existing Federal agency policies and*
20 *regulations;*

21 “(B) *the verification of the existence of rules*
22 *of conduct and training for Federal Government*
23 *personnel and contractors who work on pro-*
24 *grams, and procedures for reporting suspected*

1 *cases of misuse or abuse of unmanned aircraft*
2 *system technologies;*

3 “(C) *the establishment of policies and proce-*
4 *dures, or confirmation that policies and proce-*
5 *dures are in place, that provide meaningful over-*
6 *sight of individuals who have access to sensitive*
7 *information, including personal information,*
8 *collected using an unmanned aircraft system;*

9 “(D) *ensuring that any data-sharing agree-*
10 *ments or policies, data use policies, and record*
11 *management policies applicable to an unmanned*
12 *aircraft system conform to applicable laws, regu-*
13 *lations, and policies;*

14 “(E) *the establishment of policies and proce-*
15 *dures, or confirmation that policies and proce-*
16 *dures are in place, to authorize the use of an un-*
17 *manned aircraft system in response to a request*
18 *for unmanned aircraft system assistance in sup-*
19 *port of Federal, State, local, tribal, or territorial*
20 *government operations; and*

21 “(F) *a requirement that State, local, tribal,*
22 *and territorial government recipients of Federal*
23 *grant funding for the purchase or use of un-*
24 *manned aircraft systems for their own oper-*
25 *ations have in place policies and procedures to*

1 *safeguard individuals’ privacy, civil rights, and*
2 *civil liberties prior to expending such funds; and*
3 “(8) ensures the protection of civil rights and
4 *civil liberties, including—*

5 “(A) ensuring that policies are in place to
6 *prohibit the collection, use, retention, or dissemi-*
7 *nation of data in any manner that would violate*
8 *the First Amendment or in any manner that*
9 *would discriminate against persons based upon*
10 *their ethnicity, race, gender, national origin, re-*
11 *ligion, sexual orientation, or gender identity, in*
12 *violation of law;*

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

18 “(C) ensuring that adequate procedures are
19 *in place to receive, investigate, and address, as*
20 *appropriate, privacy, civil rights, and civil lib-*
21 *erties complaints.*

22 “(e) *LAW ENFORCEMENT AND NATIONAL SECURITY.—*
23 *Each Federal agency shall effectuate a requirement under*
24 *subsection (d) only to the extent it does not compromise law*
25 *enforcement or national security.*

1 “(f) *DEFINITION OF FEDERAL AGENCY.*—In sub-
 2 sections (d) and (e), the term ‘Federal agency’ has the
 3 meaning given the term ‘agency’ in section 552(f) of title
 4 5, United States Code.”.

5 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

6 (1) *TABLE OF CONTENTS.*—The table of contents
 7 for chapter 448, as amended by section 2127 of this
 8 Act, is further amended by inserting after the item re-
 9 lating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

10 (2) *PUBLIC UNMANNED AIRCRAFT SYSTEMS.*—

11 Section 334 of the *FAA Modernization and reform*
 12 *Act of 2012* (49 U.S.C. 40101 note) and the item re-
 13 lating to that section in the table of contents under
 14 section 1(b) of that Act (126 Stat. 13) are repealed.

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

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

19 **“§ 44808. Special rules for model aircraft**

20 “(a) *IN GENERAL.*—Notwithstanding any other provi-
 21 sion of law relating to the incorporation of unmanned air-
 22 craft systems into Federal Aviation Administration plans
 23 and policies, including this chapter, the Administrator of
 24 the Federal Aviation Administration may not promulgate

1 *any new rule or regulation specific only to an unmanned*
2 *aircraft operating as a model aircraft if—*

3 “(1) *the aircraft is flown strictly for hobby or*
4 *recreational use;*

5 “(2) *the aircraft is operated in accordance with*
6 *a community-based set of safety guidelines and with-*
7 *in the programming of a nationwide community-*
8 *based organization;*

9 “(3) *not flown beyond visual line of sight of per-*
10 *sons co-located with the operator or in direct commu-*
11 *nication with the operator;*

12 “(4) *the aircraft is operated in a manner that*
13 *does not interfere with and gives way to any manned*
14 *aircraft;*

15 “(5) *when flown within 5 miles of an airport,*
16 *the operator of the aircraft provides the airport oper-*
17 *ator, where applicable, and the airport air traffic*
18 *control tower (when an air traffic facility is located*
19 *at the airport) with prior notice and receives ap-*
20 *proval from the tower, to the extent practicable, for*
21 *the operation from each (model aircraft operators fly-*
22 *ing from a permanent location within 5 miles of an*
23 *airport should establish a mutually agreed upon oper-*
24 *ating procedure with the airport operator and the*

1 *airport air traffic control tower (when an air traffic*
 2 *facility is located at the airport));*

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

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

14 *“(b) UPDATES.—*

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

21 *“(2) CONSIDERATIONS.—In updating an oper-*
 22 *ational parameter under paragraph (1), the Adminis-*
 23 *trator shall consider—*

1 “(A) appropriate operational limitations to
2 mitigate aviation safety risk and risk to the un-
3 involved public;

4 “(B) operations outside the membership,
5 guidelines, and programming of a nationwide
6 community-based organization;

7 “(C) physical characteristics, technical
8 standards, and classes of aircraft operating
9 under this section;

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

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

16 “(3) SAVINGS CLAUSE.—Nothing in this sub-
17 section shall be construed as expanding the authority
18 of the Administrator to require operators of model
19 aircraft under the exemption of this subsection to be
20 required to seek permissive authority of the Adminis-
21 trator prior to operation in the national airspace sys-
22 tem.

23 “(c) STATUTORY CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to limit the authority of the Admin-

1 *istrator to pursue enforcement action against persons oper-*
 2 *ating model aircraft.*

3 *“(d) MODEL AIRCRAFT DEFINED.—In this section, the*
 4 *term ‘model aircraft’ means an unmanned aircraft that—*

5 *“(1) is capable of sustained flight in the atmos-*
 6 *phere; and*

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

13 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

14 *(1) TABLE OF CONTENTS.—The table of contents*
 15 *for chapter 448, as amended by section 2128 of this*
 16 *Act, is further amended by inserting after the item re-*
 17 *lating to section 44807 the following:*

“44808. Special rules for model aircraft.”.

18 *(2) SPECIAL RULE FOR MODEL AIRCRAFT.—Sec-*
 19 *tion 336 of the FAA Modernization and Reform Act*
 20 *of 2012 (49 U.S.C. 40101 note) and the item relating*
 21 *to that section in the table of contents under section*
 22 *1(b) of that Act (126 Stat. 13) are repealed.*

1 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
 2 **KNOWLEDGE AND SAFETY.**

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

6 **“§44809. Aeronautical knowledge and safety test**

7 “(a) *IN GENERAL.*—An individual may not operate an
 8 unmanned aircraft system unless—

9 “(1) the individual has successfully completed an
 10 aeronautical knowledge and safety test under sub-
 11 section (c);

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

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

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

25 “(c) **AERONAUTICAL KNOWLEDGE AND SAFETY**
 26 **TEST.**—Not later than 180 days after the date of enactment

1 *of the Federal Aviation Administration Reauthorization*
 2 *Act of 2016, the Administrator of the Federal Aviation Ad-*
 3 *ministration, in consultation with manufacturers of un-*
 4 *manned aircraft systems, other industry stakeholders, and*
 5 *community-based aviation organizations, shall develop an*
 6 *aeronautical knowledge and safety test that can be adminis-*
 7 *tered electronically.*

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

11 “(1) *understanding of aeronautical safety knowl-*
 12 *edge, as applicable; and*

13 “(2) *knowledge of Federal Aviation Administra-*
 14 *tion regulations and requirements pertaining to the*
 15 *operation of an unmanned aircraft system in the na-*
 16 *tional airspace system.*

17 “(e) *RECORD OF COMPLIANCE.—*

18 “(1) *IN GENERAL.—Each operator of an un-*
 19 *manned aircraft system described under subsection*
 20 *(a) shall maintain and make available for inspection,*
 21 *upon request by the Administrator or a Federal,*
 22 *State, or local law enforcement officer, a record of*
 23 *compliance with this section through—*

24 “(A) *an identification number, issued by*
 25 *the Federal Aviation Administration certifying*

1 *passage of the aeronautical knowledge and safety*
 2 *test;*

3 “(B) if the individual has authority to op-
 4 erate an unmanned aircraft system under other
 5 Federal law, the requisite proof of authority
 6 under that law; or

7 “(C) an airmen certificate issued under sec-
 8 tion 44703.

9 “(2) COORDINATION.—The Administrator may
 10 coordinate the identification number under para-
 11 graph (1)(A) with an operator’s registration number
 12 to the extent practicable.

13 “(3) LIMITATION.—No fine or penalty may be
 14 imposed for the initial failure of an operator of an
 15 unmanned aircraft system to comply with paragraph
 16 (1) unless the Administrator finds that the conduct of
 17 the operator actually posed a risk to the national air-
 18 space system.”.

19 “(b) TABLE OF CONTENTS.—The table of contents for
 20 chapter 448, as amended by section 2129 of this Act, is fur-
 21 ther amended by inserting after the item relating to section
 22 44808 the following:

“44809. Aeronautical knowledge and safety test.”.

1 **SEC. 2131. SAFETY STATEMENTS.**

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

5 **“§ 44810. Safety statements**

6 “(a) *PROHIBITION.*—Beginning on the date that is 1
7 year after the date of publication of the guidance under sub-
8 section (b)(1), it shall be unlawful for any person to intro-
9 duce or deliver for introduction into interstate commerce
10 any unmanned aircraft manufactured unless a safety state-
11 ment is attached to the unmanned aircraft or accom-
12 panying the unmanned aircraft in its packaging.

13 “(b) *SAFETY STATEMENT.*—

14 “(1) *IN GENERAL.*—Not later than 1 year after
15 the date of enactment of the Federal Aviation Admin-
16 istration Reauthorization Act of 2016, the Adminis-
17 trator of the Federal Aviation Administration shall
18 issue guidance for implementing this section.

19 “(2) *REQUIREMENTS.*—A safety statement de-
20 scribed in subsection (a) shall include—

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

23 “(B) recommendations for using unmanned
24 aircraft in a manner that promotes the safety of
25 persons and property;

1 “(C) the date that the safety statement was
2 created or last modified; and

3 “(D) language approved by the Adminis-
4 trator regarding the following:

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

13 “(ii) The definition of a model aircraft
14 under section 44808.

15 “(iii) The requirements regarding a
16 model aircraft under paragraphs (1)
17 through (7) of section 44808(a).

18 “(iv) The Administrator of the Federal
19 Aviation Administration may pursue en-
20 forcement action against a person operating
21 model aircraft who endangers the safety of
22 the national airspace system.

23 “(c) CIVIL PENALTY.—A person who violates sub-
24 section (a) shall be liable for each violation to the United

1 *States Government for a civil penalty described in section*
 2 *46301(a).”.*

3 (b) *TABLE OF CONTENTS.—The table of contents for*
 4 *chapter 448, as amended by section 2130 of this Act, is fur-*
 5 *ther amended by inserting after the item relating to section*
 6 *44809 the following:*

“44810. Safety statements.”.

7 **SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-**
 8 **ATING UNDERGROUND.**

9 *An unmanned aircraft system that is operated under-*
 10 *ground for mining purposes shall not be subject to regula-*
 11 *tion or enforcement by the Federal Aviation Administration*
 12 *under chapter 448 of title 49, United States Code.*

13 **SEC. 2133. ENFORCEMENT.**

14 (a) *UAS SAFETY ENFORCEMENT.—The Administrator*
 15 *of the Federal Aviation Administration shall establish a*
 16 *program to utilize available remote detection and identi-*
 17 *fication technologies for safety oversight, including enforce-*
 18 *ment actions against operators of unmanned aircraft sys-*
 19 *tems that are not in compliance with applicable Federal*
 20 *aviation laws, including regulations.*

21 (b) *CIVIL PENALTIES.—*

22 (1) *IN GENERAL.—Section 46301 is amended—*

23 (A) *in subsection (a)(1)(A), by inserting*
 24 *“chapter 448,” after “chapter 447 (except sec-*
 25 *tions 44717 and 44719–44723),”;*

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

4 (C) in subsection (d)(2), by inserting “chap-
 5 ter 448,” after “chapter 447 (except sections
 6 44717 and 44719–44723),”; and

7 (D) in subsection (f), by inserting “chapter
 8 448,” after “chapter 447 (except 44717 and
 9 44719–44723),”.

10 (2) *RULE OF CONSTRUCTION.*—Nothing in this
 11 subsection shall be construed to limit the authority of
 12 the Administrator to pursue an enforcement action
 13 for a violation of this Act, a regulation prescribed or
 14 order or authority issued under this Act, or any other
 15 applicable provision of aviation safety law or regula-
 16 tion.

17 (c) *REPORTING.*—As part of the program, the Admin-
 18 istrator shall establish and publicize a mechanism for the
 19 public and Federal, State, and local law enforcement to re-
 20 port a suspected abuse or a violation of chapter 448 of title
 21 49, United States Code, for enforcement action.

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—To carry
 23 out this section, there is authorized to be appropriated
 24 \$5,000,000 for each of the fiscal years 2016 through 2017.

1 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
 2 **ICES DISRUPTION.**

3 (a) *IN GENERAL.*—Chapter 463 is amended—

4 (1) in section 46301(d)(2), by inserting “section
 5 46320,” after “section 46319,”; and

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

7 **“§46320. Interference with firefighting, law enforce-**
 8 **ment, or emergency response activities**

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

12 “(b) *DEFINITION.*—For purposes of this section, an
 13 aircraft interferes with the activities specified in subsection
 14 (a) when its operation prevents the initiation of, interrupts,
 15 or endangers a person or property engaged in those activi-
 16 ties.

17 “(c) *CIVIL PENALTY.*—A person violating subsection
 18 (a) shall be liable for a civil penalty of not more than
 19 \$20,000.

20 “(d) *COMPROMISE AND SETOFF.*—The United States
 21 Government may deduct the amount of a civil penalty im-
 22 posed or compromised under this section from the amounts
 23 the Government owes the person liable for the penalty.”.

24 (b) *TABLE OF CONTENTS.*—The table of contents for
 25 chapter 463 is amended by inserting after the item relating
 26 to section 46319 the following:

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

1 **SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**
 2 **SPACE HAZARD MITIGATION.**

3 (a) *IN GENERAL.*—*The Administrator of the Federal*
 4 *Aviation Administration shall carry out a pilot program*
 5 *for airspace hazard mitigation at airports and other crit-*
 6 *ical infrastructure.*

7 (b) *CONSULTATION.*—*In carrying out the pilot pro-*
 8 *gram under subsection (a), the Administrator shall work*
 9 *with the Secretary of Defense, Secretary of Homeland Secu-*
 10 *rity, and the heads of relevant Federal agencies for the pur-*
 11 *pose of ensuring technologies that are developed, tested, or*
 12 *deployed by those departments and agencies to mitigate*
 13 *threats posed by errant or hostile unmanned aircraft system*
 14 *operations do not adversely impact or interfere with safe*
 15 *airport operations, navigation, and air traffic services.*

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 17 *authorized to be appropriated from the Airport and Airway*
 18 *Trust Fund to carry out this section \$6,000,000, to remain*
 19 *available until expended.*

20 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**
 21 **FUNCTIONS.**

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

1 **“§ 44811. Regulatory and administrative fees**

2 “(a) *IN GENERAL.*—Subject to subsection (b), the Ad-
3 ministrator may assess and collect regulatory and adminis-
4 trative fees to recover the costs of regulatory and adminis-
5 trative activities under this chapter related to authorization
6 to operate unmanned aircraft systems for compensation or
7 hire, or in the furtherance of a business enterprise.

8 “(b) *LIMITATIONS.*—Fees authorized under subsection
9 (a) shall be reasonable, cost-based relative to the regulatory
10 or administrative activity, and may not be discriminatory
11 or a deterrent to compliance.

12 “(c) *RECEIPTS CREDITED TO ACCOUNT.*—Notwith-
13 standing section 3302 of title 31, all fees and amounts col-
14 lected under this section shall be credited to the separate
15 account established under section 45303(c). Section 41742
16 shall not apply to fees and amounts collected under this
17 section.

18 “(d) *REGULATIONS.*—Not later than 1 year after the
19 date of enactment of the Federal Aviation Administration
20 Reauthorization Act of 2016, the Administrator shall issue
21 regulations to carry out this section.”.

22 (b) *TABLE OF CONTENTS.*—The table of contents for
23 chapter 448, as amended by section 2131 of this Act, is fur-
24 ther amended by inserting after the item relating to section
25 44810 the following:

“44811. Regulatory and administrative fees.”.

1 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**
 2 **RULEMAKING.**

3 *It is the sense of the Congress that the Administrator*
 4 *of the Federal Aviation Administration and Secretary of*
 5 *Transportation should take every necessary action to expe-*
 6 *dite final action on the notice of proposed rulemaking dated*
 7 *February 23, 2015 (80 Fed. Reg. 9544), entitled “Operation*
 8 *and Certification of Small Unmanned Aircraft Systems”.*

9 **SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**
 10 **AGEMENT.**

11 *(a) RESEARCH PLAN FOR UTM DEVELOPMENT.—*

12 *(1) IN GENERAL.—The Administrator of the Fed-*
 13 *eral Aviation Administration, in coordination with*
 14 *the Administrator of the National Aeronautics and*
 15 *Space Administration, shall develop a research plan*
 16 *for unmanned aircraft systems traffic management*
 17 *(referred to in this section as “UTM”) development.*

18 *(2) REQUIREMENTS.—In developing the research*
 19 *plan under paragraph (1), the Administrator shall—*

20 *(A) identify research goals related to:*

21 *(i) operational parameters related to*
 22 *altitude, geographic coverage, classes of air-*
 23 *space, and critical infrastructure;*

24 *(ii) avionics capability requirements*
 25 *or standards;*

1 (iii) operator identification and au-
2 thentication requirements and capabilities;

3 (iv) communication protocols with air
4 traffic control facilities that will not inter-
5 fere with existing responsibility to deconflict
6 manned aircraft in the national airspace
7 system;

8 (v) collision avoidance requirements;

9 (vi) separation standards for manned
10 and unmanned aircraft; and

11 (vii) spectrum needs;

12 (B) evaluate options for the administration
13 and management structure for the traffic man-
14 agement of low altitude operations of small un-
15 manned aircraft systems; and

16 (C) ensure the plan is consistent with the
17 broader Federal Aviation Administration regu-
18 latory and operational framework encompassing
19 all unmanned aircraft systems operations ex-
20 pected to be authorized in the national airspace
21 system.

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

1 (A) the ability to allow near-term small un-
2 manned aircraft system operations without need
3 of an automated UTM system;

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

6 (C) the operational characteristics and
7 metrics that would drive incremental adoption of
8 automated capability and procedures consistent
9 with a rising aggregate community demand for
10 service for low altitude operations of small un-
11 manned aircraft systems; and

12 (D) the integration points for small un-
13 manned aircraft system traffic management with
14 the existing national airspace system planning
15 and traffic management systems.

16 (4) *DEADLINES.*—The Administrator shall—

17 (A) initiate development of the research
18 plan not later than 90 days after the date of en-
19 actment of this Act; and

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

22 (i) complete the research plan;

23 (ii) submit the research plan to the ap-
24 propriate committees of Congress; and

1 (iii) publish the research plan on the
2 Federal Aviation Administration's Web site.

3 (b) *PILOT PROGRAM.*—

4 (1) *IN GENERAL.*—Not later than 120 days after
5 the date the research plan under subsection (a) is sub-
6 mitted under paragraph (4)(B) of that subsection, the
7 Administrator of the Federal Aviation Administra-
8 tion shall coordinate with the Administrator of the
9 National Aeronautics and Space Administration and
10 the small unmanned aircraft systems industry to de-
11 velop operational concepts and top-level system re-
12 quirements for a UTM system pilot program, con-
13 sistent with subsection (a).

14 (2) *SOLICITATION.*—The Administrator shall
15 issue a solicitation for operational prototype systems
16 that meet the necessary objectives for use in a pilot
17 program to demonstrate, validate, or modify, as ap-
18 propriate, the requirements developed under para-
19 graph (1).

20 (c) *COMPREHENSIVE PLAN.*—

21 (1) *IN GENERAL.*—Not later than 270 days after
22 the date the pilot program under subsection (b) is
23 complete, the Administrator of the Federal Aviation
24 Administration, in coordination with the Adminis-
25 trator of the National Aeronautics and Space Admin-

1 *istration, and in consultation with the head of each*
 2 *relevant Federal agency, shall develop a comprehen-*
 3 *sive plan for the deployment of UTM systems in the*
 4 *national airspace.*

5 (2) *SYSTEM REQUIREMENTS.—The comprehen-*
 6 *sive plan under paragraph (1) shall include require-*
 7 *ments or standards consistent with established or*
 8 *planned rulemaking for, at a minimum—*

9 (A) *the flight of small unmanned aircraft*
 10 *systems in controlled and uncontrolled airspace;*

11 (B) *communications, as applicable—*

12 (i) *among small unmanned aircraft*
 13 *systems;*

14 (ii) *between small unmanned aircraft*
 15 *systems and manned aircraft operating in*
 16 *the same airspace; and*

17 (iii) *between small unmanned aircraft*
 18 *systems and air traffic control as considered*
 19 *necessary; and*

20 (C) *air traffic management for small un-*
 21 *manned aircraft systems operations.*

22 (d) *SYSTEM IMPLEMENTATION.—Based on the com-*
 23 *prehensive plan under subsection (c), including the require-*
 24 *ments under paragraph (2) of that subsection, and the pilot*
 25 *program under subsection (b), the Administrator shall de-*

1 *terminate the operational need and implementation schedule*
 2 *for evolutionary use of automation support systems to sepa-*
 3 *rate and deconflict manned and unmanned aircraft sys-*
 4 *tems.*

5 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

6 (a) *IN GENERAL.*—Not later than 90 days after the
 7 date of enactment of this Act, the Administrator of the Fed-
 8 eral Aviation Administration shall publish guidance for the
 9 application for and procedures for the processing of, on an
 10 emergency basis, exemptions or certificates of authorization
 11 or waiver for the use of unmanned aircraft systems by civil
 12 or public operators in response to a catastrophe, disaster,
 13 or other emergency to facilitate emergency response oper-
 14 ations, such as firefighting, search and rescue, and utility
 15 and infrastructure restoration efforts. This guidance shall
 16 outline procedures for operations under both sections 44805
 17 and 44807, of title 49, United States Code, with priority
 18 given to applications for public unmanned aircraft systems
 19 engaged in emergency response activities.

20 (b) *REQUIREMENTS.*—In providing guidance under
 21 subsection (a), the Administrator shall—

22 (1) *make explicit any safety requirements that*
 23 *must be met for the consideration of applications that*
 24 *include requests for beyond visual line of sight, night-*
 25 *time operations, or the suspension of otherwise appli-*

1 *cable operating restrictions, consistent with public in-*
 2 *terest and safety; and*

3 (2) *explicitly state the procedures for coordi-*
 4 *nating with an incident commander, if any, to ensure*
 5 *operations granted under procedures developed under*
 6 *subsection (a) do not interfere with manned catas-*
 7 *trophe, disaster, or other emergency response oper-*
 8 *ations or otherwise impact response efforts.*

9 (c) *REVIEW.—In processing applications on an emer-*
 10 *gency basis for exemptions or certificates of authorization*
 11 *or waiver for unmanned aircraft systems operations in re-*
 12 *sponse to a catastrophe, disaster, or other emergency, the*
 13 *Administrator of the Federal Aviation Administration shall*
 14 *act on such applications as expeditiously as practicable and*
 15 *without requiring public notice and comment.*

16 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
 17 **MENTS.**

18 (a) *PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-*
 19 *MENTS.—Section 40102(a)(41) is amended by adding at the*
 20 *end the following:*

21 “(F) *An unmanned aircraft that is owned*
 22 *and operated by or exclusively leased for at least*
 23 *90 consecutive days by an Indian tribal govern-*
 24 *ment (as defined in section 102 of the Robert T.*
 25 *Stafford Disaster Relief and Emergency Assist-*

1 *ance Act (42 U.S.C. 5122)), except as provided*
 2 *in section 40125(b).”.*

3 (b) *CONFORMING AMENDMENT.*—Section 40125(b) is
 4 amended by striking “or (D)” and inserting “(D), or (F)”.

5 **SEC. 2141. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
 6 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
 7 **HIRE.**

8 (a) *IN GENERAL.*—Chapter 448, as amended by sec-
 9 tion 2136 of this Act, is further amended by adding after
 10 section 44811 the following:

11 **“§44812. Carriage of property by small unmanned**
 12 **aircraft systems for compensation or hire**

13 “(a) *IN GENERAL.*—Not later than 2 years after the
 14 date of enactment of this section, the Secretary of Transpor-
 15 tation shall issue a final rule authorizing the carriage of
 16 property by operators of small unmanned aircraft systems
 17 for compensation or hire within the United States.

18 “(b) *CONTENTS.*—The final rule required under sub-
 19 section (a) shall provide for the following:

20 “(1) *SMALL UAS AIR CARRIER CERTIFICATE.*—
 21 The Administrator of the Federal Aviation Adminis-
 22 tration, at the direction of the Secretary, shall estab-
 23 lish a certificate (to be known as a ‘small UAS air
 24 carrier certificate’) for persons that undertake di-
 25 rectly, by lease, or other arrangement the operation of

1 *small unmanned aircraft systems to carry property*
 2 *in air transportation, including commercial fleet op-*
 3 *erations with highly automated unmanned aircraft*
 4 *systems. The requirements to operate under a small*
 5 *UAS air carrier certificate shall—*

6 “(A) *consider the unique characteristics of*
 7 *highly automated, small unmanned aircraft sys-*
 8 *tems; and*

9 “(B) *include requirements for the safe oper-*
 10 *ation of small unmanned aircraft systems that,*
 11 *at a minimum, address—*

12 “(i) *airworthiness of small unmanned*
 13 *aircraft systems;*

14 “(ii) *qualifications for operators and*
 15 *the type and nature of the operations; and*

16 “(iii) *operating specifications gov-*
 17 *erning the type and nature of the un-*
 18 *manned aircraft system air carrier oper-*
 19 *ations.*

20 “(2) *SMALL UAS AIR CARRIER CERTIFICATION*
 21 *PROCESS.—The Administrator, at the direction of the*
 22 *Secretary, shall establish a process for the issuance of*
 23 *small UAS air carrier certificates established pursu-*
 24 *ant to paragraph (1) that is performance-based and*

1 *ensures required safety levels are met. Such certifi-*
 2 *cation process shall consider—*

3 “(A) *safety risks and the mitigation of those*
 4 *risks associated with the operation of highly*
 5 *automated, small unmanned aircraft around*
 6 *other manned and unmanned aircraft, and over*
 7 *persons and property on the ground;*

8 “(B) *the competencies and compliance pro-*
 9 *grams of manufacturers, operators, and compa-*
 10 *nies that manufacture, operate, or both small un-*
 11 *manned aircraft systems and components; and*

12 “(C) *compliance with the requirements es-*
 13 *tablished pursuant to paragraph (1).*

14 “(3) *SMALL UAS AIR CARRIER CLASSIFICA-*
 15 *TION.—The Secretary shall develop a classification*
 16 *system for persons issued small UAS air carrier cer-*
 17 *tificates pursuant to this subsection to establish eco-*
 18 *nomie authority for the carriage of property by small*
 19 *unmanned aircraft systems for compensation or hire.*
 20 *Such classification shall only require—*

21 “(A) *registration with the Department of*
 22 *Transportation; and*

23 “(B) *a valid small UAS air carrier certifi-*
 24 *cate issued pursuant to this subsection.”.*

1 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 2 *chapter 448, as amended by section 2136 of this Act, is fur-*
 3 *ther amended by adding after the item relating to section*
 4 *44811 the following:*

“44812. Carriage of property by small unmanned aircraft systems for compensa-
tion or hire.”.

5 ***SEC. 2142. COLLEGIATE TRAINING INITIATIVE PROGRAM***
 6 ***FOR UNMANNED AIRCRAFT SYSTEMS.***

7 (a) *IN GENERAL.*—*Not later than 180 days after the*
 8 *date of enactment of this Act, the Administrator of the Fed-*
 9 *eral Aviation Administration shall establish a Collegiate*
 10 *Training Initiative program relating to unmanned aircraft*
 11 *systems by making new agreements or continuing existing*
 12 *agreements with institutions of higher education (as defined*
 13 *by the Administrator) under which the institutions prepare*
 14 *students for careers involving unmanned aircraft systems.*
 15 *The Administrator may establish standards for the entry*
 16 *of such institutions into the program and for their contin-*
 17 *ued participation in the program.*

18 (b) *UNMANNED AIRCRAFT SYSTEM DEFINED.*—*In this*
 19 *section, the term “unmanned aircraft system” has the*
 20 *meaning given that term by section 44801 of title 49,*
 21 *United States Code, as added by section 2121 of this Act.*

PART III—TRANSITION AND SAVINGS

PROVISIONS

**SEC. 2151. SENIOR ADVISOR FOR UNMANNED AIRCRAFT
SYSTEMS INTEGRATION.**

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

(b) *QUALIFICATIONS.*—The Senior Advisor for Unmanned Aircraft Systems Integration shall have a demonstrated ability in management and knowledge of or experience in aviation.

(c) *RESPONSIBILITIES.*—Unless otherwise determined by the Administrator of the Federal Aviation Administration—

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

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

(A) Providing advice to the Administrator and Deputy Administrator related to the integration of unmanned aircraft systems into the national airspace system.

(B) Reviewing and evaluating Federal Aviation Administration policies, activities, and operations related to unmanned aircraft systems.

1 (C) *Facilitating coordination and collabora-*
 2 *tion among components of the Federal Aviation*
 3 *Administration with respect to activities related*
 4 *to unmanned aircraft systems integration.*

5 (D) *Interacting with Congress, and Federal,*
 6 *State, or local agencies, and stakeholder organi-*
 7 *zations whose operations and interests are af-*
 8 *ected by the activities of the Federal Aviation*
 9 *Administration on matters related to unmanned*
 10 *aircraft systems integration.*

11 **SEC. 2152. EFFECT ON OTHER LAWS.**

12 (a) *FEDERAL PREEMPTION.*—No State or political
 13 subdivision of a State may enact or enforce any law, regu-
 14 lation, or other provision having the force and effect of law
 15 relating to the design, manufacture, testing, licensing, reg-
 16 istration, certification, operation, or maintenance of an un-
 17 manned aircraft system, including airspace, altitude, flight
 18 paths, equipment or technology requirements, purpose of op-
 19 erations, and pilot, operator, and observer qualifications,
 20 training, and certification.

21 (b) *PRESERVATION OF STATE AND LOCAL AUTHOR-*
 22 *ITY.*—Nothing in this subtitle shall be construed to limit
 23 a State or local government’s authority to enforce Federal,
 24 State, or local laws relating to nuisance, voyeurism, pri-
 25 vacy, data security, harassment, reckless endangerment,

1 *wrongful death, personal injury, property damage, or other*
 2 *illegal acts arising from the use of unmanned aircraft sys-*
 3 *tems if such laws are not specifically related to the use of*
 4 *an unmanned aircraft system.*

5 (c) *NO PREEMPTION OF COMMON LAW OR STATUTORY*
 6 *CAUSES OF ACTION.*—*Nothing in this subtitle, nor any*
 7 *standard, rule, requirement, standard of performance, safe-*
 8 *ty determination, or certification implemented pursuant to*
 9 *this subtitle, shall be construed to preempt, displace, or sup-*
 10 *plant any State or Federal common law rights or any State*
 11 *or Federal statute creating a remedy for civil relief, includ-*
 12 *ing those for civil damage, or a penalty for a criminal con-*
 13 *duct. Notwithstanding any other provision of this subtitle,*
 14 *nothing in this subtitle, nor any amendments made by this*
 15 *subtitle, shall preempt or preclude any cause of action for*
 16 *personal injury, wrongful death, property damage, or other*
 17 *injury based on negligence, strict liability, products liabil-*
 18 *ity, failure to warn, or any other legal theory of liability*
 19 *under any State law, maritime law, or Federal common*
 20 *law or statutory theory.*

21 **SEC. 2153. SPECTRUM.**

22 (a) *IN GENERAL.*—*Small unmanned aircraft systems*
 23 *may operate wireless control link, tracking, diagnostics,*
 24 *payload communication, and collaborative-collision avoid-*
 25 *ance, such as vehicle-to-vehicle communication, and other*

1 *uses, if permitted by and consistent with the Communica-*
2 *tions Act of 1934 (47 U.S.C. 151 et seq.), Federal Commu-*
3 *nications Commission rules, and the safety-of-life deter-*
4 *mination made by the Federal Aviation Administration,*
5 *and with carrier consent, whether they are operating within*
6 *the UTM system under section 2138 of this Act or outside*
7 *such a system.*

8 **(b) REPORT.**—*Not later than 180 days after the date*
9 *of enactment of this Act, the Administrator of the Federal*
10 *Aviation Administration, the National Telecommunications*
11 *and Information Administration, and the Federal Commu-*
12 *nications Commission, shall submit to the Committee on*
13 *Commerce, Science, and Transportation of the Senate, the*
14 *Committee on Transportation and Infrastructure of the*
15 *House of Representatives, and the Committee on Energy*
16 *and Commerce of the House of Representatives a report—*

17 **(1)** *on whether small unmanned aircraft systems*
18 *operations should be permitted to operate on spectrum*
19 *designated for aviation use, on an unlicensed, shared,*
20 *or exclusive basis, for operations within the UTM sys-*
21 *tem or outside of such a system;*

22 **(2)** *that addresses any technological, statutory,*
23 *regulatory, and operational barriers to the use of such*
24 *spectrum; and*

1 (3) *that, if it is determined that spectrum des-*
 2 *ignated for aviation use is not suitable for operations*
 3 *by small unmanned aircraft systems, includes rec-*
 4 *ommendations of other spectrum frequencies that may*
 5 *be appropriate for such operations.*

6 **SEC. 2154. APPLICATIONS FOR DESIGNATION.**

7 (a) *APPLICATIONS FOR DESIGNATION.*—*Not later than*
 8 *180 days after the date of enactment of this Act, the Sec-*
 9 *retary of Transportation shall establish a process to allow*
 10 *applicants to petition the Administrator of the Federal*
 11 *Aviation Administration to prohibit or otherwise limit the*
 12 *operation of an aircraft, including an unmanned aircraft,*
 13 *over, under, or within a specified distance from a fixed site*
 14 *facility.*

15 (b) *REVIEW PROCESS.*—

16 (1) *APPLICATION PROCEDURES.*—

17 (A) *IN GENERAL.*—*The Administrator shall*
 18 *establish the procedures for the application for*
 19 *designation under subsection (a).*

20 (B) *REQUIREMENTS.*—*The procedures*
 21 *shall—*

22 (i) *allow individual fixed site facility*
 23 *applications; and*

24 (ii) *allow for a group of similar facili-*
 25 *ties to apply for a collective designation.*

1 (C) *CONSIDERATIONS.*—*In establishing the*
 2 *procedures, the Administrator shall consider how*
 3 *the process will apply to—*

4 (i) *critical infrastructure, such as en-*
 5 *ergy production, transmission, and dis-*
 6 *tribution facilities and equipment;*

7 (ii) *oil refineries and chemical facili-*
 8 *ties;*

9 (iii) *amusement parks; and*

10 (iv) *other locations that may benefit*
 11 *from such restrictions.*

12 (2) *DETERMINATION.*—

13 (A) *IN GENERAL.*—*The Secretary shall pro-*
 14 *vide for a determination under the review proc-*
 15 *ess established under subsection (a) not later*
 16 *than 90 days from the date of application, unless*
 17 *the applicant is provided with written notice de-*
 18 *scribing the reason for the delay.*

19 (B) *AFFIRMATIVE DESIGNATIONS.*—*An af-*
 20 *firmative designation shall outline—*

21 (i) *the boundaries for unmanned air-*
 22 *craft operation near the fixed site facility;*
 23 *and*

24 (ii) *such other limitations that the Ad-*
 25 *ministrator determines may be appropriate.*

1 (C) *CONSIDERATIONS.*—*In making a deter-*
 2 *mination whether to grant or deny an applica-*
 3 *tion for a designation, the Administrator may*
 4 *consider—*

5 (i) *aviation safety;*

6 (ii) *personal safety of the uninvolved*
 7 *public;*

8 (iii) *national security; or*

9 (iv) *homeland security.*

10 (D) *OPPORTUNITY FOR RESUBMISSION.*—*If*
 11 *an application is denied and the applicant can*
 12 *reasonably address the reason for the denial, the*
 13 *Administrator may allow the applicant to re-*
 14 *apply for designation.*

15 (c) *PUBLIC INFORMATION.*—*Designations under sub-*
 16 *section (a) shall be published by the Federal Aviation Ad-*
 17 *ministration on a publicly accessible website.*

18 **SEC. 2155. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
 19 **STITUTIONS OF HIGHER EDUCATION.**

20 (a) *IN GENERAL.*—*Not later than 270 days after the*
 21 *date of enactment of this Act, the Administrator of the Fed-*
 22 *eral Aviation Administration shall establish procedures and*
 23 *standards, as applicable, to streamline the safe operation*
 24 *of unmanned aircraft systems by institutions of higher edu-*
 25 *cation, including faculty, students, and staff.*

1 (b) *STANDARDS.*—*The standards required under sub-*
 2 *section (a) shall outline risk-based operational parameters*
 3 *to ensure the safety of the national airspace system and the*
 4 *uninvolved public that facilitates the use of unmanned air-*
 5 *craft systems for educational or research purposes.*

6 (c) *UNMANNED AIRCRAFT SYSTEM APPROVAL.*—*The*
 7 *procedures required under subsection (a) shall allow un-*
 8 *manned aircraft systems operated under this section to be*
 9 *modified for research purposes without iterative approval*
 10 *from the Administrator.*

11 (d) *ADDITIONAL PROCEDURES.*—*The Administrator*
 12 *shall establish a procedure to provide for streamlined, risk-*
 13 *based operational approval for unmanned aircraft systems*
 14 *operated by institutions of higher education, including fac-*
 15 *ulty, students, and staff, outside of the parameters or pur-*
 16 *poses set forth in subsection (b).*

17 (e) *DEADLINES.*—

18 (1) *IN GENERAL.*—*If, by the date that is 270*
 19 *days after the date of enactment of this Act, the Ad-*
 20 *ministrator has not set forth standards and proce-*
 21 *dures required under subsections (a), (b), and (c), an*
 22 *institution of higher education may—*

23 (A) *without specific approval from the Fed-*
 24 *eral Aviation Administration, operate small un-*
 25 *manned aircraft at model aircraft fields ap-*

proved by the Academy of Model Aeronautics
and with the permission of the local club of the
Academy of Model Aeronautics; and

(B) submit to the Federal Aviation Admin-
istration applications for approval of the institu-
tion's designation of 1 or more outdoor flight
fields.

(2) CONSEQUENCE OF FAILURE TO APPROVE.—If
the Administrator does not take action with respect to
an application submitted under paragraph (1)(B)
within 30 days of the submission of the application,
the failure to do so shall be treated as approval of the
application.

(f) DEFINITIONS.—In this section:

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

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

(3) EDUCATIONAL OR RESEARCH PURPOSES.—
The term “educational or research purposes”, with re-

1 *spect to the operation of an unmanned aircraft sys-*
 2 *tem by an institution of higher education, includes—*

3 *(A) instruction of students at the institu-*
 4 *tion;*

5 *(B) academic or research related use of un-*
 6 *manned aircraft systems by student organiza-*
 7 *tions recognized by the institution, if such use*
 8 *has been approved by the institution;*

9 *(C) activities undertaken by the institution*
 10 *as part of research projects, including research*
 11 *projects sponsored by the Federal Government;*
 12 *and*

13 *(D) other academic activities at the institu-*
 14 *tion, including general research, engineering,*
 15 *and robotics.*

16 **SEC. 2156. TRANSITION LANGUAGE.**

17 *(a) REGULATIONS.—Notwithstanding the repeals*
 18 *under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),*
 19 *2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-*
 20 *minations, rules, regulations, permits, grants, and con-*
 21 *tracts, which have been issued under any law described*
 22 *under subsection (b) of this section on or before the effective*
 23 *date of this Act shall continue in effect until modified or*
 24 *revoked by the Secretary of Transportation, acting through*
 25 *the Administrator of the Federal Aviation Administration,*

1 *as applicable, by a court of competent jurisdiction, or by*
 2 *operation of law other than this Act.*

3 (b) *LAWS DESCRIBED.—The laws described under this*
 4 *subsection are as follows:*

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

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

9 (3) *Section 333 of the FAA Modernization and*
 10 *Reform Act of 2012 (49 U.S.C. 40101 note).*

11 (4) *Section 334 of the FAA Modernization and*
 12 *Reform Act of 2012 (49 U.S.C. 40101 note).*

13 (5) *Section 336 of the FAA Modernization and*
 14 *Reform Act of 2012 (49 U.S.C. 40101 note).*

15 (c) *EFFECT ON PENDING PROCEEDINGS.—This Act*
 16 *shall not affect administrative or judicial proceedings pend-*
 17 *ing on the effective date of this Act.*

18 ***Subtitle B—FAA Safety***

19 ***Certification Reform***

20 ***PART I—GENERAL PROVISIONS***

21 ***SEC. 2211. DEFINITIONS.***

22 *In this subtitle:*

23 (1) *ADMINISTRATOR.—The term “Adminis-*
 24 *trator” means the Administrator of the Federal Avia-*
 25 *tion Administration.*

1 (2) *ADVISORY COMMITTEE*.—The term “Advisory
2 Committee” means the Safety Oversight and Certifi-
3 cation Advisory Committee established under section
4 2212.

5 (3) *FAA*.—The term “FAA” means the Federal
6 Aviation Administration.

7 (4) *SECRETARY*.—The term “Secretary” means
8 the Secretary of Transportation.

9 (5) *SYSTEMS SAFETY APPROACH*.—The term
10 “systems safety approach” means the application of
11 specialized technical and managerial skills to the sys-
12 tematic, forward-looking identification and control of
13 hazards throughout the lifecycle of a project, program,
14 or activity.

15 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
16 **SORY COMMITTEE.**

17 (a) *ESTABLISHMENT*.—Not later than 60 days after
18 the date of enactment of this Act, the Secretary shall estab-
19 lish a Safety Oversight and Certification Advisory Com-
20 mittee in accordance with this section.

21 (b) *DUTIES*.—The Advisory Committee shall provide
22 advice to the Secretary on policy-level issues facing the
23 aviation community that are related to FAA safety over-
24 sight and certification programs and activities, including
25 the following:

1 (1) *Aircraft and flight standards certification*
 2 *processes, including efforts to streamline those proc-*
 3 *esses.*

4 (2) *Implementation and oversight of safety man-*
 5 *agement systems.*

6 (3) *Risk-based oversight efforts.*

7 (4) *Utilization of delegation and designation au-*
 8 *thorities, including organization designation author-*
 9 *ization.*

10 (5) *Regulatory interpretation standardization ef-*
 11 *forts.*

12 (6) *Training programs.*

13 (7) *Expediting the rulemaking process and*
 14 *prioritizing safety-related rules.*

15 (8) *Enhancing global competitiveness of U.S.*
 16 *manufactured and FAA type-certificate aircraft prod-*
 17 *ucts and services throughout the world.*

18 (c) *FUNCTIONS.—In carrying out its duties under sub-*
 19 *section (b) related to FAA safety oversight and certification*
 20 *programs and activities, the Advisory Committee shall—*

21 (1) *foster aviation stakeholder collaboration in*
 22 *an open and transparent manner;*

23 (2) *consult with, and ensure participation by—*

24 (A) *the private sector, including representa-*
 25 *tives of—*

- 1 (i) *general aviation;*
- 2 (ii) *commercial aviation;*
- 3 (iii) *aviation labor;*
- 4 (iv) *aviation, aerospace, and avionics*
- 5 *manufacturing; and*
- 6 (v) *unmanned aircraft systems indus-*
- 7 *try; and*
- 8 (B) *the public;*
- 9 (3) *recommend consensus national goals, stra-*
- 10 *tegic objectives, and priorities for the most efficient,*
- 11 *streamlined, and cost-effective safety oversight and*
- 12 *certification processes in order to maintain the safety*
- 13 *of the aviation system while allowing the FAA to*
- 14 *meet future needs and ensure that aviation stake-*
- 15 *holders remain competitive in the global marketplace;*
- 16 (4) *provide policy recommendations for the*
- 17 *FAA's safety oversight and certification efforts;*
- 18 (5) *periodically review and provide recommenda-*
- 19 *tions regarding the FAA's safety oversight and certifi-*
- 20 *cation efforts;*
- 21 (6) *periodically review and evaluate registration,*
- 22 *certification, and related fees;*
- 23 (7) *provide appropriate legislative, regulatory,*
- 24 *and guidance recommendations for the air transpor-*

1 *tation system and the aviation safety regulatory envi-*
2 *ronment;*

3 (8) *recommend performance objectives for the*
4 *FAA and aviation industry;*

5 (9) *recommend performance metrics for the FAA*
6 *and the aviation industry to be tracked and reviewed*
7 *as streamlining certification reform, flight standards*
8 *reform, and regulation standardization efforts*
9 *progress;*

10 (10) *provide a venue for tracking progress to-*
11 *ward national goals and sustaining joint commit-*
12 *ments;*

13 (11) *recommend recruiting, hiring, staffing lev-*
14 *els, training, and continuing education objectives for*
15 *FAA aviation safety engineers and aviation safety in-*
16 *spectors;*

17 (12) *provide advice and recommendations to the*
18 *FAA on how to prioritize safety rulemaking projects;*

19 (13) *improve the development of FAA regulations*
20 *by providing information, advice, and recommenda-*
21 *tions related to aviation issues;*

22 (14) *encourage the validation of U.S. manufac-*
23 *tured and FAA type-certificate aircraft products and*
24 *services throughout the world; and*

1 (15) *any other functions as determined appro-*
 2 *priate by the chairperson of the Advisory Committee*
 3 *and the Administrator.*

4 (d) *MEMBERSHIP.*—

5 (1) *VOTING MEMBERS.*—*The Advisory Committee*
 6 *shall be composed of the following voting members:*

7 (A) *The Administrator, or the Administra-*
 8 *tor's designee.*

9 (B) *At least 1 representative, appointed by*
 10 *the Secretary, of each of the following:*

11 (i) *Aircraft and engine manufacturers.*

12 (ii) *Avionics and equipment manufac-*
 13 *turers.*

14 (iii) *Aviation labor organizations, in-*
 15 *cluding collective bargaining representatives*
 16 *of FAA aviation safety inspectors and avia-*
 17 *tion safety engineers.*

18 (iv) *General aviation operators.*

19 (v) *Air carriers.*

20 (vi) *Business aviation operators.*

21 (vii) *Unmanned aircraft systems man-*
 22 *ufacturers and operators.*

23 (viii) *Aviation safety management ex-*
 24 *perts.*

25 (2) *NONVOTING MEMBERS.*—

1 (A) *IN GENERAL.*—*In addition to the mem-*
2 *bers appointed under paragraph (1), the Advi-*
3 *sory Committee shall be composed of nonvoting*
4 *members appointed by the Secretary from among*
5 *individuals representing FAA safety oversight*
6 *program offices.*

7 (B) *DUTIES.*—*A nonvoting member may—*

8 (i) *take part in deliberations of the Ad-*
9 *visory Committee; and*

10 (ii) *provide input with respect to any*
11 *report or recommendation of the Advisory*
12 *Committee.*

13 (C) *LIMITATION.*—*A nonvoting member*
14 *may not represent any stakeholder interest other*
15 *than that of an FAA safety oversight program*
16 *office.*

17 (3) *TERMS.*—*Each voting member and non-*
18 *voting member of the Advisory Committee shall be ap-*
19 *pointed for a term of 2 years.*

20 (4) *RULE OF CONSTRUCTION.*—*Public Law 104–*
21 *65 (2 U.S.C. 1601 et seq.) may not be construed to*
22 *prohibit or otherwise limit the appointment of any*
23 *individual as a member of the Advisory Committee.*

24 (e) *COMMITTEE CHARACTERISTICS.*—*The Advisory*
25 *Committee shall have the following characteristics:*

1 (1) *Each voting member under subsection*
 2 *(d)(1)(B) shall be an executive that has decision au-*
 3 *thority within the member's organization and can*
 4 *represent and enter into commitments on behalf of*
 5 *that organization in a way that serves the entire*
 6 *group of organizations that member represents under*
 7 *that subsection.*

8 (2) *The ability to obtain necessary information*
 9 *from experts in the aviation and aerospace commu-*
 10 *nities.*

11 (3) *A membership size that enables the Advisory*
 12 *Committee to have substantive discussions and reach*
 13 *consensus on issues in an expeditious manner.*

14 (4) *Appropriate expertise, including expertise in*
 15 *certification and risk-based safety oversight processes,*
 16 *operations, policy, technology, labor relations, train-*
 17 *ing, and finance.*

18 (f) *CHAIRPERSON.—*

19 (1) *IN GENERAL.—The chairperson of the Advi-*
 20 *sory Committee shall be appointed by the Secretary*
 21 *from among the voting members under subsection*
 22 *(d)(1)(B).*

23 (2) *TERM.—Each member appointed under*
 24 *paragraph (1) shall serve a term of 2 years as chair-*
 25 *person.*

1 (g) *MEETINGS.*—

2 (1) *FREQUENCY.*—*The Advisory Committee shall*
 3 *convene at least 2 meetings a year at the call of the*
 4 *chairperson.*

5 (2) *PUBLIC ATTENDANCE.*—*Each meeting of the*
 6 *Advisory Committee shall be open and accessible to*
 7 *the public.*

8 (h) *SPECIAL COMMITTEES.*—

9 (1) *ESTABLISHMENT.*—*The Advisory Committee*
 10 *may establish 1 or more special committees composed*
 11 *of private sector representatives, members of the pub-*
 12 *lic, labor representatives, and other relevant parties*
 13 *in complying with consultation and participation re-*
 14 *quirements under subsection (c)(2).*

15 (2) *RULEMAKING ADVICE.*—*A special committee*
 16 *established by the Advisory Committee may—*

17 (A) *provide rulemaking advice and rec-*
 18 *ommendations to the Advisory Committee;*

19 (B) *provide the FAA additional opportuni-*
 20 *ties to obtain firsthand information and insight*
 21 *from those persons that are most affected by ex-*
 22 *isting and proposed regulations; and*

23 (C) *assist in expediting the development, re-*
 24 *vision, or elimination of rules in accordance*

1 *with, and without circumventing, established*
 2 *public rulemaking processes and procedures.*

3 (3) *FEDERAL ADVISORY COMMITTEE ACT.—The*
 4 *Federal Advisory Committee Act (5 U.S.C. App.)*
 5 *shall not apply to a special committee under this sub-*
 6 *section.*

7 (i) *SUNSET.—The Advisory Committee shall cease to*
 8 *exist on September 30, 2017.*

9 ***PART II—AIRCRAFT CERTIFICATION REFORM***

10 ***SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-***
 11 ***JECTIVES AND METRICS.***

12 (a) *IN GENERAL.—Not later than 120 days after the*
 13 *date the Advisory Committee is established under section*
 14 *2212, the Administrator shall establish performance objec-*
 15 *tives and apply and track performance metrics for the FAA*
 16 *and the aviation industry relating to aircraft certification*
 17 *in accordance with this section.*

18 (b) *COLLABORATION.—The Administrator shall carry*
 19 *out this section in collaboration with the Advisory Com-*
 20 *mittee and update agency performance objectives and*
 21 *metrics after considering the proposals recommended by the*
 22 *Advisory Committee under paragraphs (8) and (9) of sec-*
 23 *tion 2212(c).*

1 (c) *PERFORMANCE OBJECTIVES.*—*In establishing per-*
 2 *formance objectives under subsection (a), the Administrator*
 3 *shall ensure progress is made toward, at a minimum—*

4 (1) *eliminating certification delays and improv-*
 5 *ing cycle times;*

6 (2) *increasing accountability for both FAA and*
 7 *the aviation industry;*

8 (3) *achieving full utilization of FAA delegation*
 9 *and designation authorities, including organizational*
 10 *designation authorization;*

11 (4) *fully implementing risk management prin-*
 12 *ciples and a systems safety approach;*

13 (5) *reducing duplication of effort;*

14 (6) *increasing transparency;*

15 (7) *developing and providing training, including*
 16 *recurrent training, in auditing and a systems safety*
 17 *approach to certification oversight;*

18 (8) *improving the process for approving or ac-*
 19 *cepting the certification actions between the FAA and*
 20 *bilateral partners;*

21 (9) *maintaining and improving safety;*

22 (10) *streamlining the hiring process for—*

23 (A) *qualified systems safety engineers at*
 24 *staffing levels to support the FAA's efforts to im-*
 25 *plement a systems safety approach; and*

1 (B) *qualified systems safety engineers to*
2 *guide the engineering of complex systems within*
3 *the FAA; and*

4 (11) *maintaining the leadership of the United*
5 *States in international aviation and aerospace.*

6 (d) *PERFORMANCE METRICS.—In carrying out sub-*
7 *section (a), the Administrator shall—*

8 (1) *apply and track performance metrics for the*
9 *FAA and the aviation industry; and*

10 (2) *transmit to the appropriate committees of*
11 *Congress an annual report on tracking the progress*
12 *toward full implementation of the recommendations*
13 *under section 2212.*

14 (e) *DATA.—*

15 (1) *BASELINES.—Not later than 1 year after the*
16 *date the Advisory Committee recommends initial per-*
17 *formance metrics under section 2212(c)(9), the Ad-*
18 *ministrator shall generate initial data with respect to*
19 *each of the performance metrics applied and tracked*
20 *under this section.*

21 (2) *BENCHMARKS.—The Administrator shall use*
22 *the performance metrics applied and tracked under*
23 *this section to generate data on an ongoing basis and*
24 *to measure progress toward the consensus national*

1 *goals, strategic objectives, and priorities recommended*
 2 *under section 2212(c)(3).*

3 (f) *PUBLICATION.*—

4 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
 5 *Administrator shall make data generated using the*
 6 *performance metrics applied and tracked under this*
 7 *section available in a searchable, sortable, and*
 8 *downloadable format through the Internet Web site of*
 9 *the FAA or other appropriate methods.*

10 (2) *LIMITATIONS.*—*The Administrator shall*
 11 *make the data under paragraph (1) available in a*
 12 *manner that—*

13 (A) *protects from disclosure identifying in-*
 14 *formation regarding an individual or entity;*
 15 *and*

16 (B) *protects from inappropriate disclosure*
 17 *proprietary information.*

18 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZA-**
 19 **TIONS.**

20 (a) *IN GENERAL.*—*Chapter 447 is amended by adding*
 21 *at the end the following:*

22 **“§44736. Organization designation authorizations**

23 “(a) *DELEGATIONS OF FUNCTIONS.*—

24 “(1) *IN GENERAL.*—*Except as provided in para-*
 25 *graph (3), in the oversight of an ODA holder, the Ad-*

1 *ministrator of the Federal Aviation Administration,*
2 *in accordance with Federal Aviation Administration*
3 *standards, shall—*

4 *“(A) require, based on an application sub-*
5 *mitted by the ODA holder and approved by the*
6 *Administrator (or the Administrator’s designee),*
7 *a procedures manual that addresses all proce-*
8 *dures and limitations regarding the specified*
9 *functions to be performed by the ODA holder*
10 *subject to regulations prescribed by the Adminis-*
11 *trator;*

12 *“(B) delegate fully to the ODA holder each*
13 *of the functions specified in the procedures man-*
14 *ual, unless the Administrator determines, after*
15 *the date of the delegation and as a result of an*
16 *inspection or other investigation, that the public*
17 *interest and safety of air commerce requires a*
18 *limitation with respect to 1 or more of the func-*
19 *tions; and*

20 *“(C) conduct oversight activities, including*
21 *by inspecting the ODA holder’s delegated func-*
22 *tions and taking action based on validated in-*
23 *spection findings.*

24 *“(2) DUTIES OF ODA HOLDERS.—An ODA hold-*
25 *er shall—*

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

4 “(B) make the procedures manual available
5 to each member of the appropriate ODA unit;
6 and

7 “(C) cooperate fully with oversight activities
8 conducted by the Administrator in connection
9 with the delegation.

10 “(3) *EXISTING ODA HOLDERS.*—With regard to
11 an ODA holder operating under a procedures manual
12 approved by the Administrator before the date of en-
13 actment of the Federal Aviation Administration Re-
14 authorization Act of 2016, the Administrator shall—

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

18 “(B) delegate fully to the ODA holder each
19 of the functions specified in the procedures man-
20 ual, unless the Administrator determines, after
21 the date of the delegation and as a result of an
22 inspection or other investigation, that the public
23 interest and safety of air commerce requires a
24 limitation with respect to 1 or more of the func-
25 tions; and

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

5 “(b) *ODA OFFICE.—*

6 “(1) *ESTABLISHMENT.—Not later than 120 days*
 7 *after the date of enactment of Federal Aviation Ad-*
 8 *ministration Reauthorization Act of 2016, the Ad-*
 9 *ministrator shall identify, within the Office of Avia-*
 10 *tion Safety, a centralized policy office to be respon-*
 11 *sible for the organization designation authorization*
 12 *(referred to in this subsection as the ODA Office). The*
 13 *Director of the ODA Office shall report to the Director*
 14 *of the Aircraft Certification Service.*

15 “(2) *PURPOSE.—The purpose of the ODA Office*
 16 *shall be to provide oversight and ensure consistency of*
 17 *the Federal Aviation Administration audit functions*
 18 *under the ODA program across the agency.*

19 “(3) *FUNCTIONS.—The ODA Office shall—*

20 “(A)(i) *at the request of an ODA holder,*
 21 *eliminate all limitations specified in a proce-*
 22 *dures manual in place on the date of enactment*
 23 *of the Federal Aviation Administration Reau-*
 24 *thorization Act of 2016 that are low and me-*
 25 *dium risk as determined by a risk analysis using*

1 *criteria established by the ODA Office and dis-*
2 *closed to the ODA holder, except where an ODA*
3 *holder's performance warrants the retention of a*
4 *specific limitation due to documented concerns*
5 *about inadequate current performance in car-*
6 *rying out that authorized function;*

7 *“(ii) require an ODA holder to establish a*
8 *corrective action plan to regain authority for*
9 *any retained limitations;*

10 *“(iii) require an ODA holder to notify the*
11 *ODA Office when all corrective actions have been*
12 *accomplished;*

13 *“(iv) make a reassessment to determine if*
14 *subsequent performance in carrying out any re-*
15 *tained limitation warrants continued retention*
16 *and, if such reassessment determines perform-*
17 *ance meets objectives, lift such limitation imme-*
18 *diately;*

19 *“(B) improve the Administration and the*
20 *ODA holder performance and ensure full use of*
21 *the authorities delegated under the ODA pro-*
22 *gram;*

23 *“(C) develop a more consistent approach to*
24 *audit priorities, procedures, and training under*
25 *the ODA program;*

1 “(D) *expeditiously review a random sample*
 2 *of limitations on delegated authorities under the*
 3 *ODA program to determine if the limitations are*
 4 *appropriate;*

5 “(E) *review and approve new limitations to*
 6 *ODA functions; and*

7 “(F) *ensure national consistency in the in-*
 8 *terpretation and application of the requirements*
 9 *of the ODA program, including any limitations,*
 10 *and in the performance of the ODA program.*

11 “(c) *DEFINITIONS.—In this section:*

12 “(1) *ODA OR ORGANIZATION DESIGNATION AU-*
 13 *THORIZATION.—The term ‘ODA’ or ‘organization des-*
 14 *ignation authorization’ means an authorization*
 15 *under section 44702(d) to perform approved functions*
 16 *on behalf of the Administrator of the Federal Aviation*
 17 *Administration under subpart D of part 183 of title*
 18 *14, Code of Federal Regulations.*

19 “(2) *ODA HOLDER.—The term ‘ODA holder’*
 20 *means an entity authorized under section 44702(d)—*

21 *“(A) to which the Administrator of the Fed-*
 22 *eral Aviation Administration issues an ODA let-*
 23 *ter of designation under subpart D of part 183*
 24 *of title 14, Code of Federal Regulations (or any*
 25 *corresponding similar regulation or ruling); and*

1 “(B) that is responsible for administering 1
2 or more ODA units.

3 “(3) ODA PROGRAM.—The term ‘ODA program’
4 means the program to standardize Federal Aviation
5 Administration management and oversight of the or-
6 ganizations that are approved to perform certain
7 functions on behalf of the Administration under sec-
8 tion 44702(d).

9 “(4) ODA UNIT.—The term ‘ODA unit’ means a
10 group of 2 or more individuals under the supervision
11 of an ODA holder who perform the specified functions
12 under an ODA.

13 “(5) ORGANIZATION.—The term ‘organization’
14 means a firm, a partnership, a corporation, a com-
15 pany, an association, a joint-stock association, or a
16 governmental entity.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
18 The table of contents of chapter 447 is amended by adding
19 after the item relating to section 44735 the following:

 “44736. Organization designation authorizations.”.

20 **SEC. 2223. ODA REVIEW.**

21 (a) EXPERT REVIEW PANEL.—

22 (1) ESTABLISHMENT.—Not later than 60 days
23 after the date of enactment of this Act, the Adminis-
24 trator of the FAA shall convene a multidisciplinary

1 *expert review panel (referred to in this section as the*
2 *“Panel”).*

3 (2) *COMPOSITION.—*

4 (A) *IN GENERAL.—The Panel shall be com-*
5 *posed of not more than 20 members appointed by*
6 *the Administrator.*

7 (B) *QUALIFICATIONS.—The members ap-*
8 *pointed to the Panel shall—*

9 (i) *each have a minimum of 5 years of*
10 *experience in processes and procedures*
11 *under the ODA program; and*

12 (ii) *include representatives of ODA*
13 *holders, aviation manufacturers, safety ex-*
14 *perts, and FAA labor organizations, includ-*
15 *ing labor representatives of FAA aviation*
16 *safety inspectors and aviation safety engi-*
17 *neers.*

18 (b) *SURVEY.—The Panel shall survey ODA holders*
19 *and ODA program applicants to document FAA safety*
20 *oversight and certification programs and activities, includ-*
21 *ing the FAA’s use of the ODA program and the speed and*
22 *efficiency of the certification process. In carrying out this*
23 *subsection, the Administrator shall consult with the appro-*
24 *priate survey experts and the Panel to best design and con-*
25 *duct the survey.*

1 (c) *ASSESSMENT.*—*The Panel shall—*

2 (1) *conduct an assessment of—*

3 (A) *the FAA’s processes and procedures*
4 *under the ODA program and whether the proc-*
5 *esses and procedures function as intended;*

6 (B) *the best practices of and lessons learned*
7 *by ODA holders and the FAA personnel who pro-*
8 *vide oversight of ODA holders;*

9 (C) *the performance incentive policies, re-*
10 *lated to the ODA program for FAA personnel,*
11 *that do not conflict with the public interest;*

12 (D) *the training activities related to the*
13 *ODA program for FAA personnel and ODA*
14 *holders; and*

15 (E) *the impact, if any, that oversight of the*
16 *ODA program has on FAA resources and the*
17 *FAA’s ability to process applications for certifi-*
18 *cations outside of the ODA program; and*

19 (2) *make recommendations for improving FAA*
20 *safety oversight and certification programs and ac-*
21 *tivities based on the results of the survey under sub-*
22 *section (b) and each element of the assessment under*
23 *paragraph (1) of this subsection.*

24 (d) *REPORT.*—*Not later than 180 days after the date*
25 *the Panel is convened under subsection (a), the Panel shall*

1 *submit to the Administrator, the Advisory Committee estab-*
 2 *lished under section 2212, and the appropriate committees*
 3 *of Congress a report on results of the survey under sub-*
 4 *section (b) and the assessment and recommendations under*
 5 *subsection (c).*

6 (e) *DEFINITIONS.—The terms used in this section have*
 7 *the meanings given the terms in section 44736 of title 49,*
 8 *United States Code.*

9 (f) *FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*
 10 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
 11 *apply to the Panel.*

12 (g) *SUNSET.—The Panel shall terminate on the date*
 13 *the report is submitted under subsection (d).*

14 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

15 (a) *IN GENERAL.—Section 44704(a) is amended by*
 16 *adding at the end the following:*

17 “(6) *TYPE CERTIFICATION RESOLUTION PROC-*
 18 *ESS.—*

19 “(A) *IN GENERAL.—Not later than 15*
 20 *months after the date of enactment of Federal*
 21 *Aviation Administration Reauthorization Act of*
 22 *2016, the Administrator shall establish an effec-*
 23 *tive, expeditious, and milestone-based issue reso-*
 24 *lution process for type certification activities*
 25 *under this subsection.*

1 “(B) *PROCESS REQUIREMENTS.*—*The reso-*
 2 *lution process shall provide for—*

3 “(i) *the resolution of technical issues at*
 4 *preestablished stages of the certification*
 5 *process, as agreed to by the Administrator*
 6 *and the type certificate applicant;*

7 “(ii) *the automatic escalation to ap-*
 8 *propriate management personnel of the Fed-*
 9 *eral Aviation Administration and the type*
 10 *certificate applicant of any major certifi-*
 11 *cation process milestone that is not com-*
 12 *pleted or resolved within a specific period of*
 13 *time agreed to by the Administrator and the*
 14 *type certificate applicant; and*

15 “(iii) *the resolution of a major certifi-*
 16 *cation process milestone escalated under*
 17 *clause (ii) within a specific period of time*
 18 *agreed to by the Administrator and the type*
 19 *certificate applicant.*

20 “(C) *DEFINITION OF MAJOR CERTIFICATION*
 21 *PROCESS MILESTONE.*—*In this paragraph, the*
 22 *term ‘major certification process milestone’*
 23 *means a milestone related to a type certification*
 24 *basis, type certification plan, type inspection au-*
 25 *thorization, issue paper, or other major type cer-*

1 *tification activity agreed to by the Administrator*
 2 *and the type certificate applicant.”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*
 4 *Section 44704 is amended in the heading by striking “air-*
 5 *worthiness certificates,” and inserting “air-*
 6 *worthiness certificates,”.*

7 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
 8 **GENERAL AVIATION AIRPLANES.**

9 (a) *POLICY.—In a manner consistent with the Small*
 10 *Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note),*
 11 *not later than 180 days after the date of enactment of this*
 12 *Act, the Administrator shall establish and begin imple-*
 13 *menting a risk-based policy that streamlines the installa-*
 14 *tion of safety enhancing technologies for small general avia-*
 15 *tion airplanes in a manner that reduces regulatory delays*
 16 *and significantly improves safety.*

17 (b) *INCLUSIONS.—The safety enhancing technologies*
 18 *for small general aviation airplanes described in subsection*
 19 *(a) shall include, at a minimum, the replacement or retrofit*
 20 *of primary flight displays, auto pilots, engine monitors,*
 21 *and navigation equipment.*

22 (c) *COLLABORATION.—In carrying out this section, the*
 23 *Administrator shall collaborate with general aviation oper-*
 24 *ators, general aviation manufacturers, and appropriate*
 25 *FAA labor organizations, including representatives of FAA*

1 *aviation safety inspectors and aviation safety engineers,*
 2 *certified under section 7111 of title 5, United States Code.*

3 (d) *DEFINITION OF SMALL GENERAL AVIATION AIR-*
 4 *PLANE.—In this section, the term “small general aviation*
 5 *airplane” means an airplane that—*

6 (1) *is certified to the standards of part 23 of title*
 7 *14, Code of Federal Regulations;*

8 (2) *has a seating capacity of not more than 9*
 9 *passengers; and*

10 (3) *is not used in scheduled passenger-carrying*
 11 *operations under part 121 of title 14, Code of Federal*
 12 *Regulations.*

13 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-**
 14 **ERAL AVIATION AIRPLANES.**

15 (a) *FINAL RULEMAKING.—Not later than December*
 16 *31, 2016, the Administrator shall issue a final rulemaking*
 17 *to comply with section 3 of the Small Airplane Revitaliza-*
 18 *tion Act of 2013 (49 U.S.C. 44704 note).*

19 (b) *GOVERNMENT REVIEW.—The Federal Govern-*
 20 *ment’s review process shall be streamlined to meet the dead-*
 21 *line in subsection (a).*

1 **PART III—FLIGHT STANDARDS REFORM**

2 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJECTIVES**
3 **AND METRICS.**

4 (a) *IN GENERAL.*—Not later than 120 days after the
5 date the Advisory Committee is established under section
6 2212, the Administrator shall establish performance objec-
7 tives and apply and track performance metrics for the FAA
8 and the aviation industry relating to flight standards ac-
9 tivities in accordance with this section.

10 (b) *COLLABORATION.*—The Administrator shall carry
11 out this section in collaboration with the Advisory Com-
12 mittee and update agency performance objectives and
13 metrics after considering the recommendations of the Advi-
14 sory Committee under paragraphs (8) and (9) of section
15 2212(c).

16 (c) *PERFORMANCE OBJECTIVES.*—In carrying out sub-
17 section (a), the Administrator shall ensure that progress is
18 made toward, at a minimum—

19 (1) *eliminating delays with respect to such ac-*
20 *tivities;*

21 (2) *increasing accountability for both FAA and*
22 *the aviation industry;*

23 (3) *fully implementing risk management prin-*
24 *ciples and a systems safety approach;*

25 (4) *reducing duplication of effort;*

1 (5) *promoting appropriate compliance activities*
2 *and eliminating inconsistent regulatory interpreta-*
3 *tions and inconsistent enforcement activities;*

4 (6) *improving and providing greater opportuni-*
5 *ties for training, including recurrent training, in au-*
6 *diting and a systems safety approach to oversight;*

7 (7) *developing and allowing the use of a single*
8 *master source for guidance;*

9 (8) *providing and using a streamlined appeal*
10 *process for the resolution of regulatory interpretation*
11 *questions;*

12 (9) *maintaining and improving safety; and*

13 (10) *increasing transparency.*

14 (d) *PERFORMANCE METRICS.—In carrying out sub-*
15 *section (a), the Administrator shall—*

16 (1) *apply and track performance metrics for the*
17 *FAA and the aviation industry; and*

18 (2) *transmit to the appropriate committees of*
19 *Congress an annual report tracking the progress to-*
20 *ward full implementation of the performance metrics*
21 *under section 2212.*

22 (e) *DATA.—*

23 (1) *BASELINES.—Not later than 1 year after the*
24 *date the Advisory Committee recommends initial per-*
25 *formance metrics under section 2212(c)(9), the Ad-*

1 *ministrator shall generate initial data with respect to*
2 *each of the performance metrics applied and tracked*
3 *that are approved based on the recommendations re-*
4 *quired under this section.*

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

11 (f) *PUBLICATION.—*

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

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

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

24 (B) *protects from inappropriate disclosure*
25 *proprietary information.*

1 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
2 **FORM.**

3 (a) *ESTABLISHMENT.*—Not later than 90 days after
4 the date of enactment of this Act, the Administrator shall
5 establish the FAA Task Force on Flight Standards Reform
6 (referred to in this section as the “Task Force”).

7 (b) *MEMBERSHIP.*—

8 (1) *APPOINTMENT.*—The membership of the Task
9 Force shall be appointed by the Administrator.

10 (2) *NUMBER.*—The Task Force shall be composed
11 of not more than 20 members.

12 (3) *REPRESENTATION REQUIREMENTS.*—The
13 membership of the Task Force shall include represent-
14 atives, with knowledge of flight standards regulatory
15 processes and requirements, of—

16 (A) air carriers;

17 (B) general aviation;

18 (C) business aviation;

19 (D) repair stations;

20 (E) unmanned aircraft systems operators;

21 (F) flight schools;

22 (G) labor unions, including those rep-
23 resenting FAA aviation safety inspectors and
24 those representing FAA aviation safety engineers;
25 and

26 (H) aviation safety experts.

1 (c) *DUTIES.*—*The duties of the Task Force shall in-*
2 *clude, at a minimum, identifying cost-effective best prac-*
3 *tices and providing recommendations with respect to—*

4 (1) *simplifying and streamlining flight stand-*
5 *ards regulatory processes;*

6 (2) *reorganizing the Flight Standards Service to*
7 *establish an entity organized by function rather than*
8 *geographic region, if appropriate;*

9 (3) *FAA aviation safety inspector training op-*
10 *portunities;*

11 (4) *FAA aviation safety inspector standards and*
12 *performance; and*

13 (5) *achieving, across the FAA, consistent—*

14 (A) *regulatory interpretations; and*

15 (B) *application of oversight activities.*

16 (d) *REPORT.*—*Not later than 1 year after the date of*
17 *enactment of this Act, the Task Force shall submit to the*
18 *Administrator, Advisory Committee established under sec-*
19 *tion 2212, and appropriate committees of Congress a report*
20 *detailing—*

21 (1) *the best practices identified and rec-*
22 *ommendations provided by the Task Force under sub-*
23 *section (c); and*

1 (2) *any recommendations of the Task Force for*
 2 *additional regulatory action or cost-effective legisla-*
 3 *tive action.*

4 (e) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Fed-*
 5 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
 6 *apply to the Task Force.*

7 (f) *SUNSET.*—*The Task Force shall cease to exist on*
 8 *the date that the Task Force submits the report required*
 9 *under subsection (d).*

10 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

11 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
 12 *date of enactment of this Act, the Administrator of the FAA*
 13 *shall establish a centralized safety guidance database for all*
 14 *of the regulatory guidance issued by the FAA Office of Avia-*
 15 *tion Safety regarding compliance with 1 or more aviation*
 16 *safety-related provisions of the Code of Federal Regulations.*

17 (b) *REQUIREMENTS.*—*The database under subsection*
 18 (a) *shall—*

19 (1) *for each guidance, include a link to the spe-*
 20 *cific provision of the Code of Federal Regulations;*

21 (2) *subject to paragraph (3), be accessible to the*
 22 *public; and*

23 (3) *be provided in a manner that—*

1 (A) protects from disclosure identifying in-
2 formation regarding an individual or entity;
3 and

4 (B) protects from inappropriate disclosure
5 proprietary information.

6 (c) *DATA ENTRY TIMING.*—

7 (1) *EXISTING DOCUMENTS.*—Not later than 14
8 months after the date the database is established, the
9 Administrator shall have completed entering into the
10 database any applicable regulatory guidance that are
11 in effect and were issued before that date.

12 (2) *NEW REGULATORY GUIDANCE AND UP-*
13 *DATES.*—Beginning on the date the database is estab-
14 lished, the Administrator shall ensure that any appli-
15 cable regulatory guidance that are issued on or after
16 that date are entered into the database as they are
17 issued.

18 (d) *CONSULTATION REQUIREMENT.*—In establishing
19 the database under subsection (a), the Administrator shall
20 consult and collaborate with appropriate stakeholders, in-
21 cluding labor organizations (including those representing
22 aviation workers, FAA aviation safety engineers, and FAA
23 aviation safety inspectors) and aviation industry stake-
24 holders.

1 (e) *DEFINITION OF REGULATORY GUIDANCE.*—*In this*
 2 *section, the term “regulatory guidance” means all forms of*
 3 *written information issued by the FAA that an individual*
 4 *or entity may use to interpret or apply FAA regulations*
 5 *and requirements, including information an individual or*
 6 *entity may use to determine acceptable means of compliance*
 7 *with such regulations and requirements, such as an order,*
 8 *manual, circular, policy statement, legal interpretation*
 9 *memorandum, and rulemaking documents.*

10 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**

11 **BOARD.**

12 (a) *ESTABLISHMENT.*—*Not later than 180 days after*
 13 *the date of enactment of this Act, the Administrator of the*
 14 *FAA shall establish a Regulatory Consistency Communica-*
 15 *tions Board (referred to in this section as the “Board”).*

16 (b) *CONSULTATION REQUIREMENT.*—*In establishing*
 17 *the Board, the Administrator shall consult and collaborate*
 18 *with appropriate stakeholders, including FAA labor organi-*
 19 *zations (including labor organizations representing FAA*
 20 *aviation safety inspectors and labor organizations rep-*
 21 *resenting FAA aviation safety engineers) and aviation in-*
 22 *dustry stakeholders.*

23 (c) *MEMBERSHIP.*—*The Board shall be composed of*
 24 *FAA representatives, appointed by the Administrator,*
 25 *from—*

1 (1) *the Flight Standards Service;*

2 (2) *the Aircraft Certification Service; and*

3 (3) *the Office of the Chief Counsel.*

4 (d) *FUNCTIONS.—The Board shall carry out the fol-*
5 *lowing functions:*

6 (1) *Recommend, at a minimum, processes by*
7 *which—*

8 (A) *FAA personnel and persons regulated*
9 *by the FAA may submit regulatory interpreta-*
10 *tion questions without fear of retaliation;*

11 (B) *FAA personnel may submit written*
12 *questions as to whether a previous approval or*
13 *regulatory interpretation issued by FAA per-*
14 *sonnel in another office or region is correct or*
15 *incorrect; and*

16 (C) *any other person may submit anony-*
17 *mous regulatory interpretation questions.*

18 (2) *Meet on a regular basis to discuss and resolve*
19 *questions submitted under paragraph (1) and the ap-*
20 *propriate application of regulations and policy with*
21 *respect to each question.*

22 (3) *Provide to a person that submitted a ques-*
23 *tion under subparagraph (A) or subparagraph (B) of*
24 *paragraph (1) an expeditious written response to the*
25 *question.*

1 (4) *Recommend a process to make the resolution*
 2 *of common regulatory interpretation questions pub-*
 3 *licly available to FAA personnel and the public in a*
 4 *manner that—*

5 (A) *does not reveal any identifying data of*
 6 *the person that submitted a question; and*

7 (B) *protects any proprietary information.*

8 (5) *Ensure that responses to questions under this*
 9 *subsection are incorporated into regulatory guidance*
 10 *(as defined in section 2233(e)).*

11 (e) *PERFORMANCE METRICS, TIMELINES, AND*
 12 *GOALS.—Not later than 180 days after the date that the*
 13 *Advisory Committee recommends performance objectives*
 14 *and performance metrics for the FAA and the aviation in-*
 15 *dustry under paragraphs (8) and (9) of section 2212(c), the*
 16 *Administrator, in collaboration with the Advisory Com-*
 17 *mittee, shall—*

18 (1) *establish performance metrics, timelines, and*
 19 *goals to measure the progress of the Board in resolv-*
 20 *ing regulatory interpretation questions submitted*
 21 *under subsection (d)(1); and*

22 (2) *implement a process for tracking the progress*
 23 *of the Board in meeting the performance metrics,*
 24 *timelines, and goals under paragraph (1).*

1 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**
2 **FEASIBILITY REPORT.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Administrator, in consultation
5 with relevant industry stakeholders, shall—

6 (1) *determine the feasibility of realigning flight*
7 *standards service regional field offices to specialized*
8 *areas of aviation safety oversight and technical exper-*
9 *tise; and*

10 (2) *submit to the appropriate committees of Con-*
11 *gress a report on the findings under paragraph (1).*

12 (b) *CONSIDERATIONS.*—In making a determination
13 under subsection (a), the Administrator shall consider a
14 flight standards service regional field office providing sup-
15 port in the area of its technical expertise to flight standards
16 district offices and certificate management offices.

17 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

18 (a) *IN GENERAL.*—Notwithstanding any other provi-
19 sion of law, and subject to the requirements of subsection
20 (b), the Administrator may enter into a reimbursable agree-
21 ment with an applicant or certificate holder for the reason-
22 able travel and per diem expenses of the FAA associated
23 with official travel to expedite the acceptance or validation
24 by a foreign authority of an FAA certificate or design ap-
25 proval.

1 (b) *CONDITIONS.*—*The Administrator may enter into*
2 *an agreement under subsection (a) only if—*

3 (1) *the travel covered under the agreement is de-*
4 *termined to be necessary, by both the Administrator*
5 *and the applicant or certificate holder, to expedite the*
6 *acceptance or validation of the relevant certificate or*
7 *approval;*

8 (2) *the travel is conducted at the request of the*
9 *applicant or certificate holder;*

10 (3) *the travel plans and expenses are approved*
11 *by the applicant or certificate holder prior to travel;*
12 *and*

13 (4) *the agreement requires payment in advance*
14 *of FAA services and is consistent with the processes*
15 *under section 106(l)(6) of title 49, United States*
16 *Code.*

17 (c) *REPORT.*—*Not later than 2 years after the date of*
18 *enactment of this Act, the Administrator shall submit to*
19 *the appropriate committees of Congress a report on—*

20 (1) *the number of occasions on which the Admin-*
21 *istrator entered into reimbursable agreements under*
22 *this section;*

23 (2) *the number of occasions on which the Admin-*
24 *istrator declined a request by an applicant or certifi-*

1 *cate holder to enter into a reimbursable agreement*
 2 *under this section;*

3 *(3) the amount of reimbursements collected in*
 4 *accordance with agreements under this section; and*

5 *(4) the extent to which reimbursable agreements*
 6 *under this section assisted in reducing the amount of*
 7 *time necessary for foreign authorities' validations of*
 8 *FAA certificates and design approvals.*

9 *(d) DEFINITIONS.—In this section:*

10 *(1) APPLICANT.—The term “applicant” means a*
 11 *person that has applied to a foreign authority for the*
 12 *acceptance or validation of an FAA certificate or de-*
 13 *sign approval.*

14 *(2) CERTIFICATE HOLDER.—The term “certifi-*
 15 *cate holder” means a person that holds a certificate*
 16 *issued by the Administrator under part 21 of title 14,*
 17 *Code of Federal Regulations.*

18 **PART IV—SAFETY WORKFORCE**

19 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

20 *(a) SAFETY WORKFORCE TRAINING STRATEGY.—Not*
 21 *later than 60 days after the date of enactment of this Act,*
 22 *the Administrator of the FAA shall review and revise its*
 23 *safety workforce training strategy to ensure that it—*

24 *(1) aligns with an effective risk-based approach*
 25 *to safety oversight;*

1 (2) *best utilizes available resources;*

2 (3) *allows FAA employees participating in orga-*
3 *nization management teams or conducting ODA pro-*
4 *gram audits to complete, expeditiously, appropriate*
5 *training, including recurrent training, in auditing*
6 *and a systems safety approach to oversight;*

7 (4) *seeks knowledge-sharing opportunities be-*
8 *tween the FAA and the aviation industry in new*
9 *technologies, best practices, and other areas of interest*
10 *related to safety oversight;*

11 (5) *fosters an inspector and engineer workforce*
12 *that has the skills and training necessary to improve*
13 *risk-based approaches that focus on requirements*
14 *management and auditing skills; and*

15 (6) *includes, as appropriate, milestones and*
16 *metrics for meeting the requirements of paragraphs*
17 *(1) through (5).*

18 (b) *REPORT.—Not later than 270 days after the date*
19 *the strategy is established under subsection (a), the Admin-*
20 *istrator shall submit to the appropriate committees of Con-*
21 *gress a report on the implementation of the strategy and*
22 *progress in meeting any milestones or metrics included in*
23 *the strategy.*

24 (c) *DEFINITIONS.—In this section:*

1 (1) *ODA HOLDER*.—The term “ODA holder” has
2 the meaning given the term in section 44736 of title
3 49, United States Code.

4 (2) *ODA PROGRAM*.—The term “ODA program”
5 means the program to standardize FAA oversight of
6 the organizations that are approved to perform cer-
7 tain functions on behalf of the FAA under section
8 44702(d) of title 49, United States Code.

9 (3) *ORGANIZATION MANAGEMENT TEAM*.—The
10 term “organization management team” means a
11 group of FAA employees consisting of FAA aviation
12 safety engineers, flight test pilots, and aviation safety
13 inspectors overseeing an ODA holder and its specified
14 function delegated under section 44702 of title 49,
15 United States Code.

16 **SEC. 2242. WORKFORCE STUDY.**

17 (a) *WORKFORCE STUDY*.—Not later than 90 days after
18 the date of enactment of this Act, the Comptroller General
19 of the United States shall conduct a study to assess the
20 workforce and training needs of the Office of Aviation Safe-
21 ty of the Federal Aviation Administration and take into
22 consideration how those needs could be met.

23 (b) *CONTENTS*.—The study under subsection (a) shall
24 include—

1 (1) a review of the current staffing levels and re-
2 quirements for hiring and training, including recur-
3 rent training, of aviation safety inspectors and avia-
4 tion safety engineers;

5 (2) an analysis of the skills and qualifications
6 required of aviation safety inspectors and aviation
7 safety engineers for successful performance in the cur-
8 rent and future projected aviation safety regulatory
9 environment, including an analysis of the need for a
10 systems engineering discipline within the Federal
11 Aviation Administration to guide the engineering of
12 complex systems, with an emphasis on auditing an
13 ODA holder (as defined in section 44736(c) of title
14 49, United States Code);

15 (3) a review of current performance incentive
16 policies of the Federal Aviation Administration, as
17 applied to the Office of Aviation Safety, including
18 awards for performance;

19 (4) an analysis of ways the Federal Aviation Ad-
20 ministration can work with the aviation industry
21 and FAA labor force to establish knowledge-sharing
22 opportunities between the Federal Aviation Adminis-
23 tration and the aviation industry in new technologies,
24 best practices, and other areas that could improve the
25 aviation safety regulatory system; and

1 (5) *recommendations on the best and most cost-*
 2 *effective approaches to address the needs of the current*
 3 *and future projected aviation safety regulatory sys-*
 4 *tem, including qualifications, training programs, and*
 5 *performance incentives for relevant agency personnel.*

6 (c) *REPORT.*—*Not later than 270 days after the date*
 7 *of enactment of this Act, the Comptroller General shall sub-*
 8 *mit to the appropriate committees of Congress a report on*
 9 *the results of the study required under subsection (a).*

10 **PART V—INTERNATIONAL AVIATION**

11 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE** 12 **STANDARDS, PRODUCTS, AND SERVICES** 13 **ABROAD.**

14 *Section 40104 is amended by adding at the end the*
 15 *following:*

16 “(d) *PROMOTION OF UNITED STATES AEROSPACE*
 17 *STANDARDS, PRODUCTS, AND SERVICES ABROAD.*—*The*
 18 *Secretary shall take appropriate actions—*

19 “(1) *to promote United States aerospace-related*
 20 *safety standards abroad;*

21 “(2) *to facilitate and vigorously defend approv-*
 22 *als of United States aerospace products and services*
 23 *abroad;*

24 “(3) *with respect to bilateral partners, to use bi-*
 25 *lateral safety agreements and other mechanisms to*

1 *improve validation of United States type certificated*
 2 *aeronautical products and services and enhance mu-*
 3 *tual acceptance in order to eliminate redundancies*
 4 *and unnecessary costs; and*

5 *“(4) with respect to the aeronautical safety au-*
 6 *thorities of a foreign country, to streamline that coun-*
 7 *try’s validation of United States aerospace standards,*
 8 *products, and services.”.*

9 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
 10 **RESPONSIBILITIES.**

11 *Section 44701(e) is amended by adding at the end the*
 12 *following:*

13 *“(5) FOREIGN AIRWORTHINESS DIRECTIVES.—*

14 *“(A) ACCEPTANCE.—The Administrator*
 15 *shall accept an airworthiness directive (as de-*
 16 *finied in section 39.3 of title 14, Code of Federal*
 17 *Regulations) issued by an aeronautical safety*
 18 *authority of a foreign country, and leverage that*
 19 *aeronautical safety authority’s regulatory proc-*
 20 *ess, if—*

21 *“(i) the country is the state of design*
 22 *for the product that is the subject of the air-*
 23 *worthiness directive;*

1 “(ii) the United States has a bilateral
2 safety agreement relating to aircraft certifi-
3 cation with the country;

4 “(iii) as part of the bilateral safety
5 agreement with the country, the Adminis-
6 trator has determined that the aeronautical
7 safety authority has an aircraft certifi-
8 cation system relating to safety that pro-
9 duces a level of safety equivalent to the level
10 produced by the system of the Federal Avia-
11 tion Administration; and

12 “(iv) the aeronautical safety authority
13 utilizes an open and transparent public no-
14 tice and comment process in the issuance of
15 airworthiness directives.

16 “(B) *ALTERNATIVE APPROVAL PROCESS.*—
17 Notwithstanding subparagraph (A), the Admin-
18 istrator may issue a Federal Aviation Adminis-
19 tration airworthiness directive instead of accept-
20 ing the airworthiness directive issued by the
21 aeronautical safety authority of a foreign coun-
22 try if the Administrator determines that such
23 issuance is necessary for safety or operational
24 reasons due to the complexity or unique features
25 of the Federal Aviation Administration air-

1 *worthiness directive or the United States avia-*
 2 *tion system.*

3 “(C) *ALTERNATIVE MEANS OF COMPLI-*
 4 *ANCE.—The Administrator may—*

5 “(i) *accept an alternative means of*
 6 *compliance, with respect to an airworthi-*
 7 *ness directive under subparagraph (A), that*
 8 *was approved by the aeronautical safety au-*
 9 *thority of the foreign country that issued the*
 10 *airworthiness directive; or*

11 “(ii) *notwithstanding subparagraph*
 12 *(A), and at the request of any person af-*
 13 *ected by an airworthiness directive under*
 14 *that subparagraph, the Administrator may*
 15 *approve an alternative means of compliance*
 16 *with respect to the airworthiness directive.”.*

17 **SEC. 2253. FAA LEADERSHIP ABROAD.**

18 (a) *IN GENERAL.—To promote United States aero-*
 19 *space safety standards, reduce redundant regulatory activ-*
 20 *ity, and facilitate acceptance of FAA design and production*
 21 *approvals abroad, the Administrator shall—*

22 (1) *attain greater expertise in issues related to*
 23 *dispute resolution, intellectual property, and export*
 24 *control laws to better support FAA certification and*
 25 *other aerospace regulatory activities abroad;*

1 (2) *work with United States companies to more*
2 *accurately track the amount of time it takes foreign*
3 *authorities, including bilateral partners, to validate*
4 *United States type certificated aeronautical products;*

5 (3) *provide assistance to United States compa-*
6 *nies who have experienced significantly long foreign*
7 *validation wait times;*

8 (4) *work with foreign authorities, including bi-*
9 *lateral partners, to collect and analyze data to deter-*
10 *mine the timeliness of the acceptance and validation*
11 *of FAA design and production approvals by foreign*
12 *authorities and the acceptance and validation of for-*
13 *foreign-certified products by the FAA;*

14 (5) *establish appropriate benchmarks and*
15 *metrics to measure the success of bilateral aviation*
16 *safety agreements and to reduce the validation time*
17 *for United States type certificated aeronautical prod-*
18 *ucts abroad; and*

19 (6) *work with foreign authorities, including bi-*
20 *lateral partners, to improve the timeliness of the ac-*
21 *ceptance and validation of FAA design and produc-*
22 *tion approvals by foreign authorities and the accept-*
23 *ance and validation of foreign-certified products by*
24 *the FAA.*

1 (b) *REPORT.*—Not later than 1 year after the date of
2 enactment of this Act, the Administrator shall submit to
3 the appropriate committees of Congress a report that—

4 (1) describes the Administrator’s strategic plan
5 for international engagement;

6 (2) describes the structure and responsibilities of
7 all FAA offices that have international responsibil-
8 ities, including the Aircraft Certification Office, and
9 all the activities conducted by those offices related to
10 certification and production;

11 (3) describes current and forecasted staffing and
12 travel needs for the FAA’s international engagement
13 activities, including the needs of the Aircraft Certifi-
14 cation Office in the current and forecasted budgetary
15 environment;

16 (4) provides recommendations, if appropriate, to
17 improve the existing structure and personnel and
18 travel policies supporting the FAA’s international en-
19 gagement activities, including the activities of the
20 Aviation Certification Office, to better support the
21 growth of United States aerospace exports; and

22 (5) identifies policy initiatives, regulatory ini-
23 tiatives, or cost-effective legislative initiatives needed
24 to improve and enhance the timely acceptance of
25 United States aerospace products abroad.

1 (c) *INTERNATIONAL TRAVEL.*—*The Administrator of*
 2 *the FAA, or the Administrator’s designee, may authorize*
 3 *international travel for any FAA employee, without the ap-*
 4 *proval of any other person or entity, if the Administrator*
 5 *determines that the travel is necessary—*

6 (1) *to promote United States aerospace safety*
 7 *standards; or*

8 (2) *to support expedited acceptance of FAA de-*
 9 *sign and production approvals.*

10 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
 11 **FEES.**

12 *Section 45305 is amended—*

13 (1) *in subsection (a) by striking “Subject to sub-*
 14 *section (b)” and inserting “Subject to subsection (c)”;*

15 (2) *by redesignating subsections (b) and (c) as*
 16 *subsections (c) and (d), respectively; and*

17 (3) *by inserting after subsection (a) the fol-*
 18 *lowing:*

19 “(b) *CERTIFICATION SERVICES.*—*Subject to subsection*
 20 *(c), and notwithstanding section 45301(a), the Adminis-*
 21 *trator may establish and collect a fee from a foreign govern-*
 22 *ment or entity for services related to certification, regardless*
 23 *of where the services are provided, if the fee—*

24 “(1) *is established and collected in a manner*
 25 *consistent with aviation safety agreements; and*

1 “(2) does not exceed the estimated costs of the
2 services.”.

3 ***Subtitle C—Airline Passenger***
4 ***Safety and Protections***

5 ***SEC. 2301. PILOT RECORDS DATABASE DEADLINE.***

6 Section 44703(i)(2) is amended by striking “The Ad-
7 ministrator shall establish” and inserting “Not later than
8 April 30, 2017, the Administrator shall establish and make
9 available for use”.

10 ***SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.***

11 *The Administrator of the Federal Aviation Adminis-*
12 *tration shall collaborate with other aviation authorities to*
13 *advance a global standard for access to air carrier flight*
14 *decks and redundancy requirements consistent with the*
15 *flight deck access and redundancy requirements in the*
16 *United States.*

17 ***SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.***

18 *(a) IN GENERAL.—Not later than 1 year after the date*
19 *of enactment of this Act, the Administrator of the Federal*
20 *Aviation Administration shall assess current performance*
21 *standards, and as appropriate, conduct a rulemaking to re-*
22 *vise the standards to improve near-term and long-term air-*
23 *craft tracking and flight data recovery, including retrieval,*
24 *access, and protection of such data after an incident or acci-*
25 *dent.*

1 (b) *CONSIDERATIONS.—In revising the performance*
2 *standards under subsection (a) the Administrator may con-*
3 *sider—*

4 (1) *various methods for improving detection and*
5 *retrieval of flight data, including—*

6 (A) *low frequency underwater locating de-*
7 *vices; and*

8 (B) *extended battery life for underwater lo-*
9 *cating devices;*

10 (2) *automatic deployable flight recorders;*

11 (3) *triggered transmission of flight data, and*
12 *other satellite-based solutions;*

13 (4) *distress-mode tracking; and*

14 (5) *protections against disabling flight recorder*
15 *systems.*

16 (c) *COORDINATION.—In revising the performance*
17 *standards under subsection (a), the Administrator shall co-*
18 *ordinate with international regulatory authorities and the*
19 *International Civil Aviation Organization to ensure that*
20 *any new international standard for aircraft tracking and*
21 *flight data recovery is consistent with a performance-based*
22 *approach and is implemented in a globally harmonized*
23 *manner.*

1 **SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.**

2 (a) *MODERNIZATION OF TRAINING.*—Not later than
3 October 1, 2017, the Administrator of the Federal Aviation
4 Administration shall review, and update as necessary, re-
5 cent guidance regarding pilot flight deck monitoring that
6 an air carrier can use to train and evaluate its pilots to
7 ensure that air carrier pilots are trained to use and monitor
8 automation systems while also maintaining proficiency in
9 manual flight operations consistent with the final rule enti-
10 tled, “Qualification, Service, and Use of Crewmembers and
11 Aircraft Dispatchers”, published on November 12, 2013 (78
12 Fed. Reg. 67799).

13 (b) *CONSIDERATIONS.*—In reviewing and updating the
14 guidance, the Administrator shall—

15 (1) *consider casualty driven scenarios during*
16 *initial and recurrent simulator instruction that focus*
17 *on automation complacency during system failure,*
18 *including flight segments when automation is typi-*
19 *cally engaged and should result in hand flying the*
20 *aircraft into a safe position while employing crew re-*
21 *source management principles;*

22 (2) *consider the development of metrics or meas-*
23 *urable tasks an air carrier may use to evaluate the*
24 *ability of pilots to appropriately monitor flight deck*
25 *systems;*

1 (3) consider the development of metrics an air
2 carrier may use to evaluate manual flying skills and
3 improve related training;

4 (4) convene an expert panel, including members
5 with expertise in human factors, training, and flight
6 operations—

7 (A) to evaluate and develop methods for
8 training flight crews to understand the
9 functionality of automated systems for flight
10 path management;

11 (B) to identify and recommend to the Ad-
12 ministrator the most effective training methods
13 that ensure that pilots can apply manual flying
14 skills in the event of flight deck automation fail-
15 ure or an unexpected event; and

16 (C) to identify and recommend to the Ad-
17 ministrator revision in the training guidance for
18 flight crews to address the needs identified in
19 subparagraphs (A) and (B); and

20 (5) develop any additional standards to be used
21 for guidance the Administrator considers necessary to
22 determine whether air carrier pilots receive sufficient
23 training opportunities to develop, maintain, and
24 demonstrate manual flying skills.

1 (c) *DOT IG REVIEW.*—Not later than 2 years after
 2 the date the Administrator reviews the guidance under sub-
 3 section (a), the Inspector General of the Department of
 4 Transportation shall review the air carriers implementa-
 5 tion of the guidance and the ongoing work of the expert
 6 panel.

7 **SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR**
 8 **PILOTS.**

9 Not later than 180 days after the date of enactment
 10 of this Act, the Administrator of the Federal Aviation Ad-
 11 ministration shall consider the recommendations of the
 12 Pilot Fitness Aviation Rulemaking Committee in deter-
 13 mining whether to implement, as part of a comprehensive
 14 medical certification process for pilots with a first- or sec-
 15 ond-class airman medical certificate, additional screening
 16 for mental health conditions, including depression and sui-
 17 cidal thoughts or tendencies, and access treatment that
 18 would address any risk associated with such conditions.

19 **SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
 20 **AND REST REQUIREMENTS.**

21 (a) *MODIFICATION OF FINAL RULE.*—Not later than
 22 1 year after the date of enactment of this Act, the Adminis-
 23 trator of the Federal Aviation Administration shall revise
 24 the flight attendant duty period limitations and rest re-

1 *quirements under section 121.467 of title 14, Code of Fed-*
 2 *eral Regulations.*

3 (b) *CONTENTS.*—*Except as provided in subsection (c),*
 4 *in revising the rule under subsection (a), the Administrator*
 5 *shall ensure that a flight attendant scheduled to a duty pe-*
 6 *riod of 14 hours or less is given a scheduled rest period*
 7 *of at least 10 consecutive hours.*

8 (c) *EXCEPTION.*—*The rest period required under sub-*
 9 *section (b) may be scheduled or reduced to 9 consecutive*
 10 *hours if the flight attendant is provided a subsequent rest*
 11 *period of at least 11 consecutive hours.*

12 (d) *FATIGUE RISK MANAGEMENT PLAN.*—

13 (1) *SUBMISSION OF PLAN BY PART 121 AIR CAR-*
 14 *RIERS.*—*Not later than 90 days after the date of en-*
 15 *actment of this Act, each air carrier operating under*
 16 *part 121 of title 13, Code of Federal Regulations (re-*
 17 *ferred to in this subsection as a “part 121 air car-*
 18 *rier”), shall submit a fatigue risk management plan*
 19 *for the carrier’s flight attendants to the Administrator*
 20 *for review and acceptance.*

21 (2) *CONTENTS OF PLAN.*—*Each fatigue risk*
 22 *management plan submitted under paragraph (1)*
 23 *shall include—*

24 (A) *current flight time and duty period*
 25 *limitations;*

1 (B) a rest scheme that is consistent with
 2 such limitations and enables the management of
 3 flight attendant fatigue, including annual train-
 4 ing to increase awareness of—

5 (i) fatigue;

6 (ii) the effects of fatigue on flight at-
 7 tendants; and

8 (iii) fatigue countermeasures; and

9 (C) the development and use of methodology
 10 that continually assesses the effectiveness of im-
 11 plementation of the plan, including the ability of
 12 the plan—

13 (i) to improve alertness; and

14 (ii) to mitigate performance errors.

15 (3) *REVIEW.*—Not later than 1 year after the
 16 date of enactment of this Act, the Administrator
 17 shall—

18 (A) review each fatigue risk management
 19 plan submitted under this subsection; and

20 (B)(i) accept the plan; or

21 (ii) reject the plan and provide the part 121
 22 air carrier with suggested modifications to be in-
 23 cluded when the plan is resubmitted.

24 (4) *PLAN UPDATES.*—

1 (A) *IN GENERAL.*—Not less frequently than
2 once every 2 years, each part 121 air carrier
3 shall—

4 (i) *update the fatigue risk management*
5 *plan submitted under paragraph (1); and*

6 (ii) *submit the updated plan to the Ad-*
7 *ministrator for review and acceptance.*

8 (B) *REVIEW.*—Not later than 1 year after
9 the date on which an updated plan is submitted
10 under subparagraph (A)(ii), the Administrator
11 shall—

12 (i) *review the updated plan; and*

13 (ii)(I) *accept the updated plan; or*

14 (II) *reject the updated plan and pro-*
15 *vide the part 121 air carrier with suggested*
16 *modifications to be included when the up-*
17 *dated plan is resubmitted.*

18 (5) *COMPLIANCE.*—Each part 121 air carrier
19 shall comply with its fatigue risk management plan
20 after the plan is accepted by the Administrator under
21 this subsection.

22 (6) *CIVIL PENALTIES.*—A violation of this sub-
23 section by a part 121 air carrier shall be treated as
24 a violation of chapter 447 of title 49, United States

1 *Code, for the purpose of applying civil penalties*
 2 *under chapter 463 of such title.*

3 **SEC. 2307. TRAINING TO COMBAT HUMAN TRAFFICKING**
 4 **FOR CERTAIN AIR CARRIER EMPLOYEES.**

5 (a) *IN GENERAL.*—Subchapter I of chapter 417 is
 6 amended by adding at the end the following:

7 **“§41725. Training to combat human trafficking**

8 “(a) *IN GENERAL.*—Each air carrier providing pas-
 9 senger air transportation shall provide flight attendants
 10 who are employees or contractors of the air carrier with
 11 training to combat human trafficking in the course of car-
 12 rying out their duties as employees or contractors of the
 13 air carrier.

14 “(b) *ELEMENTS OF TRAINING.*—The training an air
 15 carrier is required to provide under subsection (a) to flight
 16 attendants shall include training with respect to—

17 “(1) common indicators of human trafficking;
 18 and

19 “(2) best practices for reporting suspected human
 20 trafficking to law enforcement officers.

21 “(c) *MATERIALS.*—An air carrier may provide the
 22 training required by subsection (a) using modules and ma-
 23 terials developed by the Department of Transportation and
 24 the Department of Homeland Security, including the train-
 25 ing module and associated materials of the Blue Lightning

1 *Initiative and modules and materials subsequently devel-*
 2 *oped and recommended by such Departments with respect*
 3 *to combating human trafficking.*

4 “(d) *INTERAGENCY COORDINATION.*—*The Adminis-*
 5 *trator of the Federal Aviation Administration shall coordi-*
 6 *nate with the Secretary of Homeland Security to ensure*
 7 *that appropriate training modules and materials are avail-*
 8 *able for air carriers to conduct the training required by*
 9 *subsection (a).*

10 “(e) *HUMAN TRAFFICKING DEFINED.*—*In this section,*
 11 *the term ‘human trafficking’ means 1 or more severe forms*
 12 *of trafficking in persons (as defined in section 103 of the*
 13 *Trafficking Victims Protection Act of 2000 (22 U.S.C.*
 14 *7102)).’.*”

15 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 16 *for chapter 417 is amended by inserting after the item relat-*
 17 *ing to section 41724 the following:*

“41725. *Training to combat human trafficking.*”.

18 (c) *REPORT REQUIRED.*—*Not later than 1 year after*
 19 *the date of the enactment of this Act, the Administrator of*
 20 *the Federal Aviation Administration shall submit to the*
 21 *Committee on Commerce, Science, and Transportation of*
 22 *the Senate and the Committee on Transportation and In-*
 23 *frastructure of the House of Representatives a report that*
 24 *includes—*

1 (1) *an assessment of the status of compliance of*
 2 *air carriers with section 41725 of title 49, United*
 3 *States Code, as added by subsection (a); and*

4 (2) *recommendations for improving the identi-*
 5 *fication and reporting of human trafficking by air*
 6 *carrier personnel while protecting the civil liberties of*
 7 *passengers.*

8 (d) *IMMUNITY FOR REPORTING HUMAN TRAF-*
 9 *FICKING.*—Section 44941(a) is amended by striking “or ter-
 10 *rorism, as defined by section 3077 of title 18, United States*
 11 *Code,” and inserting “human trafficking (as defined by sec-*
 12 *tion 41725), or terrorism (as defined by section 3077 of title*
 13 *18)”.*

14 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

15 (a) *REPORT.*—Not later than 180 days after the date
 16 *of enactment of this Act, the Administrator of the Federal*
 17 *Aviation Administration shall submit to the appropriate*
 18 *committees of Congress a report on the National Test*
 19 *Equipment Program (referred to in this section as the “Pro-*
 20 *gram”).*

21 (b) *CONTENTS.*—The report shall include—

22 (1) *a list of all known outstanding requests for*
 23 *test equipment, cataloged by type and location, under*
 24 *the Program;*

1 (2) *a description of the current method under the*
 2 *Program of ensuring calibrated equipment is in place*
 3 *for utilization;*

4 (3) *a plan by the Administrator for appropriate*
 5 *inventory of such equipment; and*

6 (4) *the Administrator's recommendations for in-*
 7 *creasing multifunctionality in future test equipment*
 8 *to be developed and all known and foreseeable manu-*
 9 *facturer technological advances.*

10 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
 11 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

12 (a) *IN GENERAL.*—*Not later than June 30, 2016, the*
 13 *Administrator of the Federal Aviation Administration*
 14 *shall—*

15 (1) *assess available technologies to determine*
 16 *whether it is feasible, cost-effective, and appropriate*
 17 *to install and deploy, at any airport, systems to pro-*
 18 *vide a direct warning capability to flight crews and*
 19 *air traffic controllers of potential runway incursions;*
 20 *and*

21 (2) *submit to the appropriate committees of Con-*
 22 *gress a report on the assessment under paragraph (1),*
 23 *including any recommendations.*

24 (b) *CONSIDERATIONS.*—*In conducting the assessment*
 25 *under subsection (a), the Administration shall consider Na-*

1 tional Transportation Safety Board findings and relevant
2 aviation stakeholder views relating to runway incursions.

3 **SEC. 2310. LASER POINTER INCIDENTS.**

4 (a) *IN GENERAL.*—Beginning 90 days after the date
5 of enactment of this Act, the Administrator of the Federal
6 Aviation Administration, in coordination with the Director
7 of the Federal Bureau of Investigation, shall provide quar-
8 terly updates to the appropriate committees of Congress re-
9 garding—

10 (1) the number of incidents involving the beam
11 from a laser pointer (as defined in section 39A of title
12 18, United States Code) being aimed at, or in the
13 flight path of, an aircraft in the airspace jurisdiction
14 of the United States;

15 (2) the number of civil or criminal enforcement
16 actions taken by the Federal Aviation Administra-
17 tion, Department of Transportation, or Department
18 of Justice with regard to the incidents described in
19 paragraph (1), including the amount of the civil or
20 criminal penalties imposed on violators;

21 (3) the resolution of any incidents that did not
22 result in a civil or criminal enforcement action; and

23 (4) any actions the Department of Transpor-
24 tation or Department of Justice has taken on its own,
25 or in conjunction with other Federal agencies or local

1 *law enforcement agencies, to deter the type of activity*
 2 *described in paragraph (1).*

3 *(b) CIVIL PENALTIES.—The Administrator shall revise*
 4 *the maximum civil penalty that may be imposed on an in-*
 5 *dividual who aims the beam of a laser pointer at an air-*
 6 *craft in the airspace jurisdiction of the United States, or*
 7 *at the flight path of such an aircraft, to be \$25,000.*

8 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**
 9 **DATA AND REPORTS.**

10 *(a) IN GENERAL.—Not later than 1 year after the date*
 11 *of enactment of this Act, the Administrator of the Federal*
 12 *Aviation Administration, in collaboration with helicopter*
 13 *air ambulance industry stakeholders, shall assess the avail-*
 14 *ability of information to the general public related to the*
 15 *location of heliports and helipads used by helicopters pro-*
 16 *viding air ambulance services, including helipads and*
 17 *helipads outside of those listed as part of any existing data-*
 18 *bases of Airport Master Record (5010) forms.*

19 *(b) REQUIREMENTS.—Based on the assessment under*
 20 *subsection (a), the Administrator shall—*

21 *(1) update, as necessary, any existing guidance*
 22 *on what information is included in the current data-*
 23 *bases of Airport Master Record (5010) forms to in-*
 24 *clude information related to heliports and helipads*

1 *used by helicopters providing air ambulance services;*
 2 *or*

3 *(2) develop, as appropriate and in collaboration*
 4 *with helicopter air ambulance industry stakeholders,*
 5 *a new database of heliports and helipads used by heli-*
 6 *copters providing air ambulance services.*

7 *(c) REPORTS.—*

8 *(1) ASSESSMENT.—Not later than 30 days after*
 9 *the date the assessment under subsection (a) is com-*
 10 *plete, the Administrator shall submit to the appro-*
 11 *priate committees of Congress a report on the assess-*
 12 *ment, including any recommendations on how to*
 13 *make information related to the location of heliports*
 14 *and helipads used by helicopters providing air ambu-*
 15 *lance services available to the general public.*

16 *(2) IMPLEMENTATION.—Not later than 30 days*
 17 *after completing action under paragraph (1) or para-*
 18 *graph (2) of subsection (b), the Administrator shall*
 19 *submit to the appropriate committees of Congress a*
 20 *report on the implementation of that action.*

21 *(d) INCIDENT AND ACCIDENT DATA.—Section 44731*
 22 *is amended—*

23 *(1) in subsection (a)—*

24 *(A) in the matter preceding paragraph (1),*
 25 *by striking “not later than 1 year after the date*

1 *of enactment of this section, and annually there-*
 2 *after” and inserting “annually”;*

3 *(B) in paragraph (2), by striking “flights*
 4 *and hours flown, by registration number, during*
 5 *which helicopters operated by the certificate hold-*
 6 *er were providing helicopter air ambulance serv-*
 7 *ices” and inserting “hours flown by the heli-*
 8 *copters operated by the certificate holder”;*

9 *(C) in paragraph (3)—*

10 *(i) by striking “of flight” and inserting*
 11 *“of patients transported and the number of*
 12 *patient transport”;*

13 *(ii) by inserting “or” after “inter-*
 14 *facility transport,”; and*

15 *(iii) by striking “, or ferry or repo-*
 16 *sitioning flight”;*

17 *(D) in paragraph (5)—*

18 *(i) by striking “flights and”; and*

19 *(ii) by striking “while providing air*
 20 *ambulance services”; and*

21 *(E) by amending paragraph (6) to read as*
 22 *follows:*

23 *“(6) The number of hours flown at night by heli-*
 24 *copters operated by the certificate holder.”;*

25 *(2) in subsection (d)—*

1 (A) by striking “Not later than 2 years
2 after the date of enactment of this section, and
3 annually thereafter, the Administrator shall sub-
4 mit” and inserting “The Administrator shall
5 submit annually”; and

6 (B) by adding at the end the following:
7 “The report shall include the number of acci-
8 dents experienced by helicopter air ambulance
9 operations, the number of fatal accidents experi-
10 enced by helicopter air ambulance operations,
11 and the rate, per 100,000 flight hours, of acci-
12 dents and fatal accidents experienced by opera-
13 tors providing helicopter air ambulance serv-
14 ices.”;

15 (3) by redesignating subsection (e) as subsection
16 (f); and

17 (4) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) *IMPLEMENTATION.*—In carrying out this section,
20 the Administrator, in collaboration with part 135 certifi-
21 cate holders providing helicopter air ambulance services,
22 shall—

23 “(1) propose and develop a method to collect and
24 store the data submitted under subsection (a), includ-
25 ing a method to protect the confidentiality of any

1 *trade secret or proprietary information submitted;*
 2 *and*

3 “(2) ensure that the database under subsection
 4 (c) and the report under subsection (d) include data
 5 and analysis that will best inform efforts to improve
 6 the safety of helicopter air ambulance operations.”.

7 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

8 *Not later than 1 year after the date of enactment of*
 9 *this Act, the Administrator of the Federal Aviation Admin-*
 10 *istration shall—*

11 (1) *determine, in collaboration with the National*
 12 *Transportation Safety Board and Part 135 industry*
 13 *stakeholders, what, if any, additional data should be*
 14 *reported as part of an accident or incident notice to*
 15 *more accurately measure the safety of on-demand*
 16 *Part 135 aircraft activity, to pinpoint safety prob-*
 17 *lems, and to form the basis for critical research and*
 18 *analysis of general aviation issues; and*

19 (2) *submit to the appropriate committees of Con-*
 20 *gress a report on the findings under paragraph (1),*
 21 *including a description of the additional data to be*
 22 *collected, a timeframe for implementing the addi-*
 23 *tional data collection, and any potential obstacles to*
 24 *implementation.*

1 **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

2 Section 40102(a), as amended by section 2140 of this
3 Act, is further amended—

4 (1) by redesignating paragraphs (24) through
5 (47) as paragraphs (25) through (48), respectively;
6 and

7 (2) by inserting after paragraph (23) the fol-
8 lowing:

9 “(24) ‘human factors’ means a multidisciplinary
10 field that generates and compiles information about
11 human capabilities and limitations and applies it to
12 design, development, and evaluation of equipment,
13 systems, facilities, procedures, jobs, environments,
14 staffing, organizations, and personnel management
15 for safe, efficient, and effective human performance,
16 including people’s use of technology.”.

17 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
18 **THORITY.**

19 It is the sense of Congress that the pilot in command
20 of an aircraft is directly responsible for, and is the final
21 authority as to, the operation of that aircraft, as set forth
22 in section 91.3(a) of title 14, Code of Federal Regulations
23 (or any successor regulation thereto).

24 **SEC. 2315. ENHANCING ASIAs.**

25 (a) *IN GENERAL.*—Not later than 1 year after the date
26 of enactment of this Act, the Administrator of the Federal

1 *Aviation Administration, in consultation with relevant*
 2 *aviation industry stakeholders, shall assess what, if any,*
 3 *improvements are needed to develop the predictive capa-*
 4 *bility of the Aviation Safety Information Analysis and*
 5 *Sharing program (referred to in this section as “ASIAS”)*
 6 *with regard to identifying precursors to accidents.*

7 (b) *CONTENTS.—In conducting the assessment under*
 8 *subsection (a), the Administrator shall—*

9 (1) *determine what actions are necessary—*

10 (A) *to improve data quality and standard-*
 11 *ization; and*

12 (B) *to increase the data received from addi-*
 13 *tional segments of the aviation industry, such as*
 14 *small airplane, helicopter, and business jet oper-*
 15 *ations;*

16 (2) *consider how to prioritize the actions de-*
 17 *scribed in paragraph (1); and*

18 (3) *review available methods for disseminating*
 19 *safety trend data from ASIAS to the aviation safety*
 20 *community, including the inspector workforce, to in-*
 21 *form in their risk-based decision making efforts.*

22 (c) *REPORT.—Not later than 60 days after the date*
 23 *the assessment under subsection (a) is complete, the Admin-*
 24 *istrator shall submit to the appropriate committees of Con-*
 25 *gress a report on the assessment, including recommenda-*

1 tions regarding paragraphs (1) through (3) of subsection
2 (b).

3 **SEC. 2316. IMPROVING RUNWAY SAFETY.**

4 (a) *IN GENERAL.*—The Administrator of the Federal
5 Aviation Administration shall expedite the development of
6 metrics—

7 (1) to allow the Federal Aviation Administration
8 to determine whether runway incursions are increas-
9 ing; and

10 (2) to assess the effectiveness of implemented run-
11 way safety initiatives.

12 (b) *REPORT.*—Not later than 1 year after the date of
13 enactment of this Act, the Administrator shall submit to
14 the appropriate committees of Congress a report on the
15 progress in developing the metrics described in subsection
16 (a).

17 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
18 **AND BATTERIES.**

19 (a) *RESTRICTIONS ON TRANSPORTATION OF LITHIUM*
20 *BATTERIES ON PASSENGER AIRCRAFT.*—

21 (1) *IN GENERAL.*—Pursuant to section 828 of the
22 *FAA Modernization and Reform Act of 2012* (49
23 *U.S.C. 44701 note*)—

24 (A) not later than 90 days after the date of
25 enactment of this Act, the Administrator of the

1 *Federal Aviation Administration shall update*
2 *applicable regulations to implement the revised*
3 *standards adopted by the International Civil*
4 *Aviation Organization (ICAO) on February 22,*
5 *2016, regarding—*

6 *(i) prohibiting the bulk air transport-*
7 *tation of lithium ion batteries on passenger*
8 *aircraft; and*

9 *(ii) prohibiting bulk air transport*
10 *cargo shipment of lithium batteries with an*
11 *internal charge above 30 percent; and*

12 *(B) the Secretary of Transportation may*
13 *initiate a review of existing regulations under*
14 *parts 171–181 of title 49, Code of Federal Regu-*
15 *lations, and any applicable regulations under*
16 *title 14, Code of Federal Regulations, regarding*
17 *the air transportation, including passenger-car-*
18 *rying and cargo aircraft, of lithium batteries*
19 *and cells.*

20 *(2) MEDICAL DEVICE BATTERIES.—The Sec-*
21 *retary of Transportation is encouraged to work with*
22 *ICAO, pilots, and industry stakeholders to facilitate*
23 *continued shipment of medical device batteries con-*
24 *sistent with high standards of safety.*

1 (3) *SAVINGS CLAUSE.*—*Nothing in this section*
 2 *shall be construed as expanding or constricting any*
 3 *other authority the Secretary of Transportation has*
 4 *under section 828 of the FAA Modernization and Re-*
 5 *form Act of 2012 (49 U.S.C. 44701 note) to promul-*
 6 *gate additional emergency or permanent regulations*
 7 *as permitted by subsection (b) of that section.*

8 (b) *LITHIUM BATTERY SAFETY WORKING GROUP.*—
 9 *Not later than 90 days after the date of enactment of this*
 10 *Act, the President shall establish a lithium battery safety*
 11 *working group to promote and coordinate efforts related to*
 12 *the promotion of the safe manufacture, use, and transpor-*
 13 *tation of lithium batteries and cells.*

14 (1) *COMPOSITION.*—

15 (A) *IN GENERAL.*—*The working group shall*
 16 *be composed of at least 1 representative from*
 17 *each of the following:*

18 (i) *Consumer Product Safety Commis-*
 19 *sion.*

20 (ii) *Department of Transportation.*

21 (iii) *National Institute on Standards*
 22 *and Technology.*

23 (iv) *Food and Drug Administration.*

24 (B) *ADDITIONAL MEMBERS.*—*The working*
 25 *group may include not more than 4 additional*

1 *members with expertise in the safe manufacture,*
2 *use, or transportation of lithium batteries and*
3 *cells.*

4 (C) *SUBCOMMITTEES.—The President, or*
5 *members of the working group, may—*

6 (i) *establish working group subcommit-*
7 *tees to focus on specific issues related to the*
8 *safe manufacture, use, or transportation of*
9 *lithium batteries and cells; and*

10 (ii) *include in a subcommittee the par-*
11 *ticipation of nonmember stakeholders with*
12 *expertise in areas that the President or*
13 *members consider necessary.*

14 (2) *REPORT.—Not later than 1 year after the*
15 *date it is established under subsection (b), the work-*
16 *ing group shall—*

17 (A) *research—*

18 (i) *additional ways to decrease the risk*
19 *of fires and explosions from lithium bat-*
20 *teries and cells;*

21 (ii) *additional ways to ensure uniform*
22 *transportation requirements for both bulk*
23 *and individual batteries; and*

1 (iii) new or existing technologies that
 2 could reduce the fire and explosion risk of
 3 lithium batteries and cells; and

4 (B) transmit to the appropriate committees
 5 of Congress a report on the research under sub-
 6 paragraph (A), including any legislative rec-
 7 ommendations to effectuate the safety improve-
 8 ments described in clauses (i) through (iii) of
 9 that subparagraph.

10 (3) *EXEMPTION FROM FACA.*—The Federal Advi-
 11 sory Committee Act (5 U.S.C. App.) shall not apply
 12 to the working group.

13 (4) *TERMINATION.*—The working group, and any
 14 working group subcommittees, shall terminate 90
 15 days after the date the report is transmitted under
 16 paragraph (2).

17 **SEC. 2318. PROHIBITION ON IMPLEMENTATION OF POLICY**

18 **CHANGE TO PERMIT SMALL, NON-LOCKING**

19 **KNIVES ON AIRCRAFT.**

20 (a) *IN GENERAL.*—Notwithstanding any other provi-
 21 sion of law, on and after the date of enactment of this Act,
 22 the Secretary of Homeland Security may not implement
 23 any change to the prohibited items list of the Transpor-
 24 tation Security Administration that would permit pas-
 25 sengers to carry small, non-locking knives through pas-

1 senger screening checkpoints at airports, into sterile areas
 2 at airports, or on board passenger aircraft.

3 (b) *PROHIBITED ITEMS LIST DEFINED.*—In this sec-
 4 tion, the term “prohibited items list” means the list of items
 5 passengers are prohibited from carrying as accessible prop-
 6 erty or on their persons through passenger screening check-
 7 points at airports, into sterile areas at airports, and on
 8 board passenger aircraft pursuant to section 1540.111 of
 9 title 49, Code of Federal Regulations.

10 **SEC. 2319. AIRCRAFT CABIN EVACUATION PROCEDURES.**

11 (a) *REVIEW.*—The Administrator of the Federal Avia-
 12 tion Administration shall review—

13 (1) evacuation certification of transport-category
 14 aircraft used in air transportation, with regard to—

15 (A) emergency conditions, including im-
 16 pacts into water;

17 (B) crew procedures used for evacuations
 18 under actual emergency conditions;

19 (C) any relevant changes to passenger de-
 20 mographics and legal requirements, including
 21 the Americans with Disabilities Act of 1990 (42
 22 U.S.C. 12101 et seq.), that affect emergency evac-
 23 uations; and

24 (D) any relevant changes to passenger seat-
 25 ing configurations, including changes to seat

1 *width, padding, reclining, size, pitch, leg room,*
2 *and aisle width; and*

3 *(2) recent accidents and incidents in which pas-*
4 *sengers evacuated such aircraft.*

5 *(b) CONSULTATION; REVIEW OF DATA.—In conducting*
6 *the review under subsection (a), the Administrator shall—*

7 *(1) consult with the National Transportation*
8 *Safety Board, transport-category aircraft manufac-*
9 *turers, air carriers, and other relevant experts and*
10 *Federal agencies, including groups representing pas-*
11 *sengers, airline crew members, maintenance employ-*
12 *ees, and emergency responders; and*

13 *(2) review relevant data with respect to evacu-*
14 *ation certification of transport-category aircraft.*

15 *(c) REPORT TO CONGRESS.—Not later than 1 year*
16 *after the date of enactment of this Act, the Administrator*
17 *shall submit to the appropriate committees of Congress a*
18 *report on the results of the review under subsection (a) and*
19 *related recommendations, if any, including recommenda-*
20 *tions for revisions to the assumptions and methods used for*
21 *assessing evacuation certification of transport-category air-*
22 *craft.*

1 ***Subtitle D—General Aviation Safety***

2 ***SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS***

3 ***POLICY.***

4 (a) *IN GENERAL.*—Not later than 2 years after the
5 date of enactment of this Act, the Administrator of the Fed-
6 eral Aviation Administration shall—

7 (1) *update automated weather observing systems*
8 *standards to maximize the use of new technologies*
9 *that promote the reduction of equipment or mainte-*
10 *nance cost for non-Federal automated weather observ-*
11 *ing systems, including the use of remote monitoring*
12 *and maintenance, unless demonstrated to be ineffec-*
13 *tive;*

14 (2) *review, and if necessary update, existing*
15 *policies in accordance with the standards developed*
16 *under paragraph (1); and*

17 (3) *establish a process under which appropriate*
18 *on site airport personnel or an aviation official may,*
19 *with appropriate manufacturer training or alter-*
20 *native training as determined by the Administrator,*
21 *be permitted to conduct the minimum tri-annual pre-*
22 *ventative maintenance checks under the advisory cir-*
23 *cular for non-Federal automated weather observing*
24 *systems (AC 150/5220-16D).*

1 (b) *PERMISSION.*—*Permission to conduct the min-*
 2 *imum tri-annual preventative maintenance checks de-*
 3 *scribed under subsection (a)(3) shall not be withheld but*
 4 *for specific cause.*

5 (c) *STANDARDS.*—*In updating the standards under*
 6 *subsection (a)(1), the Administrator shall—*

7 (1) *ensure the standards are performance-based;*

8 (2) *use risk analysis to determine the accuracy*
 9 *of the automated weather observing systems outputs*
 10 *required for pilots to perform safe aircraft operations;*
 11 *and*

12 (3) *provide a cost benefit analysis to determine*
 13 *whether the benefits outweigh the cost for any require-*
 14 *ment not directly related to safety.*

15 (d) *REPORT.*—*Not later than September 30, 2017, the*
 16 *Administrator shall provide a report to the appropriate*
 17 *committees of Congress on the implementation of require-*
 18 *ments under this section.*

19 **SEC. 2402. TOWER MARKING.**

20 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 21 *of enactment of this Act, the Administrator of the Federal*
 22 *Aviation Administration shall issue regulations to require*
 23 *the marking of covered towers.*

24 (b) *MARKING REQUIRED.*—*The regulations under sub-*
 25 *section (a) shall require that a covered tower be clearly*

1 *marked in a manner that is consistent with applicable*
 2 *guidance under the Federal Aviation Administration Advi-*
 3 *sory Circular issued December 4, 2015 (AC 70/7460–1L)*
 4 *or other relevant safety guidance, as determined by the Ad-*
 5 *ministrator.*

6 (c) *APPLICATION.—The regulations issued under sub-*
 7 *section (a) shall ensure that—*

8 (1) *all covered towers constructed on or after the*
 9 *date on which such regulations take effect are marked*
 10 *in accordance with subsection (b); and*

11 (2) *a covered tower constructed before the date on*
 12 *which such regulations take effect is marked in ac-*
 13 *cordance with subsection (b) not later than 1 year*
 14 *after such effective date.*

15 (d) *DEFINITION OF COVERED TOWER.—*

16 (1) *IN GENERAL.—In this section, the term “cov-*
 17 *ered tower” means a structure that—*

18 (A) *is self-standing or supported by guy*
 19 *wires and ground anchors;*

20 (B) *is 10 feet or less in diameter at the*
 21 *above-ground base, excluding concrete footing;*

22 (C) *at the highest point of the structure is*
 23 *at least 50 feet above ground level;*

24 (D) *at the highest point of the structure is*
 25 *not more than 200 feet above ground level;*

1 (E) has accessory facilities on which an an-
 2 tenna, sensor, camera, meteorological instrument,
 3 or other equipment is mounted; and

4 (F) is located—

5 (i) outside the boundaries of an incor-
 6 porated city or town; or

7 (ii) on land that is—

8 (I) undeveloped; or

9 (II) used for agricultural pur-
 10 poses.

11 (2) *EXCLUSIONS.*—The term “covered tower”
 12 does not include any structure that—

13 (A) is adjacent to a house, barn, electric
 14 utility station, or other building;

15 (B) is within the curtilage of a farmstead;

16 (C) supports electric utility transmission or
 17 distribution lines;

18 (D) is a wind powered electrical generator
 19 with a rotor blade radius that exceeds 6 feet; or

20 (E) is a street light erected or maintained
 21 by a Federal, State, local, or tribal entity.

22 (e) *DATABASE.*—The Administrator shall—

23 (1) develop a database that contains the location
 24 and height of each covered tower;

1 (2) *keep the database current to the extent prac-*
 2 *ticable;*

3 (3) *ensure that any proprietary information in*
 4 *the database is protected from disclosure in accord-*
 5 *ance with law; and*

6 (4) *ensure access to the database is limited to in-*
 7 *dividuals, such as airmen, who require the informa-*
 8 *tion for aviation safety purposes only.*

9 **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

10 *Not later than 1 year after the date of enactment of*
 11 *this Act, the Administrator of the Federal Aviation Admin-*
 12 *istration shall evaluate and update, as necessary, standards*
 13 *for crash-resistant fuel systems for civilian rotorcraft.*

14 **SEC. 2404. REQUIREMENT TO CONSULT WITH STAKE-**
 15 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
 16 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
 17 **GRAM.**

18 *Not later than 180 days after the date of enactment*
 19 *of this Act, the Administrator of the Federal Aviation Ad-*
 20 *ministration shall consult with general aviation stake-*
 21 *holders in defining the scope and requirements for any new*
 22 *Future Flight Service Program of the Administration to be*
 23 *used in a competitive source selection for the next flight*
 24 *service contract with the Administration.*

1 ***Subtitle E—General Provisions***

2 ***SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-***
 3 ***FICER.***

4 (a) *IN GENERAL.*—Section 106 is amended by adding
 5 *at the end the following:*

6 “(u) *DESIGNATED AGENCY SAFETY AND HEALTH OF-*
 7 *FICER.*—

8 “(1) *APPOINTMENT.*—There shall be a Des-
 9 *ignated Agency Safety and Health Officer appointed*
 10 *by the Administrator who shall exclusively fulfill the*
 11 *duties prescribed in this subsection.*

12 “(2) *RESPONSIBILITIES.*—The Designated Agen-
 13 *cy Safety and Health Officer shall have responsibility*
 14 *and accountability for—*

15 “(A) *auditing occupational safety and*
 16 *health issues across the Administration;*

17 “(B) *overseeing Administration-wide com-*
 18 *pliance with relevant Federal occupational safety*
 19 *and health statutes and regulations, national in-*
 20 *dustry and consensus standards, and Adminis-*
 21 *tration policies; and*

22 “(C) *encouraging a culture of occupational*
 23 *safety and health to complement the Administra-*
 24 *tion’s existing safety culture.*

1 “(3) *REPORTING STRUCTURE.*—*The Designated*
 2 *Agency Safety and Health Officer shall occupy a full-*
 3 *time, senior executive position and shall report di-*
 4 *rectly to the Assistant Administrator for Human Re-*
 5 *source Management.*

6 “(4) *QUALIFICATIONS AND REMOVAL.*—

7 “(A) *QUALIFICATIONS.*—*The Designated*
 8 *Agency Safety and Health Officer shall have*
 9 *demonstrated ability and experience in the estab-*
 10 *lishment and administration of comprehensive*
 11 *occupational safety and health programs and*
 12 *knowledge of relevant Federal occupational safety*
 13 *and health statutes and regulations, national in-*
 14 *dustry and consensus standards, and Adminis-*
 15 *tration policies.*

16 “(B) *REMOVAL.*—*The Designated Agency*
 17 *Safety and Health Officer shall serve at the*
 18 *pleasure of the Administrator.’’.*

19 “(b) *DEADLINE FOR APPOINTMENT.*—*Not later than*
 20 *180 days after the date of enactment of this Act, the Admin-*
 21 *istrator of the Federal Aviation Administration shall ap-*
 22 *point an individual to serve as the Designated Agency Safe-*
 23 *ty and Health Officer under section 106(u) of title 49,*
 24 *United States Code.*

1 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**
 2 **STATES.**

3 (a) *RISK-BASED OVERSIGHT.*—Section 44733 is
 4 amended—

5 (1) by redesignating subsection (f) as subsection
 6 (g);

7 (2) by inserting after subsection (e) the following:
 8 “(f) *RISK-BASED OVERSIGHT.*—

9 “(1) *IN GENERAL.*—Not later than 90 days after
 10 the date of enactment of the Federal Aviation Admin-
 11 istration Reauthorization Act of 2016, the Adminis-
 12 trator shall take measures to ensure that the safety as-
 13 sessment system established under subsection (a)—

14 “(A) places particular consideration on in-
 15 spections of part 145 repair stations located out-
 16 side the United States that conduct scheduled
 17 heavy maintenance work on part 121 air carrier
 18 aircraft; and

19 “(B) accounts for the frequency and serious-
 20 ness of any corrective actions that part 121 air
 21 carriers must implement to aircraft following
 22 such work at such repair stations.

23 “(2) *INTERNATIONAL AGREEMENTS.*—The Ad-
 24 ministrator shall take the measures required under
 25 paragraph (1)—

1 “(A) in accordance with the United States
2 obligations under applicable international agree-
3 ments; and

4 “(B) in a manner consistent with the appli-
5 cable laws of the country in which a repair sta-
6 tion is located.

7 “(3) ACCESS TO DATA.—The Administrator may
8 access and review such information or data in the
9 possession of a part 121 air carrier as the Adminis-
10 trator may require in carrying out paragraph
11 (1)(B).”; and

12 (3) in subsection (g), as redesignated—

13 (A) by redesignating paragraphs (1) and
14 (2) as paragraphs (2) and (3), respectively; and

15 (B) by inserting before paragraph (2), as
16 redesignated, the following:

17 “(1) HEAVY MAINTENANCE WORK.—The term
18 ‘heavy maintenance work’ means a C-check, a D-
19 check, or equivalent maintenance operation with re-
20 spect to the airframe of a transport-category air-
21 craft.”.

22 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
23 ING.—The Administrator of the Federal Aviation Adminis-
24 tration shall ensure that—

1 (1) *not later than 90 days after the date of en-*
 2 *actment of this Act, a notice of proposed rulemaking*
 3 *required pursuant to section 44733(d)(2) of title 49,*
 4 *United States Code, is published in the Federal Reg-*
 5 *ister; and*

6 (2) *not later than 1 year after the date on which*
 7 *the notice of proposed rulemaking is published in the*
 8 *Federal Register, the rulemaking is finalized.*

9 (c) **BACKGROUND INVESTIGATIONS.**—*Not later than*
 10 *180 days after the date of enactment of this Act, the Admin-*
 11 *istrator of the Federal Aviation Administration shall ensure*
 12 *that each employee of a repair station certificated under*
 13 *part 145 of title 14, Code of Federal Regulations, who per-*
 14 *forms a safety-sensitive function on an air carrier aircraft*
 15 *has undergone a preemployment background investigation*
 16 *sufficient to determine whether the individual presents a*
 17 *threat to aviation safety, in a manner that is—*

18 (1) *determined acceptable by the Administrator;*

19 (2) *consistent with the applicable laws of the*
 20 *country in which the repair station is located; and*

21 (3) *consistent with the United States obligations*
 22 *under international agreements.*

23 **SEC. 2503. FAA TECHNICAL TRAINING.**

24 (a) **E-LEARNING TRAINING PILOT PROGRAM.**—*Not*
 25 *later than 90 days after the date of enactment of this Act,*

1 *the Administrator of the Federal Aviation Administration,*
2 *in collaboration with the exclusive bargaining representa-*
3 *tives of covered FAA personnel, shall establish an e-learning*
4 *training pilot program in accordance with the requirements*
5 *of this section.*

6 (b) *CURRICULUM.—The pilot program shall—*

7 (1) *include a recurrent training curriculum for*
8 *covered FAA personnel to ensure that the covered FAA*
9 *personnel receive instruction on the latest aviation*
10 *technologies, processes, and procedures;*

11 (2) *focus on providing specialized technical*
12 *training for covered FAA personnel, as determined*
13 *necessary by the Administrator;*

14 (3) *include training courses on applicable regu-*
15 *lations of the Federal Aviation Administration; and*

16 (4) *consider the efficacy of instructor-led online*
17 *training.*

18 (c) *PILOT PROGRAM TERMINATION.—The pilot pro-*
19 *gram shall terminate 1 year after the date of establishment*
20 *of the pilot program.*

21 (d) *E-LEARNING TRAINING PROGRAM.—Upon termi-*
22 *nation of the pilot program, the Administrator shall assess*
23 *and establish or update an e-learning training program*
24 *that incorporates lessons learned for covered FAA personnel*
25 *as a result of the pilot program.*

1 (e) *DEFINITIONS.—In this section:*

2 (1) *COVERED FAA PERSONNEL.—The term “cov-*
 3 *ered FAA personnel” means airway transportation*
 4 *systems specialists and aviation safety inspectors of*
 5 *the Federal Aviation Administration.*

6 (2) *E-LEARNING TRAINING.—The term “e-learn-*
 7 *ing training” means learning utilizing electronic*
 8 *technologies to access educational curriculum outside*
 9 *of a traditional classroom.*

10 **SEC. 2504. SAFETY CRITICAL STAFFING.**

11 (a) *AUDIT BY DOT INSPECTOR GENERAL.—Not later*
 12 *than 1 year after the date of enactment of this Act, the In-*
 13 *spector General of the Department of Transportation shall*
 14 *conduct and complete an audit of the staffing model used*
 15 *by the Federal Aviation Administration to determine the*
 16 *number of aviation safety inspectors that are needed to ful-*
 17 *fill the mission of the Federal Aviation Administration and*
 18 *adequately ensure aviation safety.*

19 (b) *CONTENTS.—The audit shall include, at a min-*
 20 *imum—*

21 (1) *a review of the staffing model and an anal-*
 22 *ysis of how consistently the staffing model is applied*
 23 *throughout the Federal Aviation Administration’s*
 24 *aviation safety lines of business;*

11 (c) *REPORT.*—Not later than 30 days after the date
12 of completion of the audit, the Inspector General shall sub-
13 mit to the appropriate committees of Congress a report on
14 the results of the audit.

17 *The Administrator of the Federal Aviation Adminis-*
18 *tration shall—*

(1) identify airports that are currently served by Federal Aviation Administration towers with non-radar approach and departure control (Type 4 tower); and

(2) develop an implementation plan, including
budgetary considerations, to provide the facilities

1 *identified under paragraph (1) with approach control*
 2 *radar.*

3 ***Subtitle F—Third Class Medical Re-***
 4 ***form and General Aviation Pilot***
 5 ***Protections***

6 ***SEC. 2601. SHORT TITLE.***

7 *This subtitle may be cited as the “Pilot’s Bill of Rights*
 8 *2”.*

9 ***SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL***
 10 ***AIRCRAFT PILOTS.***

11 *(a) IN GENERAL.—Not later than 180 days after the*
 12 *date of enactment of this Act, the Administrator of the Fed-*
 13 *eral Aviation Administration shall issue or revise regula-*
 14 *tions to ensure that an individual may operate as pilot in*
 15 *command of a covered aircraft if—*

16 *(1) the individual possesses a valid driver’s li-*
 17 *cence issued by a State, territory, or possession of the*
 18 *United States and complies with all medical require-*
 19 *ments or restrictions associated with that license;*

20 *(2) the individual holds a medical certificate*
 21 *issued by the Federal Aviation Administration on the*
 22 *date of enactment of this Act, held such a certificate*
 23 *at any point during the 10-year period preceding*
 24 *such date of enactment, or obtains such a certificate*
 25 *after such date of enactment;*

1 (3) *the most recent medical certificate issued by*
2 *the Federal Aviation Administration to the indi-*
3 *vidual—*

4 (A) *indicates whether the certificate is first,*
5 *second, or third class;*

6 (B) *may include authorization for special*
7 *issuance;*

8 (C) *may be expired;*

9 (D) *cannot have been revoked or suspended;*

10 *and*

11 (E) *cannot have been withdrawn;*

12 (4) *the most recent application for airman med-*
13 *ical certification submitted to the Federal Aviation*
14 *Administration by the individual cannot have been*
15 *completed and denied;*

16 (5) *the individual has completed a medical edu-*
17 *cation course described in subsection (c) during the 24*
18 *calendar months before acting as pilot in command of*
19 *a covered aircraft and demonstrates proof of comple-*
20 *tion of the course;*

21 (6) *the individual, when serving as a pilot in*
22 *command, is under the care and treatment of a physi-*
23 *cian if the individual has been diagnosed with any*
24 *medical condition that may impact the ability of the*
25 *individual to fly;*

1 (7) *the individual has received a comprehensive*
2 *medical examination from a State-licensed physician*
3 *during the previous 48 months and—*

4 (A) *prior to the examination, the indi-*
5 *vidual—*

6 (i) *completed the individual's section of*
7 *the checklist described in subsection (b); and*

8 (ii) *provided the completed checklist to*
9 *the physician performing the examination;*
10 *and*

11 (B) *the physician conducted the comprehen-*
12 *sive medical examination in accordance with the*
13 *checklist described in subsection (b), checking*
14 *each item specified during the examination and*
15 *addressing, as medically appropriate, every med-*
16 *ical condition listed, and any medications the*
17 *individual is taking; and*

18 (8) *the individual is operating in accordance*
19 *with the following conditions:*

20 (A) *The covered aircraft is carrying not*
21 *more than 5 passengers.*

22 (B) *The individual is operating the covered*
23 *aircraft under visual flight rules or instrument*
24 *flight rules.*

1 (C) *The flight, including each portion of*
2 *that flight, is not carried out—*

3 (i) *for compensation or hire, including*
4 *that no passenger or property on the flight*
5 *is being carried for compensation or hire;*

6 (ii) *at an altitude that is more than*
7 *18,000 feet above mean sea level;*

8 (iii) *outside the United States, unless*
9 *authorized by the country in which the*
10 *flight is conducted; or*

11 (iv) *at an indicated air speed exceed-*
12 *ing 250 knots.*

13 (b) *COMPREHENSIVE MEDICAL EXAMINATION.—*

14 (1) *IN GENERAL.—Not later than 180 days after*
15 *the date of enactment of this Act, the Administrator*
16 *shall develop a checklist for an individual to complete*
17 *and provide to the physician performing the com-*
18 *prehensive medical examination required in sub-*
19 *section (a)(7).*

20 (2) *REQUIREMENTS.—The checklist shall con-*
21 *tain—*

22 (A) *a section, for the individual to complete*
23 *that contains—*

1 (i) boxes 3 through 13 and boxes 16
2 through 19 of the Federal Aviation Admin-
3 istration Form 8500–8 (3–99);

4 (ii) a signature line for the individual
5 to affirm that—

6 (I) the answers provided by the
7 individual on that checklist, including
8 the individual’s answers regarding
9 medical history, are true and complete;

10 (II) the individual understands
11 that he or she is prohibited under Fed-
12 eral Aviation Administration regula-
13 tions from acting as pilot in command,
14 or any other capacity as a required
15 flight crew member, if he or she knows
16 or has reason to know of any medical
17 deficiency or medically disqualifying
18 condition that would make the indi-
19 vidual unable to operate the aircraft in
20 a safe manner; and

21 (III) the individual is aware of
22 the regulations pertaining to the prohi-
23 bition on operations during medical
24 deficiency and has no medically dis-

1 *qualifying conditions in accordance*
2 *with applicable law;*

3 *(B) a section with instructions for the indi-*
4 *vidual to provide the completed checklist to the*
5 *physician performing the comprehensive medical*
6 *examination required in subsection (a)(7); and*

7 *(C) a section, for the physician to complete,*
8 *that instructs the physician—*

9 *(i) to perform a clinical examination*
10 *of—*

11 *(I) head, face, neck, and scalp;*

12 *(II) nose, sinuses, mouth, and*
13 *throat;*

14 *(III) ears, general (internal and*
15 *external canals), and eardrums (per-*
16 *foration);*

17 *(IV) eyes (general),*
18 *ophthalmoscopic, pupils (equality and*
19 *reaction), and ocular motility (associ-*
20 *ated parallel movement, nystagmus);*

21 *(V) lungs and chest (not including*
22 *breast examination);*

23 *(VI) heart (precordial activity,*
24 *rhythm, sounds, and murmurs);*

1 (VII) *vascular system (pulse, am-*
2 *plitude, and character, and arms, legs,*
3 *and others);*

4 (VIII) *abdomen and viscera (in-*
5 *cluding hernia);*

6 (IX) *anus (not including digital*
7 *examination);*

8 (X) *skin;*

9 (XI) *G–U system (not including*
10 *pelvic examination);*

11 (XII) *upper and lower extremities*
12 *(strength and range of motion);*

13 (XIII) *spine and other musculo-*
14 *skeletal;*

15 (XIV) *identifying body marks,*
16 *scars, and tattoos (size and location);*

17 (XV) *lymphatics;*

18 (XVI) *neurologic (tendon reflexes,*
19 *equilibrium, senses, cranial nerves, and*
20 *coordination, etc.);*

21 (XVII) *psychiatric (appearance,*
22 *behavior, mood, communication, and*
23 *memory);*

24 (XVIII) *general systemic;*

25 (XIX) *hearing;*

1 (XX) vision (distant, near, and
2 intermediate vision, field of vision,
3 color vision, and ocular alignment);

4 (XXI) blood pressure and pulse;
5 and

6 (XXII) anything else the physi-
7 cian, in his or her medical judgment,
8 considers necessary;

9 (ii) to exercise medical discretion to
10 address, as medically appropriate, any
11 medical conditions identified, and to exer-
12 cise medical discretion in determining
13 whether any medical tests are warranted as
14 part of the comprehensive medical examina-
15 tion;

16 (iii) to discuss all drugs the individual
17 reports taking (prescription and non-
18 prescription) and their potential to interfere
19 with the safe operation of an aircraft or
20 motor vehicle;

21 (iv) to sign the checklist, stating: “I
22 certify that I discussed all items on this
23 checklist with the individual during my ex-
24 amination, discussed any medications the
25 individual is taking that could interfere

1 *with their ability to safely operate an air-*
 2 *craft or motor vehicle, and performed an ex-*
 3 *amination that included all of the items on*
 4 *this checklist. I certify that I am not aware*
 5 *of any medical condition that, as presently*
 6 *treated, could interfere with the individual's*
 7 *ability to safely operate an aircraft.”; and*

8 *(v) to provide the date the comprehen-*
 9 *sive medical examination was completed,*
 10 *and the physician's full name, address, tele-*
 11 *phone number, and State medical license*
 12 *number.*

13 (3) *LOGBOOK.*—*The completed checklist shall be*
 14 *retained in the individual's logbook and made avail-*
 15 *able on request.*

16 (c) *MEDICAL EDUCATION COURSE REQUIREMENTS.*—
 17 *The medical education course described in this subsection*
 18 *shall—*

19 (1) *be available on the Internet free of charge;*

20 (2) *be developed and periodically updated in co-*
 21 *ordination with representatives of relevant nonprofit*
 22 *and not-for-profit general aviation stakeholder groups;*

23 (3) *educate pilots on conducting medical self-as-*
 24 *sessments;*

1 (4) *advise pilots on identifying warning signs of*
2 *potential serious medical conditions;*

3 (5) *identify risk mitigation strategies for med-*
4 *ical conditions;*

5 (6) *increase awareness of the impacts of poten-*
6 *tially impairing over-the-counter and prescription*
7 *drug medications;*

8 (7) *encourage regular medical examinations and*
9 *consultations with primary care physicians;*

10 (8) *inform pilots of the regulations pertaining to*
11 *the prohibition on operations during medical defi-*
12 *ciency and medically disqualifying conditions;*

13 (9) *provide the checklist developed by the Federal*
14 *Aviation Administration in accordance with sub-*
15 *section (b); and*

16 (10) *upon successful completion of the course,*
17 *electronically provide to the individual and transmit*
18 *to the Federal Aviation Administration—*

19 (A) *a certification of completion of the med-*
20 *ical education course, which shall be printed and*
21 *retained in the individual's logbook and made*
22 *available upon request, and shall contain the in-*
23 *dividual's name, address, and airman certificate*
24 *number;*

1 (B) subject to subsection (d), a release au-
2 thorizing the National Driver Register through a
3 designated State Department of Motor Vehicles to
4 furnish to the Federal Aviation Administration
5 information pertaining to the individual's driv-
6 ing record;

7 (C) a certification by the individual that
8 the individual is under the care and treatment
9 of a physician if the individual has been diag-
10 nosed with any medical condition that may im-
11 pact the ability of the individual to fly, as re-
12 quired under (a)(6);

13 (D) a form that includes—

14 (i) the name, address, telephone num-
15 ber, and airman certificate number of the
16 individual;

17 (ii) the name, address, telephone num-
18 ber, and State medical license number of the
19 physician performing the comprehensive
20 medical examination required in subsection
21 (a)(7);

22 (iii) the date of the comprehensive
23 medical examination required in subsection
24 (a)(7); and

1 (iv) a certification by the individual
 2 that the checklist described in subsection (b)
 3 was followed and signed by the physician in
 4 the comprehensive medical examination re-
 5 quired in subsection (a)(7); and

6 (E) a statement, which shall be printed,
 7 and signed by the individual certifying that the
 8 individual understands the existing prohibition
 9 on operations during medical deficiency by stat-
 10 ing: “I understand that I cannot act as pilot in
 11 command, or any other capacity as a required
 12 flight crew member, if I know or have reason to
 13 know of any medical condition that would make
 14 me unable to operate the aircraft in a safe man-
 15 ner.”.

16 (d) NATIONAL DRIVER REGISTER.—The authorization
 17 under subsection (c)(10)(B) shall be an authorization for
 18 a single access to the information contained in the National
 19 Driver Register.

20 (e) SPECIAL ISSUANCE PROCESS.—

21 (1) IN GENERAL.—An individual who has quali-
 22 fied for the third-class medical certificate exemption
 23 under subsection (a) and is seeking to serve as a pilot
 24 in command of a covered aircraft shall be required to
 25 have completed the process for obtaining an Author-

1 *ization for Special Issuance of a Medical Certificate*
2 *for each of the following:*

3 *(A) A mental health disorder, limited to an*
4 *established medical history or clinical diagnosis*
5 *of—*

6 *(i) personality disorder that is severe*
7 *enough to have repeatedly manifested itself*
8 *by overt acts;*

9 *(ii) psychosis, defined as a case in*
10 *which an individual—*

11 *(I) has manifested delusions, hal-*
12 *lucinations, grossly bizarre or disorga-*
13 *nized behavior, or other commonly ac-*
14 *cepted symptoms of psychosis; or*

15 *(II) may reasonably be expected to*
16 *manifest delusions, hallucinations,*
17 *grossly bizarre or disorganized behav-*
18 *ior, or other commonly accepted symp-*
19 *toms of psychosis;*

20 *(iii) bipolar disorder; or*

21 *(iv) substance dependence within the*
22 *previous 2 years, as defined in section*
23 *67.307(a)(4) of title 14, Code of Federal*
24 *Regulations.*

(B) *A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:*

(i) *Epilepsy.*

(ii) *Disturbance of consciousness without satisfactory medical explanation of the cause.*

(iii) *A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.*

(C) *A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:*

(i) *Myocardial infraction.*

(ii) *Coronary heart disease that has required treatment.*

(iii) *Cardiac valve replacement.*

(iv) *Heart replacement.*

(2) *SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.*

1 (3) *SPECIAL RULE FOR MENTAL HEALTH CONDI-*
2 *TIONS.—*

3 (A) *In the case of an individual with a*
4 *clinically diagnosed mental health condition, the*
5 *third-class medical certificate exemption under*
6 *subsection (a) shall not apply if—*

7 (i) *in the judgment of the individual's*
8 *State-licensed medical specialist, the condi-*
9 *tion—*

10 (I) *renders the individual unable*
11 *to safely perform the duties or exercise*
12 *the airman privileges described in sub-*
13 *section (a)(8); or*

14 (II) *may reasonably be expected to*
15 *make the individual unable to perform*
16 *the duties or exercise the privileges de-*
17 *scribed in subsection (a)(8); or*

18 (ii) *the individual's driver's license is*
19 *revoked by the issuing agency as a result of*
20 *a clinically diagnosed mental health condi-*
21 *tion.*

22 (B) *Subject to subparagraph (A), an indi-*
23 *vidual clinically diagnosed with a mental health*
24 *condition shall certify every 2 years, in conjunc-*
25 *tion with the certification under subsection*

1 (c)(10)(C), that the individual is under the care
2 of a State-licensed medical specialist for that
3 mental health condition.

4 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
5 TIONS.—

6 (A) In the case of an individual with a
7 clinically diagnosed neurological condition, the
8 third-class medical certificate exemption under
9 subsection (a) shall not apply if—

10 (i) in the judgment of the individual's
11 State-licensed medical specialist, the condi-
12 tion—

13 (I) renders the individual unable
14 to safely perform the duties or exercise
15 the airman privileges described in sub-
16 section (a)(8); or

17 (II) may reasonably be expected to
18 make the individual unable to perform
19 the duties or exercise the privileges de-
20 scribed in subsection (a)(8); or

21 (ii) the individual's driver's license is
22 revoked by the issuing agency as a result of
23 a clinically diagnosed neurological condi-
24 tion.

1 (B) *Subject to subparagraph (A), an indi-*
 2 *vidual clinically diagnosed with a neurological*
 3 *condition shall certify every 2 years, in conjunc-*
 4 *tion with the certification under subsection*
 5 *(c)(10)(C), that the individual is under the care*
 6 *of a State-licensed medical specialist for that*
 7 *neurological condition.*

8 (f) *IDENTIFICATION OF ADDITIONAL MEDICAL CONDI-*
 9 *TIONS FOR THE CACI PROGRAM.—*

10 (1) *IN GENERAL.—Not later than 180 days after*
 11 *the date of enactment of this Act, the Administrator*
 12 *shall review and identify additional medical condi-*
 13 *tions that could be added to the program known as*
 14 *the Conditions AMEs Can Issue (CACI) program.*

15 (2) *CONSULTATIONS.—In carrying out para-*
 16 *graph (1), the Administrator shall consult with avia-*
 17 *tion, medical, and union stakeholders.*

18 (3) *REPORT REQUIRED.—Not later than 180*
 19 *days after the date of enactment of this Act, the Ad-*
 20 *ministrator shall submit to the Committee on Com-*
 21 *merce, Science, and Transportation of the Senate and*
 22 *the Committee on Transportation and Infrastructure*
 23 *of the House of Representatives a report listing the*
 24 *medical conditions that have been added to the CACI*
 25 *program under paragraph (1).*

1 (g) *EXPEDITED AUTHORIZATION FOR SPECIAL*
2 *ISSUANCE OF A MEDICAL CERTIFICATE.*—

3 (1) *IN GENERAL.*—*The Administrator shall im-*
4 *plement procedures to expedite the process for obtain-*
5 *ing an Authorization for Special Issuance of a Med-*
6 *ical Certificate under section 67.401 of title 14, Code*
7 *of Federal Regulations.*

8 (2) *CONSULTATIONS.*—*In carrying out para-*
9 *graph (1), the Administrator shall consult with avia-*
10 *tion, medical, and union stakeholders.*

11 (3) *REPORT REQUIRED.*—*Not later than 1 year*
12 *after the date of enactment of this Act, the Adminis-*
13 *trator shall submit to the Committee on Commerce,*
14 *Science, and Transportation of the Senate and the*
15 *Committee on Transportation and Infrastructure of*
16 *the House of Representatives a report describing how*
17 *the procedures implemented under paragraph (1) will*
18 *streamline the process for obtaining an Authorization*
19 *for Special Issuance of a Medical Certificate and re-*
20 *duce the amount of time needed to review and decide*
21 *special issuance cases.*

22 (h) *REPORT REQUIRED.*—*Not later than 5 years after*
23 *the date of enactment of this Act, the Administrator, in co-*
24 *ordination with the National Transportation Safety Board,*
25 *shall submit to the Committee on Commerce, Science, and*

1 *Transportation of the Senate and the Committee on Trans-*
 2 *portation and Infrastructure of the House of Representa-*
 3 *tives a report that describes the effect of the regulations*
 4 *issued or revised under subsection (a) and includes statis-*
 5 *tics with respect to changes in small aircraft activity and*
 6 *safety incidents.*

7 (i) *PROHIBITION ON ENFORCEMENT ACTIONS.—Begin-*
 8 *ning on the date that is 1 year after the date of enactment*
 9 *of this Act, the Administrator may not take an enforcement*
 10 *action for not holding a valid third-class medical certificate*
 11 *against a pilot of a covered aircraft for a flight, through*
 12 *a good faith effort, if the pilot and the flight meet the appli-*
 13 *cable requirements under subsection (a), except paragraph*
 14 *(5) of that subsection, unless the Administrator has pub-*
 15 *lished final regulations in the Federal Register under that*
 16 *subsection.*

17 (j) *COVERED AIRCRAFT DEFINED.—In this section, the*
 18 *term “covered aircraft” means an aircraft that—*

19 (1) *is authorized under Federal law to carry not*
 20 *more than 6 occupants; and*

21 (2) *has a maximum certificated takeoff weight of*
 22 *not more than 6,000 pounds.*

23 (k) *OPERATIONS COVERED.—The provisions and re-*
 24 *quirements covered in this section do not apply to pilots*
 25 *who elect to operate under the medical requirements under*

1 subsection (b) or subsection (c) of section 61.23 of title 14,
 2 Code of Federal Regulations.

3 (l) *AUTHORITY TO REQUIRE ADDITIONAL INFORMA-*
 4 *TION.*—

5 (1) *IN GENERAL.*—*If the Administrator receives*
 6 *credible or urgent information, including from the*
 7 *National Driver Register or the Administrator’s Safe-*
 8 *ty Hotline, that reflects on an individual’s ability to*
 9 *safely operate a covered aircraft under the third-class*
 10 *medical certificate exemption in subsection (a), the*
 11 *Administrator may require the individual to provide*
 12 *additional information or history so that the Admin-*
 13 *istrator may determine whether the individual is safe*
 14 *to continue operating a covered aircraft.*

15 (2) *USE OF INFORMATION.*—*The Administrator*
 16 *may use credible or urgent information received*
 17 *under paragraph (1) to request an individual to pro-*
 18 *vide additional information or to take actions under*
 19 *section 44709(b) of title 49, United States Code.*

20 **SEC. 2603. EXPANSION OF PILOT’S BILL OF RIGHTS.**

21 (a) *APPEALS OF SUSPENDED AND REVOKED AIRMAN*
 22 *CERTIFICATES.*—*Section 2(d)(1) of the Pilot’s Bill of*
 23 *Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.*
 24 *44703 note) is amended by striking “or imposing a punitive*
 25 *civil action or an emergency order of revocation under sub-*

1 *sections (d) and (e) of section 44709 of such title” and in-*
 2 *serting “suspending or revoking an airman certificate*
 3 *under section 44709(d) of such title, or imposing an emer-*
 4 *gency order of revocation under subsections (d) and (e) of*
 5 *section 44709 of such title”.*

6 *(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN*
 7 *OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights (Pub-*
 8 *lic Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note)*
 9 *is amended—*

10 *(1) by amending paragraph (1) to read as fol-*
 11 *lows:*

12 *“(1) IN GENERAL.—In an appeal filed under*
 13 *subsection (d) in a United States district court with*
 14 *respect to a denial, suspension, or revocation of an*
 15 *airman certificate by the Administrator—*

16 *“(A) the district court shall review the de-*
 17 *nial, suspension, or revocation de novo, includ-*
 18 *ing by—*

19 *“(i) conducting a full independent re-*
 20 *view of the complete administrative record*
 21 *of the denial, suspension, or revocation;*

22 *“(ii) permitting additional discovery*
 23 *and the taking of additional evidence; and*

24 *“(iii) making the findings of fact and*
 25 *conclusions of law required by Rule 52 of*

1 *the Federal Rules of Civil Procedure with-*
2 *out being bound to any findings of fact of*
3 *the Administrator or the National Trans-*
4 *portation Safety Board.”;*

5 *(2) by redesignating paragraph (2) as para-*
6 *graph (3); and*

7 *(3) by inserting after paragraph (1) the fol-*
8 *lowing:*

9 *“(2) BURDEN OF PROOF.—In an appeal filed*
10 *under subsection (d) in a United States district court*
11 *after an exhaustion of administrative remedies, the*
12 *burden of proof shall be as follows:*

13 *“(A) In an appeal of the denial of an appli-*
14 *cation for the issuance or renewal of an airman*
15 *certificate under section 44703 of title 49, United*
16 *States Code, the burden of proof shall be upon*
17 *the applicant denied an airman certificate by*
18 *the Administrator.*

19 *“(B) In an appeal of an order issued by the*
20 *Administrator under section 44709 of title 49,*
21 *United States Code, the burden of proof shall be*
22 *upon the Administrator.”; and*

23 *(4) by adding at the end the following:*

24 *“(4) APPLICABILITY OF ADMINISTRATIVE PROCE-*
25 *DURE ACT.—Notwithstanding paragraph (1)(A) of*

1 *this subsection or subsection (a)(1) of section 554 of*
 2 *title 5, United States Code, section 554 of such title*
 3 *shall apply to adjudications of the Administrator and*
 4 *the National Transportation Safety Board to the*
 5 *same extent as that section applied to such adjudica-*
 6 *tions before the date of enactment of the Pilot's Bill*
 7 *of Rights 2."*

8 *(c) NOTIFICATION OF INVESTIGATION.—Subsection (b)*
 9 *of section 2 of the Pilot's Bill of Rights (Public Law 112–*
 10 *153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—*

11 *(1) in paragraph (2)(A), by inserting “and the*
 12 *specific activity on which the investigation is based”*
 13 *after “nature of the investigation”;*

14 *(2) in paragraph (3), by striking “timely”; and*

15 *(3) in paragraph (5), by striking “section*
 16 *44709(c)(2)” and inserting “section 44709(e)(2)”.*

17 *(d) RELEASE OF INVESTIGATIVE REPORTS.—Section*
 18 *2 of the Pilot's Bill of Rights (Public Law 112–153; 126*
 19 *Stat. 1159; 49 U.S.C. 44703 note) is further amended by*
 20 *inserting after subsection (e) the following:*

21 *“(f) RELEASE OF INVESTIGATIVE REPORTS.—*

22 *“(1) IN GENERAL.—*

23 *“(A) EMERGENCY ORDERS.—In any pro-*
 24 *ceeding conducted under part 821 of title 49,*
 25 *Code of Federal Regulations, relating to the*

1 amendment, modification, suspension, or revoca-
2 tion of an airman certificate, in which the Ad-
3 ministrator issues an emergency order under
4 subsections (d) and (e) of section 44709, section
5 44710, or section 46105(c) of title 49, United
6 States Code, or another order that takes effect
7 immediately, the Administrator shall provide to
8 the individual holding the airman certificate the
9 releasable portion of the investigative report at
10 the time the Administrator issues the order. If
11 the complete Report of Investigation is not avail-
12 able at the time the Emergency Order is issued,
13 the Administrator shall issue all portions of the
14 report that are available at the time and shall
15 provide the full report within 5 days of its com-
16 pletion.

17 “(B) OTHER ORDERS.—In any non-emer-
18 gency proceeding conducted under part 821 of
19 title 49, Code of Federal Regulations, relating to
20 the amendment, modification, suspension, or rev-
21 ocation of an airman certificate, in which the
22 Administrator notifies the certificate holder of a
23 proposed certificate action under subsections (b)
24 and (c) of section 44709 or section 44710 of title
25 49, United States Code, the Administrator shall,

1 upon the written request of the covered certificate
2 holder and at any time after that notification,
3 provide to the covered certificate holder the re-
4 leasable portion of the investigative report.

5 “(2) *MOTION FOR DISMISSAL.*—If the Adminis-
6 trator does not provide the releasable portions of the
7 investigative report to the individual holding the air-
8 man certificate subject to the proceeding referred to in
9 paragraph (1) by the time required by that para-
10 graph, the individual may move to dismiss the com-
11 plaint of the Administrator or for other relief and,
12 unless the Administrator establishes good cause for the
13 failure to provide the investigative report or for a lack
14 of timeliness, the administrative law judge shall order
15 such relief as the judge considers appropriate.

16 “(3) *RELEASABLE PORTION OF INVESTIGATIVE*
17 *REPORT.*—For purposes of paragraph (1), the releas-
18 able portion of an investigative report is all informa-
19 tion in the report, except for the following:

20 “(A) *Information that is privileged.*

21 “(B) *Information that constitutes work*
22 *product or reflects internal deliberative process.*

23 “(C) *Information that would disclose the*
24 *identity of a confidential source.*

1 “(D) Information the disclosure of which is
2 prohibited by any other provision of law.

3 “(E) Information that is not relevant to the
4 subject matter of the proceeding.

5 “(F) Information the Administrator can
6 demonstrate is withheld for good cause.

7 “(G) Sensitive security information, as de-
8 fined in section 15.5 of title 49, Code of Federal
9 Regulations (or any corresponding similar rul-
10 ing or regulation).

11 “(4) *RULE OF CONSTRUCTION.*—Nothing in this
12 subsection shall be construed to prevent the Adminis-
13 trator from releasing to an individual subject to an
14 investigation described in subsection (b)(1)—

15 “(A) information in addition to the infor-
16 mation included in the releasable portion of the
17 investigative report; or

18 “(B) a copy of the investigative report be-
19 fore the Administrator issues a complaint.”.

20 **SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
21 **CATE HOLDERS.**

22 (a) *IN GENERAL.*—Section 44709(a) is amended—

23 (1) by striking “The Administrator” and insert-
24 ing the following:

25 “(1) *IN GENERAL.*—The Administrator”;

1 (2) by striking “reexamine” and inserting “, ex-
 2 cept as provided in paragraph (2), reexamine”; and
 3 (3) by adding at the end the following:

4 “(2) *LIMITATION ON THE REEXAMINATION OF*
 5 *AIRMAN CERTIFICATES.*—

6 “(A) *IN GENERAL.*—*The Administrator*
 7 *may not reexamine an airman holding a stu-*
 8 *dent, sport, recreational, or private pilot certifi-*
 9 *cate issued under section 44703 of this title if the*
 10 *reexamination is ordered as a result of an event*
 11 *involving the fault of the Federal Aviation Ad-*
 12 *ministration or its designee, unless the Adminis-*
 13 *trator has reasonable grounds—*

14 “(i) *to establish that the airman may*
 15 *not be qualified to exercise the privileges of*
 16 *a particular certificate or rating, based*
 17 *upon an act or omission committed by the*
 18 *airman while exercising those privileges,*
 19 *after the certificate or rating was issued by*
 20 *the Federal Aviation Administration or its*
 21 *designee; or*

22 “(ii) *to demonstrate that the airman*
 23 *obtained the certificate or the rating*
 24 *through fraudulent means or through an ex-*
 25 *amination that was substantially and de-*

1 monstrably inadequate to establish the air-
 2 man's qualifications.

3 “(B) NOTIFICATION REQUIREMENTS.—Be-
 4 fore taking any action to reexamine an airman
 5 under subparagraph (A), the Administrator shall
 6 provide to the airman—

7 “(i) a reasonable basis, described in de-
 8 tail, for requesting the reexamination; and

9 “(ii) any information gathered by the
 10 Federal Aviation Administration, that the
 11 Administrator determines is appropriate to
 12 provide, such as the scope and nature of the
 13 requested reexamination, that formed the
 14 basis for that justification.”.

15 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
 16 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
 17 INATION.—Section 44709(b) is amended—

18 (1) in paragraph (1), by redesignating subpara-
 19 graphs (A) and (B) as clauses (i) and (ii), respec-
 20 tively, and indenting appropriately;

21 (2) by redesignating paragraphs (1) and (2) as
 22 subparagraphs (A) and (B), respectively, and indent-
 23 ing appropriately;

1 (3) *in the matter preceding subparagraph (A), as*
 2 *redesignated, by striking “The Administrator” and*
 3 *inserting the following:*

4 “(1) *IN GENERAL.—Except as provided in para-*
 5 *graph (2), the Administrator”;* and

6 (4) *by adding at the end the following:*

7 “(2) *AMENDMENTS, MODIFICATIONS, SUSPEN-*
 8 *SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES*
 9 *AFTER REEXAMINATION.—*

10 “(A) *IN GENERAL.—The Administrator*
 11 *may not issue an order to amend, modify, sus-*
 12 *pend, or revoke an airman certificate held by a*
 13 *student, sport, recreational, or private pilot and*
 14 *issued under section 44703 of this title after a*
 15 *reexamination of the airman holding the certifi-*
 16 *cate unless the Administrator determines that the*
 17 *airman—*

18 “(i) *lacks the technical skills and com-*
 19 *petency, or care, judgment, and responsi-*
 20 *bility, necessary to hold and safely exercise*
 21 *the privileges of the certificate; or*

22 “(ii) *materially contributed to the*
 23 *issuance of the certificate by fraudulent*
 24 *means.*

1 “(B) *STANDARD OF REVIEW.*—Any order of
 2 the Administrator under this paragraph shall be
 3 subject to the standard of review provided for
 4 under section 2 of the Pilot’s Bill of Rights (49
 5 U.S.C. 44703 note).”.

6 (c) *CONFORMING AMENDMENTS.*—Section 44709(d)(1)
 7 is amended—

8 (1) in subparagraph (A), by striking “subsection
 9 (b)(1)(A)” and inserting “subsection (b)(1)(A)(i);
 10 and

11 (2) in subparagraph (B), by striking “subsection
 12 (b)(1)(B)” and inserting “subsection (b)(1)(A)(ii)”.

13 **SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.**

14 (a) *IN GENERAL.*—

15 (1) Beginning on the date that is 180 days after
 16 the date of enactment of this Act, the Administrator
 17 of the Federal Aviation Administration may not take
 18 any enforcement action against any individual for a
 19 violation of a NOTAM (as defined in section 3 of the
 20 Pilot’s Bill of Rights (49 U.S.C. 44701 note)) until
 21 the Administrator certifies to the appropriate congres-
 22 sional committees that the Administrator has com-
 23 plied with the requirements of section 3 of the Pilot’s
 24 Bill of Rights, as amended by this section.

(2) *In this subsection, the term “appropriate congressional committees” means—*

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot’s Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph

(A)—

(i) by striking “this Act” and inserting

“the Pilot’s Bill of Rights 2”; and

(ii) by striking “begin” and inserting

“complete the implementation of”;

(B) by amending subparagraph (B) to read as follows:

“(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each

1 *amendment, in a manner that is Internet-acces-*
 2 *sible, machine-readable, and searchable;”;*

3 *(C) in subparagraph (C), by striking the*
 4 *period at the end and inserting “; and”; and*

5 *(D) by adding at the end the following:*

6 *“(D) to specify the times during which tem-*
 7 *porary flight restrictions are in effect and the*
 8 *duration of a designation of special use airspace*
 9 *in a specific area.”; and*

10 *(2) by amending subsection (d) to read as fol-*
 11 *lows:*

12 *“(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE*
 13 *FOR NOTAMS.—*

14 *“(1) IN GENERAL.—The Administrator—*

15 *“(A) shall consider the repository for*
 16 *NOTAMs under subsection (a)(2)(B) to be the*
 17 *sole location for airmen to check for NOTAMs;*
 18 *and*

19 *“(B) may not consider a NOTAM to be an-*
 20 *nounced or published until the NOTAM is in-*
 21 *cluded in the repository for NOTAMs under sub-*
 22 *section (a)(2)(B).*

23 *“(2) PROHIBITION ON TAKING ACTION FOR VIO-*
 24 *LATIONS OF NOTAMS NOT IN REPOSITORY.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
 2 *subparagraph (B), beginning on the date that*
 3 *the repository under subsection (a)(2)(B) is final*
 4 *and published, the Administrator may not take*
 5 *any enforcement action against an airman for a*
 6 *violation of a NOTAM during a flight if—*

7 “(i) *that NOTAM is not available*
 8 *through the repository before the commence-*
 9 *ment of the flight; and*

10 “(ii) *that NOTAM is not reasonably*
 11 *accessible and identifiable to the airman.*

12 “(B) *EXCEPTION FOR NATIONAL SECUR-*
 13 *ITY.*—*Subparagraph (A) shall not apply in the*
 14 *case of an enforcement action for a violation of*
 15 *a NOTAM that directly relates to national secu-*
 16 *rity.”.*

17 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

18 (a) *IN GENERAL.*—*Subchapter I of chapter 471 is*
 19 *amended by inserting after section 47124 the following:*

20 **“§ 47124a. Accessibility of certain flight data**

21 “(a) *DEFINITIONS.*—*In this section:*

22 “(1) *ADMINISTRATION.*—*The term ‘Administra-*
 23 *tion’ means the Federal Aviation Administration.*

1 “(2) *ADMINISTRATOR.*—The term ‘Adminis-
2 trator’ means the Administrator of the Federal Avia-
3 tion Administration.

4 “(3) *APPLICABLE INDIVIDUAL.*—The term ‘appli-
5 cable individual’ means an individual who is the sub-
6 ject of an investigation initiated by the Administrator
7 related to a covered flight record.

8 “(4) *CONTRACT TOWER.*—The term ‘contract
9 tower’ means an air traffic control tower providing
10 air traffic control services pursuant to a contract
11 with the Administration under the contract air traffic
12 control tower program under section 47124(b)(3).

13 “(5) *COVERED FLIGHT RECORD.*—The term ‘cov-
14 ered flight record’ means any air traffic data (as de-
15 fined in section 2(b)(4)(B) of the Pilot’s Bill of Rights
16 (49 U.S.C. 44703 note)), created, maintained, or con-
17 trolled by any program of the Administration, includ-
18 ing any program of the Administration carried out
19 by employees or contractors of the Administration,
20 such as contract towers, flight service stations, and
21 controller training programs.

22 “(b) *PROVISION OF COVERED FLIGHT RECORD TO AD-*
23 *MINISTRATION.*—

24 “(1) *REQUESTS.*—Whenever the Administration
25 receives a written request for a covered flight record

1 *from an applicable individual and the covered flight*
2 *record is not in the possession of the Administration,*
3 *the Administrator shall request the covered flight*
4 *record from the contract tower or other contractor of*
5 *the Administration in possession of the covered flight*
6 *record.*

7 “(2) *PROVISION OF RECORDS.*—*Any covered*
8 *flight record created, maintained, or controlled by a*
9 *contract tower or another contractor of the Adminis-*
10 *tration that maintains covered flight records shall be*
11 *provided to the Administration if the Administration*
12 *requests the record pursuant to paragraph (1).*

13 “(3) *NOTICE OF PROPOSED CERTIFICATE AC-*
14 *TION.*—*If the Administrator has issued, or subse-*
15 *quently issues, a Notice of Proposed Certificate Action*
16 *relying on evidence contained in the covered flight*
17 *record and the individual who is the subject of an in-*
18 *vestigation has requested the record, the Adminis-*
19 *trator shall promptly produce the record and extend*
20 *the time the individual has to respond to the Notice*
21 *of Proposed Certificate Action until the covered flight*
22 *record is provided.*

23 “(c) *IMPLEMENTATION.*—

24 “(1) *IN GENERAL.*—*Not later than 180 days*
25 *after the date of enactment of the Pilot’s Bill of*

1 *Rights 2, the Administrator shall promulgate regula-*
 2 *tions or guidance to ensure compliance with this sec-*
 3 *tion.*

4 “(2) *COMPLIANCE BY CONTRACTORS.*—

5 “(A) *Compliance with this section by a con-*
 6 *tract tower or other contractor of the Adminis-*
 7 *tration that maintains covered flight records*
 8 *shall be included as a material term in any con-*
 9 *tract between the Administration and the con-*
 10 *tract tower or contractor entered into or renewed*
 11 *on or after the date of enactment of the Pilot’s*
 12 *Bill of Rights 2.*

13 “(B) *Subparagraph (A) shall not apply to*
 14 *any contract or agreement in effect on the date*
 15 *of enactment of the Pilot’s Bill of Rights 2 unless*
 16 *the contract or agreement is renegotiated, re-*
 17 *newed, or modified after that date.”.*

18 “(b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 19 *The table of contents for chapter 471 is amended by insert-*
 20 *ing after the item relating to section 47124 the following:*

“47124a. Accessibility of certain flight data.”.

21 **SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
 22 **TAIN NOTICES.**

23 *Not later than 180 days after the date of enactment*
 24 *of this Act, the Administrator of the Federal Aviation Ad-*
 25 *ministration shall revise section 13.11 of title 14, Code of*

1 *Federal Regulations, to authorize legal counsel of the Fed-*
 2 *eral Aviation Administration to close enforcement actions*
 3 *covered by that section with a warning notice, letter of cor-*
 4 *rection, or other administrative action.*

5 ***TITLE III—AIR SERVICE***
 6 ***IMPROVEMENTS***

7 ***SEC. 3001. DEFINITIONS.***

8 *In this title:*

9 (1) *COVERED AIR CARRIER.*—*The term “covered*
 10 *air carrier” means an air carrier or a foreign air*
 11 *carrier as those terms are defined in section 40102 of*
 12 *title 49, United States Code.*

13 (2) *ONLINE SERVICE.*—*The term “online service”*
 14 *means any service available over the Internet, or that*
 15 *connects to the Internet or a wide-area network.*

16 (3) *TICKET AGENT.*—*The term “ticket agent” has*
 17 *the meaning given the term in section 40102 of title*
 18 *49, United States Code.*

19 ***Subtitle A—Passenger Air Service***
 20 ***Improvements***

21 ***SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-***
 22 ***TIONS.***

23 (a) *REVIEW.*—

24 (1) *IN GENERAL.*—*Not later than 1 year after*
 25 *the date of enactment of this Act, the Secretary of*

1 *Transportation shall review the categorization of*
2 *delays and cancellations with respect to air carriers*
3 *that are required to report such data.*

4 (2) *CONSIDERATIONS.—In conducting the review*
5 *under paragraph (1), the Secretary shall consider, at*
6 *a minimum—*

7 (A) *whether delays and cancellations attrib-*
8 *uted by an air carrier to weather were unavoid-*
9 *able due to an operational or air traffic control*
10 *issue, or due to the air carrier's preference in de-*
11 *termining which flights to delay or cancel during*
12 *a weather event;*

13 (B) *whether and to what extent delays and*
14 *cancellations attributed by an air carrier to*
15 *weather disproportionately impact service to*
16 *smaller airports and communities; and*

17 (C) *whether it is an unfair or deceptive*
18 *practice in violation of section 41712 of title 49,*
19 *United States Code, for an air carrier to inform*
20 *a passenger that a flight is delayed or cancelled*
21 *due to weather, without any other context or ex-*
22 *planation for the delay or cancellation, when the*
23 *air carrier has discretion as to which flights to*
24 *delay or cancel.*

1 (3) *ADVISORY COMMITTEE FOR AVIATION CON-*
2 *SUMER PROTECTION.*—*The Secretary may use the Ad-*
3 *visory Committee for Aviation Consumer Protection,*
4 *established under section 411 of the FAA Moderniza-*
5 *tion and Reform Act of 2012 (49 U.S.C. 42301 prec.*
6 *note), to assist in conducting the review and pro-*
7 *viding recommendations.*

8 (b) *REPORT.*—*Not later than 90 days after the date*
9 *the review under subsection (a) is complete, the Secretary*
10 *shall submit to the appropriate committees of Congress a*
11 *report on the review under subsection (a), including any*
12 *recommendations.*

13 (c) *SAVINGS PROVISION.*—*Nothing in this section shall*
14 *be construed as affecting the decision of an air carrier to*
15 *maximize its system capacity during weather-related events*
16 *to accommodate the greatest number of passengers.*

17 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

18 (a) *REVIEW.*—

19 (1) *IN GENERAL.*—*Not later than 1 year after*
20 *the date of enactment of this Act, the Secretary of*
21 *Transportation shall review whether it is an unfair*
22 *or deceptive practice in violation of section 41712 of*
23 *title 49, United States Code, for an air carrier to*
24 *change the itinerary of a passenger, more than 24*
25 *hours before departure, if the new itinerary involves*

1 *additional stops or departs 3 hours earlier or later*
2 *and compensation or other more suitable air trans-*
3 *portation is not offered.*

4 (2) *ADVISORY COMMITTEE FOR AVIATION CON-*
5 *SUMER PROTECTION.—The Secretary may use the Ad-*
6 *visory Committee for Aviation Consumer Protection,*
7 *established under section 411 of the FAA Moderniza-*
8 *tion and Reform Act of 2012 (49 U.S.C. 42301 prec.*
9 *note), to assist in conducting the review and pro-*
10 *viding recommendations.*

11 (b) *REPORT.—Not later than 90 days after the date*
12 *the review under subsection (a) is complete, the Secretary*
13 *shall submit to appropriate committees of Congress a report*
14 *on the review under subsection (a), including any rec-*
15 *ommendations.*

16 **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

17 *Not later than 180 days after the date that the reviews*
18 *under sections 3101 and 3102 of this Act are complete, the*
19 *Secretary of Transportation shall issue a supplemental no-*
20 *tice of proposed rulemaking to its notice of proposed rule-*
21 *making published in the Federal Register on May 23, 2014*
22 *(DOT–OST–2014–0056) (relating to the transparency of*
23 *airline ancillary fees and other consumer protection issues)*
24 *to consider the following:*

1 (1) *Requiring an air carrier to provide notifica-*
 2 *tion and refunds or other consideration to a consumer*
 3 *who is impacted by delays or cancellations when an*
 4 *air carrier has a choice as to which flights to cancel*
 5 *or delay during a weather-related event.*

6 (2) *Requiring an air carrier to provide notifica-*
 7 *tion and refunds or other consideration to a consumer*
 8 *who is impacted by involuntary changes to the con-*
 9 *sumer's itinerary.*

10 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
 11 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
 12 **DENTS.**

13 (a) *AIR CARRIERS HOLDING CERTIFICATES OF PUB-*
 14 *LIC CONVENIENCE AND NECESSITY.*—Section 41113 is
 15 *amended—*

16 (1) *in subsection (a), by striking “a major” and*
 17 *inserting “any”;*

18 (2) *in subsection (b)—*

19 (A) *in paragraph (9), by striking “(and*
 20 *any other victim of the accident)” and inserting*
 21 *“(and any other victim of the accident, including*
 22 *any victim on the ground)”;*

23 (B) *in paragraph (16), by striking “major”*
 24 *and inserting “any”; and*

1 (C) in paragraph (17)(A), by striking “sig-
2 nificant” and inserting “any”; and

3 (3) by amending subsection (e) to read as fol-
4 lows:

5 “(e) *DEFINITIONS.—In this section:*

6 “(1) ‘Aircraft accident’ means any aviation dis-
7 aster, regardless of its cause or suspected cause, for
8 which the National Transportation Safety Board is
9 the lead investigative agency.

10 “(2) ‘Passenger’ has the meaning given the term
11 in section 1136.”.

12 (b) *FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR*
13 *TRANSPORTATION.—Section 41313 is amended—*

14 (1) in subsection (b), by striking “a major” and
15 inserting “any”; and

16 (2) in subsection (c)—

17 (A) in paragraph (1), by striking “a sig-
18 nificant” and inserting “any”;

19 (B) in paragraph (2), by striking “a sig-
20 nificant” and inserting “any”;

21 (C) in paragraph (16), by striking “major”
22 and inserting “any”; and

23 (D) in paragraph (17)(A), by striking “sig-
24 nificant” and inserting “any”.

1 (c) *NATIONAL TRANSPORTATION SAFETY BOARD.*—
2 *Section 1136(a) is amended by striking “aircraft accident*
3 *within the United States involving an air carrier or foreign*
4 *air carrier and resulting in a major loss of life” and insert-*
5 *ing “aircraft accident involving an air carrier or foreign*
6 *air carrier, resulting in any loss of life, and for which the*
7 *National Transportation Safety Board will serve as the*
8 *lead investigative agency”.*

9 **SEC. 3105. EMERGENCY MEDICAL KITS.**

10 (a) *IN GENERAL.*—*Not later than 1 year after the date*
11 *of enactment of this Act, the Administrator of the Federal*
12 *Aviation Administration shall evaluate and revise, as ap-*
13 *propriate, the regulations under part 121 of title 14, Code*
14 *of Federal Regulations, regarding the emergency medical*
15 *equipment requirements, including the contents of the first-*
16 *aid kit, applicable to all certificate holders operating pas-*
17 *senger-carrying airplanes under that part.*

18 (b) *CONSIDERATIONS.*—*In carrying out subsection (a),*
19 *the Administrator shall consider whether the minimum con-*
20 *tents of approved emergency medical kits, including ap-*
21 *proved first-aid kits, include appropriate medications and*
22 *equipment to meet the emergency medical needs of children,*
23 *including consideration of an epinephrine auto-injector, as*
24 *appropriate.*

1 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this Act, the Comptroller General of the
4 United States shall—

5 (1) *conduct a study of airport accessibility best*
6 *practices for individuals with disabilities; and*

7 (2) *submit to the appropriate committees of Con-*
8 *gress a report on the study, including the Comptroller*
9 *General’s findings, conclusions, and recommenda-*
10 *tions.*

11 (b) *CONTENTS.*—The study under subsection (a) shall
12 include accessibility best practices beyond those rec-
13 ommended under the Architectural Barriers Act of 1968 (42
14 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29 U.S.C.
15 701 et seq.), Air Carrier Access Act of 1986 (100 Stat. 1080;
16 Public Law 99–435), or Americans with Disabilities Act
17 of 1990 (42 U.S.C. 12101 et seq.), that improve infrastruc-
18 ture and communications, such as with regard to
19 wayfinding, amenities, and passenger care.

20 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**
21 **TION CONSUMER PROTECTION.**

22 (a) *TERMINATION.*—Section 411(h) of the FAA Mod-
23 ernization and Reform Act of 2012 (Public Law 112–95;
24 49 U.S.C. 42301 prec. note) is amended by striking “July
25 15, 2016” and inserting “September 30, 2017”.

1 (b) *FINANCIAL DISCLOSURE.*—Section 411 of the FAA
 2 *Modernization and Reform Act of 2012 (Public Law 112–*
 3 *95; 49 U.S.C. 42301 prec. note) is further amended—*

4 (1) *by redesignating subsection (h) as subsection*
 5 *(i); and*

6 (2) *by inserting before subsection (i), the fol-*
 7 *lowing:*

8 “(h) *CONFLICT OF INTEREST DISCLOSURE.*—Begin-
 9 *ning on the date of enactment of the Federal Aviation Ad-*
 10 *ministration Reauthorization Act of 2016, each member of*
 11 *the advisory committee who is not a government employee*
 12 *shall disclose, on an annual basis, any potential conflicts*
 13 *of interest, including financial conflicts of interest, to the*
 14 *Secretary in such form and manner as prescribed by the*
 15 *Secretary.”.*

16 (c) *RECOMMENDATIONS.*—Section 411(g) of the FAA
 17 *Modernization and Reform Act of 2012 (Public Law 112–*
 18 *95; 49 U.S.C. 42301 prec. note) is amended—*

19 (1) *by striking “of the first 2 calendar years be-*
 20 *ginning after the date of enactment of this Act” and*
 21 *inserting “calendar year”; and*

22 (2) *by inserting “and post on the Department of*
 23 *Transportation Web site” after “Congress”.*

1 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

2 Section 47107(r)(3) is amended by striking “July 16,
3 2016” and inserting “October 1, 2017”.

4 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

5 (a) *IN GENERAL.*—Not later than 1 year after the date
6 of enactment of this Act, the Secretary of Transportation
7 shall issue final regulations to require a covered air carrier
8 to promptly provide an automatic refund to a passenger
9 in the amount of any applicable ancillary fees paid if the
10 covered air carrier has charged the passenger an ancillary
11 fee for checked baggage but the covered air carrier fails to
12 deliver the checked baggage to the passenger not later than
13 6 hours after the arrival of a domestic flight or 12 hours
14 after the arrival of an international flight.

15 (b) *EXCEPTION.*—If as part of the rulemaking the Sec-
16 retary makes a determination on the record that a require-
17 ment under subsection (a) is unfeasible and will negatively
18 affect consumers in certain cases, the Secretary may modify
19 1 or both of the deadlines in that subsection for such cases,
20 except that—

21 (1) the deadline relating to a domestic flight
22 may not exceed 12 hours after the arrival of the do-
23 mestic flight; and

24 (2) the deadline relating to an international
25 flight may not exceed 24 hours after the arrival of the
26 international flight.

1 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
 2 **ORED BY A COVERED AIR CARRIER.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
 4 of enactment of this Act, the Secretary of Transportation
 5 shall promulgate regulations that require each covered air
 6 carrier to promptly provide an automatic refund to a pas-
 7 senger of any ancillary fees paid for services that the pas-
 8 senger does not receive, including on the passenger's sched-
 9 uled flight or, if rescheduled, a subsequent replacement
 10 itinerary.

11 (b) *CANCELLED FLIGHTS.*—As part of the rule under
 12 subsection (a), the Secretary shall require each covered air
 13 carrier to promptly provide an automatic refund to a pas-
 14 senger of any ancillary fees paid for services that the pas-
 15 senger does not receive for a flight cancelled by the pas-
 16 senger.

17 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

18 (a) *IN GENERAL.*—Not later than 1 year after the date
 19 of enactment of this Act, the Secretary of Transportation
 20 shall issue final regulations requiring—

21 (1) each covered air carrier to disclose to a con-
 22 sumer the baggage fee, cancellation fee, change fee,
 23 ticketing fee, and seat selection fee of that covered air
 24 carrier in a standardized format; and

25 (2) notwithstanding the manner in which infor-
 26 mation regarding the fees described in paragraph (1)

1 *is collected, each ticket agent to disclose to a consumer*
 2 *such fees of a covered air carrier in the standardized*
 3 *format described in paragraph (1).*

4 *(b) REQUIREMENTS.—The regulations under sub-*
 5 *section (a) shall require that each disclosure—*

6 *(1) if ticketing is done on an Internet Web site*
 7 *or other online service—*

8 *(A) be prominently displayed to the con-*
 9 *sumer prior to the point of purchase; and*

10 *(B) set forth the fees described in subsection*
 11 *(a)(1) in clear and plain language and a font of*
 12 *easily readable size; and*

13 *(2) if ticketing is done on the telephone, be ex-*
 14 *pressly stated to the consumer during the telephone*
 15 *call and prior to the point of purchase.*

16 **SEC. 3112. SEAT ASSIGNMENTS.**

17 *(a) IN GENERAL.—Not later than 15 months after the*
 18 *date of enactment of this Act, the Secretary of Transpor-*
 19 *tation shall complete such actions as may be necessary to*
 20 *require each covered air carrier and ticket agent to disclose*
 21 *to a consumer that seat selection for which a fee is charged*
 22 *is an optional service, and that if a consumer does not pay*
 23 *for a seat assignment, a seat will be assigned to the con-*
 24 *sumer from available inventory at the time the consumer*
 25 *checks in for the flight or prior to departure.*

1 (b) *REQUIREMENTS.*—*The disclosure under subsection*
 2 (a) *shall—*

3 (1) *if ticketing is done on an Internet Web site*
 4 *or other online service, be prominently displayed to*
 5 *the consumer on that Internet Web site or online serv-*
 6 *ice during the selection of seating or prior to the*
 7 *point of purchase; and*

8 (2) *if ticketing is done on the telephone, be ex-*
 9 *pressly stated to the consumer during the telephone*
 10 *call and prior to the point of purchase.*

11 **SEC. 3113. CHILD SEATING.**

12 (a) *IN GENERAL.*—*Not later than 15 months after the*
 13 *date of enactment of this Act, the Secretary of Transpor-*
 14 *tation shall complete such actions as may be necessary to*
 15 *require each covered air carrier and ticket agent to disclose*
 16 *to a consumer that if a reservation includes a child under*
 17 *the age of 13 traveling with an accompanying passenger*
 18 *who is age 13 or older—*

19 (1) *whether adjoining seats are available at no*
 20 *additional cost at the time of purchase; and*

21 (2) *if not, what the covered air carrier's policy*
 22 *is for accommodating adjoining seat requests at the*
 23 *time the consumer checks in for the flight or prior to*
 24 *departure.*

1 (b) *REQUIREMENTS.*—*The disclosure under subsection*
 2 (a) *shall—*

3 (1) *if ticketing is done on an Internet Web site*
 4 *or other online service, be prominently displayed to*
 5 *the consumer on that Internet Web site or online serv-*
 6 *ice during the selection of seating or prior to the*
 7 *point of purchase; and*

8 (2) *if ticketing is done on the telephone, be ex-*
 9 *pressly stated to the consumer during the telephone*
 10 *call and prior to the point of purchase.*

11 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**
 12 **MENT.**

13 (a) *IN GENERAL.*—*Section 42302 is amended—*

14 (1) *by redesignating subsections (b) and (c) as*
 15 *subsections (c) and (d), respectively;*

16 (2) *by inserting after subsection (a), the fol-*
 17 *lowing:*

18 “(b) *POINT OF SALE.*—*Each air carrier, foreign air*
 19 *carrier, and ticket agent shall inform each consumer of a*
 20 *carrier service, at the point of sale, that the consumer can*
 21 *file a complaint about that service with the carrier and with*
 22 *the Aviation Consumer Protection Division of the Depart-*
 23 *ment of Transportation.”;*

24 (3) *by amending subsection (c), as redesignated,*
 25 *to read as follows:*

1 “(c) *INTERNET WEB SITE OR OTHER ONLINE SERVICE*
2 *NOTICE.*—*Each air carrier and foreign air carrier shall in-*
3 *clude on its Internet Web site, any related mobile device*
4 *application, and online service—*

5 “(1) *the hotline telephone number established*
6 *under subsection (a) or for the Aviation Consumer*
7 *Protection Division of the Department of Transpor-*
8 *tation;*

9 “(2) *an active link and the email address, tele-*
10 *phone number, and mailing address of the air carrier*
11 *or foreign air carrier, as applicable, for a consumer*
12 *to submit a complaint to the carrier about the quality*
13 *of service;*

14 “(3) *notice that the consumer can file a com-*
15 *plaint with the Aviation Consumer Protection Divi-*
16 *sion of the Department of Transportation;*

17 “(4) *an active link to the Internet Web site of the*
18 *Aviation Consumer Protection Division of the Depart-*
19 *ment of Transportation for a consumer to file a com-*
20 *plaint; and*

21 “(5) *the active link described in paragraph (2)*
22 *on the same Internet Web site page as the active link*
23 *described in paragraph (4).”;* and

24 (4) *in subsection (d), as redesignated—*

1 (A) in the matter preceding paragraph (1),
 2 by striking “An air carrier or foreign air carrier
 3 providing scheduled air transportation using
 4 any aircraft that as originally designed has a
 5 passenger capacity of 30 or more passenger
 6 seats” and inserting “Each air carrier and for-
 7 eign air carrier”;

8 (B) in paragraph (1), by striking “air car-
 9 rier” and inserting “carrier”; and

10 (C) in paragraph (2), by striking “air car-
 11 rier” and inserting “carrier”.

12 (b) **RULEMAKING.**—Not later than 1 year after the date
 13 of enactment of this Act, the Secretary of Transportation
 14 shall promulgate regulations to implement the requirements
 15 of section 42302 of title 49, United States Code, as amend-
 16 ed.

17 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
 18 **TECTION INFORMATION.**

19 (a) **INTERNET WEB SITE.**—Not later than 180 days
 20 after the date of enactment of this Act, the Secretary of
 21 Transportation shall—

22 (1) complete an evaluation of the aviation con-
 23 sumer protection portion of the Department of Trans-
 24 portation’s public Internet Web site to identify any
 25 changes to the user interface that will improve

1 *usability, accessibility, consumer satisfaction, and*
2 *Web site performance;*

3 *(2) in completing the evaluation under para-*
4 *graph (1)—*

5 *(A) consider the best practices of other Fed-*
6 *eral agencies with effective Web sites; and*

7 *(B) consult with the Federal Web Managers*
8 *Council;*

9 *(3) develop a plan, including an implementation*
10 *timeline, for—*

11 *(A) making the changes identified under*
12 *paragraph (1); and*

13 *(B) making any necessary changes to that*
14 *portion of the Web site that will enable a con-*
15 *sumer—*

16 *(i) to access information regarding*
17 *each complaint filed with the Aviation Con-*
18 *sumer Protection Division of the Depart-*
19 *ment of Transportation;*

20 *(ii) to search the complaints described*
21 *in clause (i) by the name of the air carrier,*
22 *the dates of departure and arrival, the air-*
23 *ports of origin and departure, and the type*
24 *of complaint; and*

1 (iii) to determine the date a complaint
2 was filed and the date a complaint was re-
3 solved; and

4 (4) submit the evaluation and plan to appro-
5 priate committees of Congress.

6 (b) *MOBILE APPLICATION SOFTWARE*.—Not later than
7 1 year after the date of enactment of this Act, the Secretary
8 of Transportation shall—

9 (1) implement a program to develop application
10 software for wireless devices that will enable a user to
11 access information and perform activities related to
12 aviation consumer protection, such as—

13 (A) information regarding airline passenger
14 protections, including protections related to lost
15 baggage and baggage fees, disclosure of addi-
16 tional fees, bumping, cancelled or delayed flights,
17 damaged or lost baggage, and tarmac delays;
18 and

19 (B) file an aviation consumer complaint,
20 including a safety and security, airline service,
21 disability and discrimination, or privacy com-
22 plaint, with the Aviation Consumer Protection
23 Division of the Department of Transportation;
24 and

1 (2) *make the application software available to*
2 *the public at no cost.*

3 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
4 **SYSTEMS.**

5 *Not later than 2 years after the date of enactment of*
6 *this Act, the Architectural and Transportation Barriers*
7 *Compliance Board, in consultation with the Secretary of*
8 *Transportation, shall conduct a study to determine the*
9 *ways in which particular individuals with significant dis-*
10 *abilities who use wheelchairs, including power wheelchairs,*
11 *can be accommodated through in cabin wheelchair restraint*
12 *systems.*

13 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**
14 **FOR PERSONS WITH DISABILITIES.**

15 (a) *IN GENERAL.*—*Not later than 270 days after the*
16 *date of enactment of this Act, the Comptroller General of*
17 *the United States shall submit to Congress a report describ-*
18 *ing—*

19 (1) *each air carrier’s training policy for its per-*
20 *sonnel and contractors regarding assistance for per-*
21 *sons with disabilities, as required by Department of*
22 *Transportation regulations;*

23 (2) *any variations among the air carriers in the*
24 *policies described in paragraph (1);*

1 (3) *how the training policies are implemented to*
 2 *meet the Department of Transportation regulations;*

3 (4) *how frequently an air carrier must train*
 4 *new employees and contractors due to turnover in po-*
 5 *sitions that require such training;*

6 (5) *how frequently, in the prior 10 years, the De-*
 7 *partment of Transportation has requested, after re-*
 8 *viewing a training policy, that an air carrier take*
 9 *corrective action; and*

10 (6) *the action taken by an air carrier under*
 11 *paragraph (5).*

12 (b) *BEST PRACTICES.*—*After the date the report is sub-*
 13 *mitted under subsection (a), the Secretary of Transpor-*
 14 *tation, based on the findings of the report, shall develop and*
 15 *disseminate to air carriers such best practices as the Sec-*
 16 *retary considers necessary to improve the training policies.*

17 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**
 18 **NEEDS OF PASSENGERS WITH DISABILITIES.**

19 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 20 *tation shall establish an advisory committee for the air*
 21 *travel needs of passengers with disabilities (referred to in*
 22 *this section as the “Advisory Committee”).*

23 (b) *DUTIES.*—*The Advisory Committee shall advise the*
 24 *Secretary with regard to the implementation of the Air Car-*

1 *rier Access Act of 1986 (Public Law 99–435; 100 Stat.*
 2 *1080), including—*

3 *(1) assessing the disability-related access barriers*
 4 *encountered by passengers with disabilities;*

5 *(2) determining the extent to which the programs*
 6 *and activities of the Department of Transportation*
 7 *are addressing the barriers described in paragraph*
 8 *(1);*

9 *(3) recommending improvements to the air travel*
 10 *experience of passengers with disabilities; and*

11 *(4) such activities as the Secretary considers nec-*
 12 *essary to carry out this section.*

13 *(c) MEMBERSHIP.—*

14 *(1) IN GENERAL.—The Advisory Committee shall*
 15 *be comprised of at least 1 representative of each of the*
 16 *following groups:*

17 *(A) Passengers with disabilities.*

18 *(B) National disability organizations.*

19 *(C) Air carriers.*

20 *(D) Airport operators.*

21 *(E) Contractor service providers.*

22 *(2) APPOINTMENT.—The Secretary of Transpor-*
 23 *tation shall appoint each member of the Advisory*
 24 *Committee.*

1 (3) *VACANCIES.*—*A vacancy in the Advisory*
2 *Committee shall be filled in the manner in which the*
3 *original appointment was made.*

4 (d) *CHAIRPERSON.*—*The Secretary of Transportation*
5 *shall designate, from among the members appointed under*
6 *subsection (c), an individual to serve as chairperson of the*
7 *Advisory Committee.*

8 (e) *TRAVEL EXPENSES.*—*Members of the advisory*
9 *committee shall serve without pay, but shall receive travel*
10 *expenses, including per diem in lieu of subsistence, in ac-*
11 *cordance with subchapter I of chapter 57 of title 5, United*
12 *States Code.*

13 (f) *REPORTS.*—

14 (1) *IN GENERAL.*—*Not later than February 1 of*
15 *each year, the Advisory Committee shall submit to the*
16 *Secretary of Transportation a report on the needs of*
17 *passengers with disabilities in air travel, including—*

18 (A) *an assessment of disability-related ac-*
19 *cess barriers, both those that were evident in the*
20 *preceding year and those that will likely be an*
21 *issue in the next 5 years;*

22 (B) *an evaluation of the extent to which the*
23 *Department of Transportation's programs and*
24 *activities are eliminating disability-related ac-*
25 *cess barriers;*

1 (C) a description of the Advisory Commit-
 2 tee's actions during the prior calendar year;

3 (D) a description of activities that the Advi-
 4 sory Committee proposed to undertake in the
 5 succeeding calendar year; and

6 (E) any recommendations for legislation,
 7 administrative action, or other action that the
 8 Advisory Committee considers appropriate.

9 (2) *REPORT TO CONGRESS.*—Not later than 60
 10 days after the date the Secretary receives the report
 11 under subparagraph (A), the Secretary shall submit
 12 to Congress a copy of the report, including any addi-
 13 tional findings or recommendations that the Sec-
 14 retary considers appropriate.

15 (g) *TERMINATION.*—The Advisory Committee shall ter-
 16 minate 2 years after the date of enactment of this Act.

17 **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE,**
 18 **CANCELLATION, AND BAGGAGE FEES.**

19 (a) *IN GENERAL.*—The Comptroller General of the
 20 United States shall conduct a study of existing airline in-
 21 dustry change, cancellation, and bag fees and the current
 22 industry practice for handling changes to or cancellation
 23 of ticketed travel on covered air carriers.

24 (b) *CONSIDERATIONS.*—In conducting the study, the
 25 Comptroller General shall consider, at a minimum—

1 (1) *whether and how each covered air carrier*
 2 *calculates its change fees, cancellation fees, and bag*
 3 *fees; and*

4 (2) *the relationship between the cost of the ticket*
 5 *and the date of change or cancellation as compared*
 6 *to the date of travel.*

7 (c) *REPORT.*—*Not later than 1 year after the date of*
 8 *enactment of this Act, the Comptroller General shall submit*
 9 *to the appropriate committees of Congress a report on the*
 10 *study, including the Comptroller General's findings, conclu-*
 11 *sions, and recommendations.*

12 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
 13 **TECTION RULES.**

14 (a) *IN GENERAL.*—*The Comptroller General of the*
 15 *United States shall conduct a study to consider and evalu-*
 16 *ate Department of Transportation enforcement of aviation*
 17 *consumer protection rules.*

18 (b) *CONTENTS.*—*The study under subsection (a) shall*
 19 *include an evaluation of—*

20 (1) *available enforcement mechanisms;*

21 (2) *any obstacles to enforcement; and*

22 (3) *trends in Department of Transportation en-*
 23 *forcement actions.*

24 (c) *REPORT.*—*Not later than 1 year after the date of*
 25 *enactment of this Act, the Comptroller General shall submit*

1 *to the appropriate committees of Congress a report on the*
 2 *study, including the Comptroller General’s findings, conclu-*
 3 *sions, and recommendations.*

4 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

5 *(a) IN GENERAL.—Not later than 18 months after the*
 6 *date of enactment of this Act, the Secretary of Transpor-*
 7 *tation shall initiate a proceeding to study the minimum*
 8 *seat pitch for passenger seats on aircraft operated by air*
 9 *carriers (as defined in section 40102 of title 49, United*
 10 *States Code).*

11 *(b) CONSIDERATIONS.—In reviewing any minimum*
 12 *seat pitch under subsection (a), the Secretary shall consider*
 13 *the safety of passengers, including passengers with disabil-*
 14 *ities.*

15 **SEC. 3122. CELL PHONE VOICE COMMUNICATION BAN.**

16 *(a) IN GENERAL.—Subchapter I of chapter 417, as*
 17 *amended by section 2307 of this Act, is further amended*
 18 *by adding at the end the following:*

19 **“§41726. Prohibition on certain cell phone voice com-**
 20 **munications**

21 *“(a) PROHIBITION.—The Secretary of Transportation*
 22 *may issue regulations—*

23 *“(1) to prohibit an individual on an aircraft*
 24 *from engaging in voice communications using a mo-*
 25 *bile communications device during a flight of that*

1 *aircraft in scheduled passenger interstate or intra-*
 2 *state air transportation; and*

3 *“(2) that exempt from the prohibition described*
 4 *in paragraph (1)—*

5 *“(A) any member of the flight crew on duty*
 6 *on an aircraft;*

7 *“(B) any flight attendant on duty on an*
 8 *aircraft; and*

9 *“(C) any Federal law enforcement officer*
 10 *acting in an official capacity.*

11 *“(b) DEFINITIONS.—In this section:*

12 *“(1) FLIGHT.—The term ‘flight’ means, with re-*
 13 *spect to an aircraft, the period beginning when the*
 14 *aircraft takes off and ending when the aircraft lands.*

15 *“(2) MOBILE COMMUNICATIONS DEVICE.—*

16 *“(A) IN GENERAL.—The term ‘mobile com-*
 17 *munications device’ means any portable wireless*
 18 *telecommunications equipment utilized for the*
 19 *transmission or reception of voice data.*

20 *“(B) LIMITATION.—The term ‘mobile com-*
 21 *munications device’ does not include a phone in-*
 22 *stalled on an aircraft.”.*

23 *(b) TABLE OF CONTENTS.—The table of contents at the*
 24 *beginning of chapter 417, as amended by section 2307 of*

1 *this Act, is further amended by inserting after the item re-*
 2 *lating to section 41725 the following:*

“41726. Prohibition on certain cell phone voice communications.”.

3 **SEC. 3123. AVAILABILITY OF SLOTS FOR NEW ENTRANT AIR**
 4 **CARRIERS AT NEWARK LIBERTY INTER-**
 5 **NATIONAL AIRPORT.**

6 (a) *DEFINITIONS.*—*The terms “new entrant air car-*
 7 *rier” and “slot” have the meanings given those terms in*
 8 *section 41714(h) of title 49, United States Code.*

9 (b) *SLOTS FOR NEW ENTRANT AIR CARRIERS.*—*The*
 10 *Secretary shall, annually, by granting exemptions from the*
 11 *requirements under part 93 of title 14, Code of Federal Reg-*
 12 *ulations, or by other means, make not less than 8 slots at*
 13 *Newark Liberty International Airport available to enable*
 14 *new entrant air carriers to provide air transportation.*

15 (c) *APPLICABILITY.*—*Subsection (a) shall not apply in*
 16 *any year—*

17 (1) *new entrant air carriers operate 5 percent or*
 18 *more of the total number of slots at Newark Liberty*
 19 *International Airport; or*

20 (2) *the Secretary makes a determination that*
 21 *making slots available to enable new entrant air car-*
 22 *riers to provide air transportation at that airport is*
 23 *not in the public interest and doing so would signifi-*
 24 *cantly increase operational delays.*

1 (d) *REPORT TO CONGRESS.*—*The Secretary shall no-*
 2 *tify the Committee on Commerce, Science, and Transpor-*
 3 *tation of the Senate and the Committee on Transportation*
 4 *and Infrastructure of the House of Representatives not later*
 5 *than 14 calendar days after the date a determination is*
 6 *made under subsection (c)(2), including the reasons for that*
 7 *determination.*

8 ***Subtitle B—Essential Air Service***

9 ***SEC. 3201. ESSENTIAL AIR SERVICE.***

10 (a) *AUTHORIZATION EXTENSION.*—*Section 41742(a)*
 11 *is amended—*

12 (1) *in paragraph (2), by striking*
 13 *“\$150,000,000” and all that follows through “July 15,*
 14 *2016” and inserting “\$155,000,000 for each of fiscal*
 15 *years 2016 through 2017”; and*

16 (2) *by striking paragraph (3).*

17 (b) *DEFINITIONS.*—*Section 41731(a)(1)(A) is amended*
 18 *by striking clause (ii) and inserting the following:*

19 “(ii) *was determined, on or after Octo-*
 20 *ber 1, 1988, and before December 1, 2012,*
 21 *under this subchapter by the Secretary of*
 22 *Transportation to be eligible to receive sub-*
 23 *sidized small community air service under*
 24 *section 41736(a);”.*

1 (c) *SEASONAL SERVICE.*—*The Secretary of Transpor-*
 2 *tation may consider the flexibility of current operational*
 3 *dates and airport accessibility to meet local community*
 4 *needs when issuing requests for proposal of essential air*
 5 *service at seasonal airports.*

6 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOPMENT**
 7 **PROGRAM.**

8 (a) *EXTENSION OF AUTHORIZATION.*—*Section*
 9 *41743(e)(2) is amended to read as follows:*

10 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—
 11 *There is authorized to be appropriated to the Sec-*
 12 *retary \$10,000,000 for each of fiscal years 2016*
 13 *through 2017 to carry out this section. Such sums*
 14 *shall remain available until expended.”.*

15 (b) *ELIGIBILITY.*—*Section 41743(c)(1) is amended to*
 16 *read as follows:*

17 “(1) *SIZE.*—*On the date of the most recent no-*
 18 *tice of order soliciting community proposals issued by*
 19 *the Secretary under this section, the airport serving*
 20 *the community or consortium—*

21 “(A) *was not larger than a small hub air-*
 22 *port, as determined using the Department of*
 23 *Transportation’s most recent published classi-*
 24 *fication; and*

1 “(B)(i) *had insufficient air carrier service;*

2 *or*

3 “(ii) *had unreasonably high air fares.*”.

4 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

5 (a) *IN GENERAL.*—Section 41743(c)(4) is amended—

6 (1) *by inserting “(B) SAME PROJECTS.—” before*
7 *the second sentence and indenting appropriately;*

8 (2) *by inserting “(A) IN GENERAL.—” before the*
9 *first sentence and indenting appropriately;*

10 (3) *in subparagraph (B), as designated by this*
11 *subsection, by striking “No community” and insert-*
12 *ing “Except as provided in subparagraph (C)”;* and
13 (4) *by adding at the end the following:*

14 “(C) *EXCEPTION.*—The Secretary may
15 *waive the limitation under subparagraph (B) re-*
16 *lated to projects that are the same if the Sec-*
17 *retary determines that the community or consor-*
18 *tium spent little or no money on its previous*
19 *project or encountered industry or environmental*
20 *challenges, due to circumstances that were rea-*
21 *sonably beyond the control of the community or*
22 *consortium.*”.

23 (b) *AUTHORITY TO MAKE AGREEMENTS.*—Section
24 41743(e)(1) is amended by adding at the end the following:

25 *“The Secretary may amend the scope of a grant agreement*

1 *at the request of the community or consortium and any par-*
 2 *ticipating air carrier, and may limit the scope of a grant*
 3 *agreement to only the elements using grant assistance or*
 4 *to only the elements achieved, if the Secretary determines*
 5 *that the amendment is reasonably consistent with the origi-*
 6 *nal purpose of the project.”.*

7 **SEC. 3204. WAIVERS.**

8 *Section 41732 is amended by adding at the end the*
 9 *following:*

10 *“(c) WAIVERS.—Notwithstanding section 41733(e),*
 11 *upon request by an eligible place, the Secretary may waive,*
 12 *in whole or in part, subsections (a) and (b) of this section*
 13 *or subsections (a) through (c) of section 41734. A waiver*
 14 *issued under this subsection shall remain in effect for a lim-*
 15 *ited period of time, as determined by the Secretary.”.*

16 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**
 17 **TO SMALL COMMUNITIES.**

18 *(a) IN GENERAL.—Not later than 120 days after the*
 19 *date of enactment of this Act, the Secretary of Transpor-*
 20 *tation and the Administrator of the Federal Aviation Ad-*
 21 *ministration shall establish a working group—*

22 *(1) to identify obstacles to attracting and main-*
 23 *taining air transportation service to and from small*
 24 *communities; and*

1 (2) *to develop recommendations for maintaining*
2 *and improving air transportation service to and from*
3 *small communities.*

4 (b) *OUTREACH.—In carrying out the requirements*
5 *under paragraphs (1) and (2) of subsection (a), the working*
6 *group shall consult with—*

7 (1) *interested Governors;*

8 (2) *representatives of State and local agencies,*
9 *and other officials and groups, representing rural*
10 *States and other rural areas;*

11 (3) *other representatives of relevant State and*
12 *local agencies; and*

13 (4) *members of the public with experience in*
14 *aviation safety, pilot training, economic development,*
15 *and related issues.*

16 (c) *CONSIDERATIONS.—In carrying out the require-*
17 *ments under paragraphs (1) and (2) of subsection (a), the*
18 *working group shall—*

19 (1) *consider whether funding for, and terms of,*
20 *current or potential new programs is sufficient to*
21 *help ensure continuation of or improvement to air*
22 *transportation service to small communities, includ-*
23 *ing the Essential Air Service Program and the Small*
24 *Community Air Service Development Program;*

1 (2) *identify initiatives to help support pilot*
2 *training to provide air transportation service to*
3 *small communities;*

4 (3) *consider whether Federal funding for airports*
5 *serving small communities, including airports that*
6 *have lost air transportation services or had decreased*
7 *enplanements in recent years, is adequate to ensure*
8 *that small communities have access to quality, afford-*
9 *able air transportation service;*

10 (4) *consider potential improvements in pilot*
11 *training and any constraints affecting pilot career*
12 *pathways that, if addressed, would increase both avia-*
13 *tion safety and pilot supply;*

14 (5) *identify innovative State or local efforts that*
15 *have established public-private partnerships that are*
16 *successful in attracting and retaining air transpor-*
17 *tation service in small communities; and*

18 (6) *consider such other issues as the Secretary*
19 *and Administrator consider appropriate.*

20 (d) *COMPOSITION.—*

21 (1) *IN GENERAL.—The working group shall be*
22 *facilitated through the Administrator or the Adminis-*
23 *trator's designee.*

1 (2) *MEMBERSHIP.*—*Members of the working*
2 *group shall be appointed by the Administrator and*
3 *shall include representatives of—*

4 (A) *State and local government, including*
5 *State and local aviation officials;*

6 (B) *State Governors;*

7 (C) *aviation safety experts;*

8 (D) *economic development officials; and*

9 (E) *the traveling public from small commu-*
10 *nities.*

11 (e) *REPORT AND RECOMMENDATIONS.*—*Not later than*
12 *1 year after the date of enactment of this Act, the Secretary*
13 *and the Administrator shall submit to the appropriate com-*
14 *mittees of Congress a report, including—*

15 (1) *a summary of the views expressed by the par-*
16 *ticipants in the outreach under subsection (b);*

17 (2) *a description of the working group's findings,*
18 *including the identification of any areas of general*
19 *consensus among the non-Federal participants in the*
20 *outreach under subsection (b); and*

21 (3) *any recommendations for legislative or regu-*
22 *latory action that would assist in maintaining and*
23 *improving air transportation service to and from*
24 *small communities.*

1 **TITLE IV—NEXTGEN AND FAA**
 2 **ORGANIZATION**

3 **SEC. 4001. DEFINITIONS.**

4 *In this title:*

5 (1) *ADMINISTRATION.*—The term “Administra-
 6 tion” means the Federal Aviation Administration.

7 (2) *ADMINISTRATOR.*—The term “Adminis-
 8 trator” means the Administrator of the Federal Avia-
 9 tion Administration.

10 (3) *ADS-B.*—The term “ADS-B” means auto-
 11 matic dependent surveillance-broadcast.

12 (4) *ADS-B OUT.*—The term “ADS-B Out”
 13 means automatic dependent surveillance-broadcast
 14 with the ability to transmit information from the air-
 15 craft to ground stations and to other equipped air-
 16 craft.

17 (5) *NEXTGEN.*—The term “NextGen” means the
 18 Next Generation Air Transportation System.

19 **Subtitle A—Next Generation Air**
 20 **Transportation System**

21 **SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.**

22 (a) *IN GENERAL.*—Not later than 1 year after the date
 23 of enactment of this Act, the Administrator shall submit
 24 to the appropriate committees of Congress a report on the
 25 Administrator’s assessment of each NextGen program.

1 (b) *CONTENTS.*—*The report under subsection (a) shall*
2 *include—*

3 (1) *an estimate of the date that each NextGen*
4 *program will have a positive return on investment;*

5 (2) *an assessment of the impacts of each such*
6 *program for—*

7 (A) *the Federal Government; and*

8 (B) *the users of the national airspace sys-*
9 *tem;*

10 (3) *a description of how each such program di-*
11 *rectly contributes to a more safe and efficient air traf-*
12 *fic control system; and*

13 (4) *the status of NextGen programs and of the*
14 *projected return on investment for each such program.*

15 (c) *NEXTGEN PRIORITY LIST.*—*Based on the assess-*
16 *ment under subsection (a) the Administrator shall—*

17 (1) *develop, in coordination with the NextGen*
18 *Advisory Committee and considering the need for a*
19 *balance between long-term and near-term user bene-*
20 *fits, a prioritization of each NextGen program;*

21 (2) *include the priority list in the report under*
22 *subsection (b); and*

23 (3) *prepare budget submissions to reflect the cur-*
24 *rent status of NextGen programs and projected re-*
25 *turns on investment for each program.*

1 (d) *DEFINITIONS.—In this section:*

2 (1) *KEY MILESTONES.—The term “key mile-*
 3 *stones” includes cost and deployment schedule, and*
 4 *benefits anticipated in the most recent baseline.*

5 (2) *RETURN ON INVESTMENT.—The term “return*
 6 *on investment” means the cost associated with tech-*
 7 *nologies that are required by law or policy as com-*
 8 *pared to the benefits derived from such technologies by*
 9 *a government or a user of airspace.*

10 (e) *REPEAL OF NEXTGEN PRIORITIES.—Section 202*
 11 *of the FAA Modernization and Reform Act of 2012 (Public*
 12 *Law 112–95; 49 U.S.C. 40101 note) and the item relating*
 13 *to that section in the table of contents under section 1(b)*
 14 *of that Act are repealed.*

15 **SEC. 4102. ENSURING FAA READINESS TO USE NEW TECH-**
 16 **NOLOGY.**

17 (a) *IN GENERAL.—Not later than December 31, 2017,*
 18 *the Administrator shall—*

19 (1) *ensure the capability of the Administration*
 20 *to receive space-based ADS-B data; and*

21 (2) *use the data described under paragraph (1)*
 22 *to provide positive air traffic control, including sepa-*
 23 *ration of aircraft over the oceans and other specific*
 24 *regions not covered by radar.*

1 (b) *REPORT.*—Not later than 6 months after the date
 2 of enactment of this Act, and biannually thereafter until
 3 the date that the Administrator certifies that the Adminis-
 4 tration has the capability to receive space-based ADS-B
 5 data, the Administrator shall submit to the appropriate
 6 committees of Congress a report that—

7 (1) details the actions the Administrator has
 8 taken to ensure 2018 readiness and usage;

9 (2) details the actions that remain to be taken to
 10 implement such capability;

11 (3) includes a schedule for expected completion of
 12 each outstanding action described in paragraph (2);
 13 and

14 (4) includes a detailed description of the invest-
 15 ment decisions and requests for funding made by the
 16 Administrator that are consistent with the terrestrial
 17 ADS-B implementation to ensure a sustained pro-
 18 gram beyond 2018.

19 **SEC. 4103. NEXTGEN ANNUAL PERFORMANCE GOALS.**

20 (a) *ANNUAL PERFORMANCE GOALS.*—Section 214 of
 21 the *FAA Modernization and Reform Act of 2012* (Public
 22 Law 112–95; 49 U.S.C. 40101 note) is amended—

23 (1) by redesignating subsection (d) as subsection
 24 (e); and

1 (2) by inserting after subsection (c) the fol-
 2 lowing:

3 “(d) *ANNUAL PERFORMANCE GOALS.*—*The Adminis-*
 4 *trator shall establish annual NextGen performance goals for*
 5 *each of the performance metrics set forth in subsection (a)*
 6 *to meet the performance metric baselines identified under*
 7 *subsection (b). Such goals shall be consistent with the an-*
 8 *nual performance objectives established by the senior policy*
 9 *committee (commonly known as the ‘NextGen Advisory*
 10 *Committee’)* established under section 710 of the Vision
 11 100—Century of Aviation Reauthorization Act (Public
 12 Law 108–176; 49 U.S.C. 40101 note).”.

13 (b) *NEXTGEN METRICS REPORT.*—Section 710(e)(2) of
 14 the Vision 100—Century of Aviation Reauthorization Act
 15 (Public Law 108–176; 49 U.S.C. 40101 note) is amended—

16 (1) in subparagraph (D), by striking “; and”
 17 and inserting a semicolon;

18 (2) in subparagraph (E), by striking the period
 19 at the end and inserting “; and”; and

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

21 “(F) a description of the progress made in
 22 meeting the annual NextGen performance goals
 23 relative to the performance metrics established
 24 under section 214 of the FAA Modernization and

1 *Reform Act of 2012 (Public Law 112–95; 49*
 2 *U.S.C. 40101 note).”.*

3 (c) *CHIEF NEXTGEN OFFICER.*—*Section 106(s)(3) is*
 4 *amended—*

5 (1) *in paragraph (2)(B), by adding at the end*
 6 *the following: “In evaluating the performance of the*
 7 *Chief NextGen Officer for the purpose of awarding a*
 8 *bonus under this subparagraph, the Administrator*
 9 *shall consider the progress toward meeting the*
 10 *NextGen performance goals established pursuant to*
 11 *section 214(d) of the FAA Modernization and Reform*
 12 *Act of 2012 (Public Law 112–95; 49 U.S.C. 40101*
 13 *note).”; and*

14 (2) *in paragraph (3), by adding at the end the*
 15 *following: “The annual performance goals set forth in*
 16 *the agreement shall include quantifiable NextGen air-*
 17 *space performance objectives regarding efficiency, pro-*
 18 *ductivity, capacity, and safety, which shall be estab-*
 19 *lished by the senior policy committee (commonly*
 20 *known as the ‘NextGen Advisory Committee’) estab-*
 21 *lished under section 710 of the Vision 100—Century*
 22 *of Aviation Reauthorization Act (Public Law 108–*
 23 *176; 49 U.S.C. 40101 note).”.*

24 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

25 (a) *FINDINGS.*—*Congress makes the following findings:*

1 (1) *On September 26, 2014, an Administration*
2 *contract employee deliberately started a fire that de-*
3 *stroyed critical equipment at the Administration's*
4 *Chicago Air Route Traffic Control Center (referred to*
5 *in this section as the "Chicago Center") in Aurora,*
6 *Illinois.*

7 (2) *As a result of the damage, Chicago Center*
8 *was unable to control air traffic for more than 2*
9 *weeks, thousands of flights were delayed or cancelled*
10 *into and out of O'Hare International Airport and*
11 *Midway Airport in Chicago, and aviation stake-*
12 *holders and airlines reportedly lost over \$350,000,000.*

13 (3) *According to the Office of the Inspector Gen-*
14 *eral of the Department of Transportation, the fire at*
15 *Chicago Center demonstrated that the Administra-*
16 *tion's contingency plans for the Chicago Center and*
17 *the airspace it controls do not ensure redundancy and*
18 *resiliency for sustained operations.*

19 (4) *Further, the Inspector General found that*
20 *Chicago Center incident highlighted the limited flexi-*
21 *bility and lack of resiliency in critical elements of the*
22 *Administration's current air traffic control infra-*
23 *structure, including limited communication capacity*
24 *and the inability to easily transfer control of airspace*
25 *and flight plans.*

1 (b) *COMPREHENSIVE CONTINGENCY PLAN.*—Not later
2 than 180 days after the date of enactment of this Act, the
3 Administrator shall update the Administration’s com-
4 prehensive contingency plan to address potential air traffic
5 facility outages that could have a major impact on oper-
6 ation of the national airspace system.

7 (c) *REPORT.*—Not later than 60 days after the date
8 the plan is updated under subsection (b), the Administrator
9 shall submit to the appropriate committees of Congress a
10 report on the update, including any recommendations for
11 ensuring air traffic facility outages do not have a major
12 impact on operation of the national airspace system.

13 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

14 (a) *FINDINGS.*—Congress makes the following findings:

15 (1) *The Administration’s ADS-B program is ex-*
16 *pected to be the centerpiece of the NextGen effort at*
17 *the Administration, but the satellite-based system*
18 *faces uncertainty and controversy.*

19 (2) *In May 2010, the Administration published*
20 *a final rule that mandated airspace users be equipped*
21 *with ADS-B Out avionics by January 1, 2020.*

22 (3) *Subsequently, in April 2015, the Administra-*
23 *tion announced completion of the ADS-B ground-*
24 *based radio infrastructure. However, the ADS-B pro-*
25 *gram faces considerable uncertainty and unanswered*

1 *questions about whether or not the 2020 mandate is*
2 *still meaningful.*

3 *(4) In 2014, the Office of the Inspector General*
4 *found that while ADS-B is providing benefits where*
5 *radar is limited or nonexistent in places such as the*
6 *Gulf of Mexico, the system is providing only limited*
7 *initial services to pilots and air traffic controllers in*
8 *domestic airspace.*

9 *(5) The Office of the Inspector General also*
10 *found, in 2014, that all elements of the system, such*
11 *as avionics, the ground infrastructure, and controller*
12 *automation systems, had not yet been tested in com-*
13 *bination to see if the overall system can be used in*
14 *congested airspace and perform as well as existing*
15 *radar, much less allow aircraft to fly closer together.*
16 *This is referred to as “end-to-end testing.”*

17 *(6) When this report was issued, commercial and*
18 *general aviation stakeholders voiced serious concerns*
19 *that equipping with new avionics for the 2020 man-*
20 *date will be difficult due to the cost and limited*
21 *availability of avionics, and capacity of certified re-*
22 *pair stations to install avionics.*

23 *(b) ASSESSMENT.—Not later than 1 year after the date*
24 *of enactment of this Act, the Inspector General of the De-*
25 *partment of Transportation shall assess—*

1 (1) *Administration and industry readiness to*
 2 *meet the ADS-B mandate by 2020;*

3 (2) *changes to ADS-B program since May 2010;*
 4 *and*

5 (3) *additional options to comply with the man-*
 6 *date and consequences, both for individual system*
 7 *users and for the overall safety and efficiency of the*
 8 *national airspace system, for noncompliance.*

9 (c) *REPORT.*—*Not later than 60 days after the date*
 10 *the assessment under subsection (b) is complete, the Inspec-*
 11 *tor General of the Department of Transportation shall sub-*
 12 *mit to the appropriate committees of Congress a report on*
 13 *the progress made toward meeting the ADS-B mandate by*
 14 *2020, including any recommendations of the Inspector Gen-*
 15 *eral to carry out such mandate.*

16 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

17 (a) *IN GENERAL.*—*To implement a more effective*
 18 *international strategy for achieving NextGen interoper-*
 19 *ability with foreign countries, the Administrator shall take*
 20 *the following actions:*

21 (1) *Conduct a gap analysis to identify potential*
 22 *risks to NextGen interoperability with other Air*
 23 *Navigation Service Providers and establish a schedule*
 24 *for periodically reevaluating such risks.*

1 (2) *Develop a plan that identifies and documents*
2 *actions the Administrator will undertake to mitigate*
3 *such risks, using information from the gap analysis*
4 *as a basis for making management decisions about*
5 *how to allocate resources for such actions.*

6 (b) *REPORT.*—*Not later than 1 year after the date of*
7 *enactment of this Act, the Administrator shall submit to*
8 *the appropriate committees of Congress a report on the*
9 *analysis conducted under paragraph (1) of subsection (a)*
10 *and on the actions the Administrator has taken under para-*
11 *graph (2) of such subsection.*

12 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

13 (a) *IN GENERAL.*—*The Administrator shall—*

14 (1) *identify and analyze technical and oper-*
15 *ational maturity gaps in NextGen transition and im-*
16 *plementation plans; and*

17 (2) *develop a plan to mitigate the gaps identified*
18 *in paragraph (1).*

19 (b) *REPORT.*—*Not later than 1 year after the date of*
20 *enactment of this Act, the Administrator shall submit to*
21 *the appropriate committees of Congress a report on the ac-*
22 *tions taken to carry out the plan required by subsection*
23 *(a)(2).*

1 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
2 **IMPROVEMENTS.**

3 (a) *IN GENERAL.*—To help ensure that NextGen oper-
4 ational improvements are fully implemented in the mid-
5 term, the Administrator shall—

6 (1) *work with airlines and other users of the na-*
7 *tional airspace system (referred to in this section as*
8 *“NAS”) to develop and implement a system to sys-*
9 *tematically track the use of existing performance*
10 *based navigation (referred to in this section as*
11 *“PBN”) procedures;*

12 (2) *require consideration of other key operational*
13 *improvements in planning for NextGen improve-*
14 *ments, including identifying additional metroplexes*
15 *for PBN projects, non-metroplex PBN procedures, as*
16 *well as the identification of unused flight routes for*
17 *decommissioning;*

18 (3) *develop and implement guidelines for ensur-*
19 *ing timely inclusion of appropriate stakeholders, in-*
20 *cluding airport representatives, in the planning and*
21 *implementation of NextGen improvement efforts; and*

22 (4) *assure that NextGen planning documents*
23 *provide stakeholders information on how and when*
24 *operational improvements are expected to achieve*
25 *NextGen goals and targets.*

1 (b) *REPORT.*—Not later than 1 year after the date of
 2 enactment of this Act, the Administrator shall submit to
 3 the appropriate committees of Congress a report on the
 4 progress made toward implementing the requirements of
 5 subsection (a), and on the schedule and process that will
 6 be used to implement PBN at additional airports, including
 7 information on how the Administration will partner and
 8 coordinate with private industry to ensure expeditious im-
 9 plementation of performance based navigation.

10 **SEC. 4109. CYBERSECURITY.**

11 (a) *IN GENERAL.*—The Administrator shall—

12 (1) identify and implement ways to better incor-
 13 porate cybersecurity measures as a systems char-
 14 acteristic at all levels and phases of the architecture
 15 and design of air traffic control programs, including
 16 NextGen programs;

17 (2) develop a threat model that will identify
 18 vulnerabilities to better focus resources to mitigate cy-
 19 bersecurity risks;

20 (3) develop an appropriate plan to mitigate cy-
 21 bersecurity risk, to respond to an attack, intrusion, or
 22 otherwise unauthorized access and to adapt to evol-
 23 ving cybersecurity threats; and

1 (4) *foster a cybersecurity culture throughout the*
2 *Administration, including air traffic control pro-*
3 *grams and relevant contractors.*

4 (b) *REPORT.*—*Not later than 1 year after the date of*
5 *enactment of this Act, the Administrator shall submit to*
6 *the appropriate committees of Congress a report on the*
7 *progress made toward implementing the requirements*
8 *under subsection (a).*

9 **SEC. 4110. DEFINING NEXTGEN.**

10 *Not later than 1 year after the date of enactment of*
11 *this Act, the Comptroller General of the United States*
12 *shall—*

13 (1) *assess how the line items included in the Ad-*
14 *ministration's NextGen budget request relate to the*
15 *goals and expected outcomes of NextGen, including*
16 *how NextGen programs directly contribute to a meas-*
17 *urably safer and more efficient air traffic control sys-*
18 *tem; and*

19 (2) *submit to the appropriate committees of Con-*
20 *gress a report on the results of the assessment under*
21 *paragraph (1), including any recommendations for*
22 *the removal of line items that do not pertain to the*
23 *overall vision for NextGen.*

1 **SEC. 4111. HUMAN FACTORS.**

2 (a) *IN GENERAL.*—*In order to avoid having to subse-*
 3 *quently modify products and services developed as a part*
 4 *of NextGen, the Administrator shall—*

5 (1) *recognize and incorporate, in early design*
 6 *phases of all relevant NextGen programs, the human*
 7 *factors and procedural and airspace implications of*
 8 *stated goals and associated technical changes; and*

9 (2) *ensure that a human factors specialist, sepa-*
 10 *rate from the research and certification groups, is di-*
 11 *rectly involved with the NextGen approval process.*

12 (b) *REPORT.*—*Not later than 1 year after the date of*
 13 *enactment of this Act, the Administrator shall submit to*
 14 *the appropriate committees of Congress a report on the*
 15 *progress made toward implementing the requirements*
 16 *under subsection (a).*

17 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

18 (a) *IN GENERAL.*—*The Administrator shall evaluate*
 19 *the current acquisition practices of the Administration to*
 20 *ensure that such practices—*

21 (1) *identify the current estimated costs for each*
 22 *acquisition system, including all segments;*

23 (2) *separately identify cumulative amounts for*
 24 *acquisition costs, technical refresh, and other enhance-*
 25 *ments in order to identify the total baselined and re-*
 26 *baselined costs for each system; and*

1 (3) *account for the way funds are being used*
2 *when reporting to managers, Congress, and other*
3 *stakeholders.*

4 (b) *REPORT.*—*Not later than 1 year after the date of*
5 *enactment of this Act, the Administrator shall submit to*
6 *the appropriate committees of Congress a report on the*
7 *progress made toward implementing the requirements*
8 *under subsection (a).*

9 **SEC. 4113. EQUIPAGE MANDATES.**

10 (a) *IN GENERAL.*—*Before NextGen-related equipage*
11 *mandates are imposed on users of the national airspace sys-*
12 *tem, the Administrator, in collaboration with all relevant*
13 *stakeholders, shall—*

14 (1) *provide a statement of estimated cost and*
15 *benefits that is based upon mature and stable tech-*
16 *nical specifications; and*

17 (2) *create a schedule for Administration*
18 *deliverables and investments by both users and the*
19 *Administration, including for procedure and airspace*
20 *design, infrastructure deployment, and training.*

21 **SEC. 4114. WORKFORCE.**

22 (a) *IN GENERAL.*—*Not later than 1 year after the date*
23 *of enactment of this Act, the Administrator shall—*

24 (1) *identify and assess barriers to attracting, de-*
25 *veloping, training, and retaining a talented workforce*

1 *in the areas of systems engineering, architecture, sys-*
 2 *tems integration, digital communications, and cyber-*
 3 *security;*

4 (2) *develop a comprehensive plan to attract, de-*
 5 *velop, train, and retain talented individuals; and*

6 (3) *identify the resources needed to attract, de-*
 7 *velop, and retain this talent.*

8 (b) *REPORT.*—*The Administrator shall submit to the*
 9 *appropriate committees of Congress a report on the progress*
 10 *made toward implementing the requirements under sub-*
 11 *section (a).*

12 **SEC. 4115. ARCHITECTURAL LEADERSHIP.**

13 (a) *IN GENERAL.*—*In order to provide an adequate*
 14 *technical foundation for steering NextGen’s technical gov-*
 15 *ernance and managing inevitable changes in technology*
 16 *and operations, the Administrator shall—*

17 (1) *develop a plan that—*

18 (A) *uses an architecture leadership commu-*
 19 *nity and an effective governance approach to as-*
 20 *sure a proper balance between documents and*
 21 *artifacts and to provide high-level guidance;*

22 (B) *enables effective management and com-*
 23 *munication of dependencies;*

1 (C) provides flexibility and the ability to
 2 evolve to ensure accommodation of future needs;
 3 and

4 (D) communicates changing circumstances
 5 in order to align agency and airspace user ex-
 6 pectations;

7 (2) determine the feasibility of conducting a
 8 small number of experiments among the Administra-
 9 tion's system integration partners to prototype can-
 10 didate solutions for establishing and managing a vi-
 11 brant architectural community; and

12 (3) develop a method to initiate, grow, and en-
 13 gage a capable architecture community, from both
 14 within and outside of the Administration, who will
 15 expand the breadth and depth of expertise that is
 16 steering architectural changes.

17 (b) *REPORT*.—Not later than 1 year after the date of
 18 enactment of this Act, the Administrator shall submit to
 19 the appropriate committees of Congress a report on the
 20 progress made toward implementing the requirements
 21 under subsection (a).

22 **SEC. 4116. PROGRAMMATIC RISK MANAGEMENT.**

23 (a) *IN GENERAL*.—To better inform the Administra-
 24 tion's decisions regarding the prioritization of efforts and

1 *allocation of resources for NextGen, the Administrator*
 2 *shall—*

3 (1) *solicit input from specialists in probability*
 4 *and statistics to identify and prioritize the pro-*
 5 *grammatic and implementation risks to NextGen;*
 6 *and*

7 (2) *develop a method to manage and mitigate the*
 8 *risks identified in paragraph (1).*

9 (b) *REPORT.—Not later than 1 year after the date of*
 10 *enactment of this Act, the Administrator shall submit to*
 11 *the appropriate committees of Congress a report on the*
 12 *progress made toward implementing the requirements*
 13 *under subsection (a).*

14 **SEC. 4117. NEXTGEN PRIORITIZATION.**

15 *The Administrator shall consider expediting NextGen*
 16 *modernization implementation projects at public use air-*
 17 *ports that share airspace with active military training*
 18 *ranges and do not have radar coverage where such imple-*
 19 *mentation would improve the safety of aviation operations.*

20 ***Subtitle B—Administration***
 21 ***Organization and Employees***

22 **SEC. 4121. COST-SAVING INITIATIVES.**

23 (a) *IN GENERAL.—To ensure that Administration ini-*
 24 *tiatives are being implemented in a timely and fiscally re-*
 25 *sponsible manner, the Administrator shall—*

1 (1) *identify and implement agencywide cost-sav-*
 2 *ing initiatives; and*

3 (2) *develop appropriate schedules and metrics to*
 4 *measure whether the initiatives are successful in re-*
 5 *ducing costs.*

6 (b) *REPORT.*—*Not later than 1 year after the date of*
 7 *enactment of this Act, the Administrator shall submit to*
 8 *the appropriate committees of Congress a report on the*
 9 *progress made toward implementing the requirements*
 10 *under subsection (a).*

11 **SEC. 4122. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
 12 **FURLOUGHS.**

13 (a) *DEFINITION OF ESSENTIAL EMPLOYEE.*—*In this*
 14 *section, the term “essential employee” means an employee*
 15 *of the Administration who performs work involving the*
 16 *safety of human life or the protection of property, as deter-*
 17 *mined by the Administrator.*

18 (b) *IN GENERAL.*—*In implementing spending reduc-*
 19 *tions under Federal law, the Administrator may furlough*
 20 *1 or more employees of the Administration, except an essen-*
 21 *tial employee, if the Administrator determines the furlough*
 22 *is necessary to achieve the required spending reductions.*

23 (c) *TRANSFER OF BUDGETARY RESOURCES.*—*The Ad-*
 24 *ministrator may transfer budgetary resources within the*

1 *Administration to carry out subsection (b), except that the*
 2 *transfer may only be made to maintain essential employees.*

3 **SEC. 4123. CONTROLLER CANDIDATE INTERVIEWS.**

4 (a) *IN GENERAL.*—Not later than 60 days after the
 5 date of enactment of this Act, the Administrator shall re-
 6 quire that an in-person interview be conducted with each
 7 individual applying for an air traffic control specialist po-
 8 sition before that individual may be hired to fill that posi-
 9 tion.

10 (b) *GUIDANCE.*—Not later than 30 days after the date
 11 of enactment of this Act, the Administrator shall establish
 12 guidelines regarding the in-person interview process de-
 13 scribed in subsection (a).

14 **SEC. 4124. HIRING OF AIR TRAFFIC CONTROLLERS.**

15 (a) *IN GENERAL.*—Section 44506 is amended by add-
 16 ing at the end the following:

17 “(f) *HIRING OF CERTAIN AIR TRAFFIC CONTROL SPE-*
 18 *CIALISTS.*—

19 “(1) *CONSIDERATION OF APPLICANTS.*—

20 “(A) *ENSURING SELECTION OF MOST QUALI-*
 21 *FIED APPLICANTS.*—In appointing individuals to
 22 the position of air traffic controllers, the Admin-
 23 istrator shall give preferential consideration to
 24 qualified individuals maintaining 52 consecutive
 25 weeks of air traffic control experience involving

1 *the full-time active separation of air traffic after*
 2 *receipt of an air traffic certification or air traf-*
 3 *fic control facility rating within 5 years of ap-*
 4 *plication while serving at—*

5 *“(i) a Federal Aviation Administra-*
 6 *tion air traffic control facility;*

7 *“(ii) a civilian or military air traffic*
 8 *control facility of the Department of De-*
 9 *fense; or*

10 *“(iii) a tower operating under contract*
 11 *with the Federal Aviation Administration*
 12 *under section 47124 of this title.*

13 *“(B) CONSIDERATION OF ADDITIONAL AP-*
 14 *PLICANTS.—The Administrator shall consider*
 15 *additional applicants for the position of air traf-*
 16 *fic controller by referring an approximately*
 17 *equal number of employees for appointment*
 18 *among the 2 applicant pools. The number of em-*
 19 *ployees referred for consideration from each*
 20 *group shall not differ by more than 10 percent.*

21 *“(i) POOL ONE.—Applicants who:*

22 *“(I) have successfully completed*
 23 *air traffic controller training and*
 24 *graduated from an institution partici-*
 25 *pating in the Collegiate Training Ini-*

1 *tiative program maintained under sub-*
2 *section (c)(1) who have received from*
3 *the institution—*

4 *“(aa) an appropriate rec-*
5 *ommendation; or*

6 *“(bb) an endorsement certi-*
7 *fying that the individual would*
8 *have met the requirements in ef-*
9 *fect as of December 31, 2013, for*
10 *an appropriate recommendation;*

11 *“(II) are eligible for a veterans re-*
12 *cruitment appointment pursuant to*
13 *section 4214 of title 38, United States*
14 *Code, and provide a Certificate of Re-*
15 *lease or Discharge from Active Duty*
16 *within 120 days of the announcement*
17 *closing;*

18 *“(III) are eligible veterans (as de-*
19 *finied in section 4211 of title 38,*
20 *United States Code) maintaining avia-*
21 *tion experience obtained in the course*
22 *of the individual’s military experience;*
23 *or*

1 “(IV) are preference eligible vet-
 2 erans (as defined in section 2108 of
 3 title 5, United States Code).

4 “(ii) POOL TWO.—Applicants who
 5 apply under a vacancy announcement re-
 6 cruiting from all United States citizens.

7 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

8 “(A) BIOGRAPHICAL ASSESSMENTS.—The
 9 Administration shall not use any biographical
 10 assessment when hiring under subparagraph (A)
 11 or subparagraph (B)(i) of paragraph (1).

12 “(B) RECONSIDERATION OF APPLICANTS
 13 DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL
 14 ASSESSMENTS.—

15 “(i) IN GENERAL.—If an individual
 16 described in subparagraph (A) or subpara-
 17 graph (B)(i) of paragraph (1) who applied
 18 for the position of air traffic controller with
 19 the Administration in response to Vacancy
 20 Announcement FAA-AMC-14-ALLSRCE-
 21 33537 (issued on February 10, 2014) and
 22 was disqualified from the position as the re-
 23 sult of a biographical assessment, the Ad-
 24 ministrator shall provide the applicant an
 25 opportunity to reapply as soon as prac-

1 *licable for the position under the revised*
 2 *hiring practices.*

3 “(ii) *WAIVER OF AGE RESTRICTION.—*
 4 *The Administrator shall waive any max-*
 5 *imum age restriction for the position of air*
 6 *traffic controller with the Administration*
 7 *that would otherwise disqualify an indi-*
 8 *vidual from the position if the individual—*

9 *“(I) is reapplying for the position*
 10 *pursuant to clause (i) on or before De-*
 11 *cember 31, 2017; and*

12 *“(II) met the maximum age re-*
 13 *quirement on the date of the individ-*
 14 *ual’s previous application for the posi-*
 15 *tion during the interim hiring process.*

16 “(3) *MAXIMUM ENTRY AGE FOR EXPERIENCED*
 17 *CONTROLLERS.—Notwithstanding section 3307 of title*
 18 *5, United States Code, the maximum limit of age for*
 19 *an original appointment to a position as an air traf-*
 20 *fic controller shall be 35 years of age for those main-*
 21 *taining 52 weeks of air traffic control experience in-*
 22 *volving the full-time active separation of air traffic*
 23 *after receipt of an air traffic certification or air traf-*
 24 *fic control facility rating in a civilian or military air*
 25 *traffic control facility.”.*

1 (b) *NOTIFICATION OF VACANCIES.*—*The Administrator*
 2 *shall consider directly notifying secondary schools and in-*
 3 *stitutes of higher learning, including Historically Black*
 4 *Colleges and Universities, Hispanic-serving institutions,*
 5 *Minority Institutions, and Tribal Colleges and Universities,*
 6 *of the vacancy announcement under section*
 7 *44506(f)(1)(B)(ii) of title 49, United States Code.*

8 **SEC. 4125. COMPUTATION OF BASIC ANNUITY FOR CERTAIN**
 9 **AIR TRAFFIC CONTROLLERS.**

10 (a) *IN GENERAL.*—*Section 8415(f) of title 5, United*
 11 *States Code, is amended to read as follows:*

12 “(f) *The annuity of an air traffic controller or former*
 13 *air traffic controller retiring under section 8412(a) is com-*
 14 *puted under subsection (a), except that if the individual has*
 15 *at least 5 years of service in any combination as:*

16 “(1) *an air traffic controller as defined by sec-*
 17 *tion 2109(1)(A)(i);*

18 “(2) *a first level supervisor of an air traffic con-*
 19 *troller as defined by section 2109(1)(A)(i); or*

20 “(3) *a second level supervisor of an air traffic*
 21 *controller as defined by section 2109(1)(A)(i);*

22 *so much of the annuity as is computed with respect to such*
 23 *type of service shall be computed by multiplying 1 7/10 per-*
 24 *cent of the individual’s average pay by the years of such*
 25 *service.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 2 *section (a) shall be deemed to be effective on December 12,*
 3 *2003.*

4 (c) *PROCEDURES REQUIRED.*—*The Director of the Of-*
 5 *fice of Personnel Management shall establish such proce-*
 6 *dures as are necessary to provide for—*

7 (1) *notification to each annuitant affected by the*
 8 *amendments made by this section;*

9 (2) *recalculation of the benefits of affected annu-*
 10 *itants;*

11 (3) *an adjustment to applicable monthly benefit*
 12 *amounts pursuant to such recalculation, to begin as*
 13 *soon as is practicable; and*

14 (4) *a lump sum payment to each affected annu-*
 15 *itant equal to the additional total benefit amount that*
 16 *such annuitant would have received had the amend-*
 17 *ment made by subsection (a) been in effect on Decem-*
 18 *ber 12, 2003.*

19 **SEC. 4126. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

20 (a) *REQUIREMENT TO PROVIDE SERVICES AND RE-*
 21 *LATED SUPPORT.*—*The Administrator of the Federal Avia-*
 22 *tion Administration shall provide air traffic services and*
 23 *aviation safety support for aviation events, including*
 24 *airshows and fly-ins, without the imposition or collection*
 25 *of any fee, tax, or other charge for that purpose. Amounts*

1 *for the provision of such services and support shall be de-*
 2 *rived from amounts appropriated or otherwise available for*
 3 *the Federal Aviation Administration.*

4 *(b) DETERMINATION OF SERVICES AND SUPPORT TO*
 5 *BE PROVIDED.—In determining the services and support*
 6 *to be provided for an aviation event for purposes of sub-*
 7 *section (a), the Administrator shall take into account the*
 8 *following:*

9 *(1) The services and support required to meet*
 10 *levels of activity at prior events, if any, similar to the*
 11 *event.*

12 *(2) The anticipated need for services and support*
 13 *at the event.*

14 **SEC. 4127. FULL ANNUITY SUPPLEMENT FOR CERTAIN AIR**
 15 **TRAFFIC CONTROLLERS.**

16 *Section 8421a of title 5, United States Code, is amend-*
 17 *ed—*

18 *(1) in subsection (a), by striking “The amount”*
 19 *and inserting “Except as provided in subsection (c),*
 20 *the amount”;*

21 *(2) by redesignating subsection (c) as subsection*
 22 *(d); and*

23 *(3) by inserting after subsection (b) the fol-*
 24 *lowing:*

1 “(c) *This section shall not apply to an individual de-*
 2 *scribed in section 8412(e) during any period in which the*
 3 *individual, after separating from the service as described*
 4 *in that section, is employed full-time as an air traffic con-*
 5 *trol instructor under contract with the Federal Aviation*
 6 *Administration, including an instructor working at an on-*
 7 *site facility (such as an airport).’’.*

8 **SEC. 4128. INCLUSION OF DISABLED VETERAN LEAVE IN**
 9 **FEDERAL AVIATION ADMINISTRATION PER-**
 10 **SONNEL MANAGEMENT SYSTEM.**

11 (a) *IN GENERAL.*—Section 40122(g)(2) is amended—

12 (1) *in subparagraph (H), by striking “; and”*
 13 *and inserting a semicolon;*

14 (2) *in subparagraph (I)(iii), by striking the pe-*
 15 *riod at the end and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 “(J) *subject to paragraph (4), section 6329,*
 18 *relating to disabled veteran leave.’’.*

19 (b) *CERTIFICATION OF LEAVE.*—Section 40122(g) is
 20 *amended—*

21 (1) *by redesignating paragraph (4) as para-*
 22 *graph (5); and*

23 (2) *by inserting after paragraph (3) the fol-*
 24 *lowing:*

1 “(4) *CERTIFICATION OF DISABLED VETERAN*
2 *LEAVE.*—In order to verify that leave credited to an
3 employee pursuant to paragraph (2)(J) is used for
4 treating a service-connected disability, that employee
5 shall, notwithstanding section 6329(c) of title 5, sub-
6 mit to the Assistant Administrator for Human Re-
7 source Management of the Federal Aviation Adminis-
8 tration certification, in such form and manner as the
9 Administrator of the Federal Aviation Administra-
10 tion may prescribe, that the employee used that leave
11 for purposes of being furnished treatment for that dis-
12 ability by a health care provider.”.

13 (c) *APPLICATION.*—The amendments made by this sec-
14 tion shall apply with respect to any employee of the Federal
15 Aviation Administration hired on or after the date that is
16 1 year after the date of enactment of this Act.

17 (d) *POLICIES AND PROCEDURES.*—Not later than 270
18 days after the date of enactment of this Act, the Adminis-
19 trator of the Federal Aviation Administration shall pre-
20 scribe policies and procedures to carry out the amendments
21 made by this section that are comparable, to the maximum
22 extent practicable, to the regulations prescribed by the Office
23 of Personnel Management under section 6329 of title 5,
24 United States Code.

1 (e) *ANNUAL REPORT*.—Not later than 1 year after the
 2 date of enactment of this Act and not less frequently than
 3 once each year thereafter until the date that is 5 years after
 4 the date of enactment of this Act, the Administrator shall
 5 publish on a publicly accessible Internet Web site a report
 6 on—

7 (1) the effect carrying out this section and the
 8 amendments made by this section has had on the
 9 workforce; and

10 (2) the number of veterans benefitting from car-
 11 rying out this section and the amendments made by
 12 this section.

13 ***TITLE V—MISCELLANEOUS***

14 ***SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-*** 15 ***VESTIGATIVE OFFICERS.***

16 Section 1113 is amended by striking subsection (h).

17 ***SEC. 5002. PERFORMANCE-BASED NAVIGATION.***

18 Section 213(c) of the *FAA Modernization and Reform*
 19 *Act of 2012* (Public Law 112–95; 49 U.S.C. 40101 note)
 20 is amended by adding at the end the following:

21 “(3) *NOTIFICATIONS AND CONSULTATIONS*.—Not
 22 later than 90 days before applying a categorical ex-
 23 clusion under this subsection to a new procedure at
 24 an OEP airport, the Administrator shall—

1 “(A) notify and consult with the operator of
2 the airport at which the procedure would be im-
3 plemented; and

4 “(B) consider consultations or other engage-
5 ment with the community in the which the air-
6 port is located to inform the public of the proce-
7 dure.

8 “(4) REVIEW OF CERTAIN CATEGORICAL EXCLU-
9 SIONS.—

10 “(A) IN GENERAL.—The Administrator
11 shall review any decision of the Administrator
12 made on or after February 14, 2012, and before
13 the date of the enactment of this paragraph to
14 grant a categorical exclusion under this sub-
15 section with respect to a procedure to be imple-
16 mented at an OEP airport that was a material
17 change from procedures previously in effect at
18 the airport to determine if the implementation of
19 the procedure had a significant effect on the
20 human environment in the community in which
21 the airport is located if the operator of that air-
22 port—

23 “(i) requests such a review; and

1 “(ii) demonstrates that there is good
2 cause to believe that the implementation of
3 the procedure had such an effect.

4 “(B) CONTENT OF REVIEW.—If, in con-
5 ducting a review under subparagraph (A) with
6 respect to a procedure implemented at an OEP
7 airport, the Administrator, in consultation with
8 the operator of the airport, determines that im-
9 plementing the procedure had a significant effect
10 on the human environment in the community in
11 which the airport is located, the Administrator
12 shall—

13 “(i) consult with the operator of the
14 airport to identify measures to mitigate the
15 effect of the procedure on the human envi-
16 ronment; and

17 “(ii) in conducting such consultations,
18 consider the use of alternative flight paths
19 that do not substantially degrade the effi-
20 ciencies achieved by the implementation of
21 the procedure being reviewed.

22 “(C) HUMAN ENVIRONMENT DEFINED.—In
23 this paragraph, the term ‘human environment’
24 has the meaning given such term in section
25 1508.14 of title 40, Code of Federal Regulations

1 *(as in effect on the day before the date of the en-*
 2 *actment of this paragraph).”.*

3 **SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.**

4 *Section 40128 is amended—*

5 *(1) in subsection (a)(3), by striking “the” before*
 6 *“title 14”; and*

7 *(2) by amending subsection (f) to read as follows:*
 8 *“(f) TRANSPORTATION ROUTES.—*

9 *“(1) IN GENERAL.—This section shall not apply*
 10 *to any air tour operator while flying over or near*
 11 *any Federal land managed by the Director of the Na-*
 12 *tional Park Service, including Lake Mead National*
 13 *Recreation Area, solely as a transportation route, to*
 14 *conduct an air tour over the Grand Canyon National*
 15 *Park.*

16 *“(2) EN ROUTE.—For purposes of this sub-*
 17 *section, an air tour operator flying over the Hoover*
 18 *Dam in the Lake Mead National Recreation Area en*
 19 *route to the Grand Canyon National Park shall be*
 20 *deemed to be flying solely as a transportation route.”.*

21 **SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMER-**
 22 **CIAL SPACE LAUNCH SITE RUNWAYS.**

23 *(a) IN GENERAL.—Section 44718(b)(1) is amended—*

1 (1) by striking “air navigation facilities and
2 equipment” and inserting “air or space navigation
3 facilities and equipment”;

4 (2) in subparagraph (D), by striking “; and”
5 and inserting a semicolon;

6 (3) in subparagraph (E), by striking the period
7 at the end and inserting “; and”; and

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

9 “(F) the impact on launch and reentry for
10 launch and reentry vehicles arriving or depart-
11 ing from a launch site or reentry site licensed by
12 the Secretary.”.

13 (b) *RULEMAKING.*—Not later than 18 months after the
14 date of enactment of this Act, the Administrator of the Fed-
15 eral Aviation Administration shall initiate a rulemaking
16 to implement the amendments made by subsection (a).

17 **SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOP-**
18 **MENT.**

19 Not later than 1 year after the date of enactment of
20 this Act, the Comptroller General of the United States shall
21 submit to the appropriate committees of Congress a report
22 on the existing system of spaceports licensed by the Federal
23 Aviation Administration that includes recommendations
24 regarding—

- 1 (1) *the extent to which, and the manner in*
2 *which, the Federal Government could participate in*
3 *the construction, improvement, development, or main-*
4 *tenance of such spaceports; and*
5 (2) *potential funding sources.*

6 **SEC. 5006. AVIATION FUEL.**

7 (a) *USE OF UNLEADED AVIATION GASOLINE.—The*
8 *Administrator of the Federal Aviation Administration shall*
9 *allow the use of an unleaded aviation gasoline in an air-*
10 *craft as a replacement for a leaded gasoline if the Adminis-*
11 *trator—*

12 (1) *determines that the unleaded aviation gaso-*
13 *line qualifies as a replacement for an approved leaded*
14 *gasoline;*

15 (2) *identifies the aircraft and engines that are*
16 *eligible to use the qualified replacement unleaded gas-*
17 *oline; and*

18 (3) *adopts a process (other than the traditional*
19 *means of certification) to allow eligible aircraft and*
20 *engines to operate using qualified replacement un-*
21 *leaded gasoline in a manner that ensures safety.*

22 (b) *TIMING.—The Administrator shall adopt the proc-*
23 *ess described in subsection (a)(3) not later than 180 days*
24 *after the later of—*

1 (1) *the date on which the Administration com-*
 2 *pletes the Piston Aviation Fuels Initiative; or*

3 (2) *the date on which the American Society for*
 4 *Testing and Materials publishes a production speci-*
 5 *fication for an unleaded aviation gasoline.*

6 **SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS**
 7 **PLAN.**

8 (a) *IN GENERAL.*—*No later than 1 year after the date*
 9 *of enactment of this Act, the Secretary of Transportation*
 10 *and the Secretary of Health and Human Services, in co-*
 11 *ordination with the Secretary of Homeland Security, the*
 12 *Secretary of Labor, the Secretary of State, the Secretary*
 13 *of Defense, and representatives of other Federal departments*
 14 *and agencies, as necessary, shall develop a comprehensive*
 15 *national aviation communicable disease preparedness plan.*

16 (b) *MINIMUM COMPONENTS.*—*The plan developed*
 17 *under subsection (a) shall—*

18 (1) *be developed in consultation with other rel-*
 19 *evant stakeholders, including State, local, tribal, and*
 20 *territorial governments, air carriers, first responders,*
 21 *and the general public;*

22 (2) *provide for the development of a communica-*
 23 *tions system or protocols for providing comprehensive,*
 24 *appropriate, and up-to-date information regarding*

1 *communicable disease threats and preparedness be-*
2 *tween all relevant stakeholders;*

3 (3) *document the roles and responsibilities of rel-*
4 *evant Federal department and agencies, including co-*
5 *ordination requirements;*

6 (4) *provide guidance to air carriers, airports,*
7 *and other appropriate aviation stakeholders on how*
8 *to develop comprehensive communicable disease pre-*
9 *paredness plans for their respective organizations, in*
10 *accordance with the plan to be developed under sub-*
11 *section (a);*

12 (5) *be scalable and adaptable so that the plan*
13 *can be used to address the full range of communicable*
14 *disease threats and incidents;*

15 (6) *provide information on communicable threats*
16 *and response training resources for all relevant stake-*
17 *holders, including Federal, State, local, tribal, and*
18 *territorial government employees, airport officials,*
19 *aviation industry employees and contractors, first re-*
20 *sponders, and health officials;*

21 (7) *develop protocols for the dissemination of*
22 *comprehensive, up-to-date, and appropriate informa-*
23 *tion to the traveling public concerning communicable*
24 *disease threats and preparedness;*

1 (8) *be updated periodically to incorporate lessons*
 2 *learned with supplemental information; and*

3 (9) *be provided in writing, electronically, and*
 4 *accessible via the Internet.*

5 (c) *INTERAGENCY FRAMEWORK.—The plan developed*
 6 *under subsection (a) shall—*

7 (1) *be conducted under the existing interagency*
 8 *framework for national level all hazards emergency*
 9 *preparedness planning or another appropriate frame-*
 10 *work; and*

11 (2) *be consistent with the obligations of the*
 12 *United States under international agreements.*

13 **SEC. 5008. ADVANCED MATERIALS CENTER OF EXCEL-**
 14 **LENCE.**

15 (a) *IN GENERAL.—Chapter 445 is amended by adding*
 16 *at the end the following:*

17 **“§ 44518. Advanced Materials Center of Excellence**

18 “(a) *IN GENERAL.—The Administrator of the Federal*
 19 *Aviation Administration shall continue operation of the*
 20 *Advanced Materials Center of Excellence (referred to in this*
 21 *section as the ‘Center’) under its structure as in effect on*
 22 *March 1, 2016, which shall focus on applied research and*
 23 *training on the durability and maintainability of advanced*
 24 *materials in transport airframe structures.*

25 “(b) *RESPONSIBILITIES.—The Center shall—*

1 “(1) *promote and facilitate collaboration among*
 2 *academia, the Transportation Division of the Federal*
 3 *Aviation Administration, and the commercial aircraft*
 4 *industry, including manufacturers, commercial air*
 5 *carriers, and suppliers; and*

6 “(2) *establish goals set to advance technology,*
 7 *improve engineering practices, and facilitate con-*
 8 *tinuing education in relevant areas of study.*

9 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 10 *authorized to be appropriated to the Administrator*
 11 *\$500,000 for each of the fiscal years 2016 and 2017 to carry*
 12 *out this section.”.*

13 “(b) *TABLE OF CONTENTS.—The table of contents for*
 14 *chapter 445 is amended by adding at the end the following:*
 “44518. Advanced Materials Center of Excellence.”.

15 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

16 “(a) *IN GENERAL.—Not later than 1 year after the date*
 17 *of enactment of this Act, the Comptroller General of the*
 18 *United States shall—*

19 “(1) *complete a study of crimes of violence (as de-*
 20 *finied in section 16 of title 18, United States Code)*
 21 *committed against airline customer service represent-*
 22 *atives while they are performing their duties and on*
 23 *airport property; and*

24 “(2) *submit the findings of the study, including*
 25 *any recommendations, to Congress.*

1 (b) *GAP ANALYSIS.*—*The study shall include a gap*
 2 *analysis to determine if State and local laws and resources*
 3 *are adequate to deter or otherwise address the crimes of vio-*
 4 *lence described in subsection (a) and recommendations on*
 5 *how to address any identified gaps.*

6 **SEC. 5010. SECONDARY COCKPIT BARRIERS.**

7 (a) *THREAT ASSESSMENT.*—*Not later than 90 days*
 8 *after the date of enactment of this Act, the Administrator*
 9 *of the Transportation Security Administration, in collabo-*
 10 *ration with the Administrator of the Federal Aviation Ad-*
 11 *ministration, shall complete a detailed risk assessment of*
 12 *the need for physical secondary barriers on aircraft flown*
 13 *by air carriers operating under part 121 of title 14, Code*
 14 *of Federal Regulations, for passenger operations.*

15 (b) *DETERMINATION AND RULEMAKING.*—*If the Ad-*
 16 *ministrator of the Transportation Security Administration*
 17 *determines that there is a threat based on the threat assess-*
 18 *ment under subsection (a), then not later than 18 months*
 19 *after the date of that determination, the Administrator of*
 20 *the Federal Aviation Administration may promulgate regu-*
 21 *lations for the risk-based equipage of air carriers operating*
 22 *under part 121 of title 14, Code of Federal Regulations,*
 23 *for passenger operations, as appropriate.*

1 **SEC. 5011. GAO EVALUATION AND AUDIT.**

2 Section 15(a)(1) of the Railway Labor Act (45 U.S.C.
3 165(a)(1)) is amended by striking “2 years” and inserting
4 “4 years”.

5 **SEC. 5012. FEDERAL AVIATION ADMINISTRATION PERFORM-**
6 **ANCE MEASURES AND TARGETS.**

7 (a) *PERFORMANCE MEASURES*.—Not later than 180
8 days after the date of enactment of this Act, the Secretary
9 of Transportation shall establish performance measures re-
10 lating to the administration of the Federal Aviation Ad-
11 ministration, which shall, at a minimum, include measures
12 to assess—

13 (1) *the reduction of delays in the completion of*
14 *projects; and*

15 (2) *the effectiveness of the Administration in*
16 *achieving the goals described in section 47171 of title*
17 *49, United States Code.*

18 (b) *PERFORMANCE TARGETS*.—Not later than 180
19 days after the date on which the Secretary establishes per-
20 formance measures in accordance with subsection (a), the
21 Secretary shall establish performance targets relating to
22 each of the measures described in that subsection.

23 (c) *REPORT*.—Not later than 2 years after the date of
24 enactment of this Act, the Inspector General of the Depart-
25 ment of Transportation and the Comptroller General of the
26 United States shall each submit to Congress a report de-

1 scribing the progress of the Secretary in meeting the per-
 2 formance targets established under subsection (b).

3 **SEC. 5013. STAFFING OF CERTAIN AIR TRAFFIC CONTROL**
 4 **TOWERS.**

5 (a) *IN GENERAL.*—The Administrator of the Federal
 6 Aviation Administration shall ensure appropriate staffing
 7 at the Core 30 air traffic control towers and associated ter-
 8 minal radar approach control facilities and air route traf-
 9 fic control centers and ensure, as appropriate, staffing levels
 10 at those control towers, facilities, and centers are not below
 11 the average number of air traffic controllers between the
 12 “high” and “low” staffing ranges, as specified in the docu-
 13 ment of the Federal Aviation Administration entitled, “A
 14 Plan for the Future: 10-Year Strategy for Air Traffic Con-
 15 trol Workforce 2015–2024”.

16 (b) *RETENTION.*—The Administrator shall review
 17 strategies to improve retention of experienced certified pro-
 18 fessional controllers at the control towers, facilities, and
 19 centers described in subsection (a)(1).

20 **SEC. 5014. CRITICAL AIRFIELD MARKINGS.**

21 Not later than 180 days after the date of enactment
 22 of this Act, the Administrator of the Federal Aviation Ad-
 23 ministration shall issue a request for proposal for a study
 24 that includes—

1 (1) *an independent, third-party study to assess*
 2 *the durability of Type III and Type I glass beads ap-*
 3 *plied to critical markings over a 12-month period at*
 4 *no fewer than 2 primary airports in varying weather*
 5 *conditions to measure the retroreflectivity levels of such*
 6 *markings on a quarterly basis; and*

7 (2) *a study at 2 other airports carried out by*
 8 *applying Type III beads on one half of the centerline*
 9 *and Type I beads to the other half and providing for*
 10 *assessments from pilots through surveys administered*
 11 *by a third party as to the visibility and performance*
 12 *of the Type III glass beads as compared to the Type*
 13 *I glass beads over a 6-month period.*

14 **SEC. 5015. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
 15 **FIELD PAVEMENT TECHNOLOGIES.**

16 *Using amounts made available under section 48102(a)*
 17 *of title 49, United States Code, the Administrator of the*
 18 *Federal Aviation Administration shall carry out a program*
 19 *for the research and deployment of aircraft pavement tech-*
 20 *nologies under which the Administrator makes grants to,*
 21 *and enters into cooperative agreements with, institutions of*
 22 *higher education and nonprofit organizations that—*

23 (1) *research concrete and asphalt airfield pave-*
 24 *ment technologies that extend the life of airfield pave-*
 25 *ments;*

- 1 (2) *develop and conduct training;*
- 2 (3) *provide for demonstration projects; and*
- 3 (4) *promote the latest airfield pavement tech-*
- 4 *nologies to aid in the development of safer, more cost*
- 5 *effective, and more durable airfield pavements.*

6 **SEC. 5016. REPORT ON GENERAL AVIATION FLIGHT SHAR-**
 7 **ING.**

8 *Not later than 180 days after the date of enactment*
 9 *of this Act, the Administrator of the Federal Aviation Ad-*
 10 *ministration shall submit to the appropriate committees of*
 11 *Congress a report assessing the feasibility of flight sharing*
 12 *for general aviation. The report shall include an assessment*
 13 *of any regulations that may need to be updated to allow*
 14 *for safe and efficient flight sharing, including regulations*
 15 *imposing limitations on the forms of communication per-*
 16 *sons who hold private pilot certificates may use.*

17 **SEC. 5017. INCREASE IN DURATION OF GENERAL AVIATION**
 18 **AIRCRAFT REGISTRATION.**

19 *Not later than 180 days after the date of enactment*
 20 *of this Act, the Administrator of the Federal Aviation Ad-*
 21 *ministration shall initiate a rulemaking to increase the du-*
 22 *ration of aircraft registrations for noncommercial general*
 23 *aviation aircraft to 5 years.*

1 **SEC. 5018. MODIFICATION OF LIMITATION OF LIABILITY RE-**
 2 **LATING TO AIRCRAFT.**

3 *Section 44112(b) is amended—*

4 *(1) by striking “on land or water”; and*

5 *(2) by inserting “operational” before “control”.*

6 **SEC. 5019. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
 7 **OF ILLEGAL DRUGS SEIZED AT INTER-**
 8 **NATIONAL AIRPORTS IN THE UNITED STATES.**

9 *(a) IN GENERAL.—The Comptroller General of the*
 10 *United States shall conduct a study of illegal drugs, includ-*
 11 *ing heroin, fentanyl, and cocaine, seized by Federal authori-*
 12 *ties at international airports in the United States.*

13 *(b) ELEMENTS.—In conducting the study required by*
 14 *subsection (a), the Comptroller General shall address, at a*
 15 *minimum—*

16 *(1) the types and quantities of drugs seized;*

17 *(2) the origin of the drugs seized;*

18 *(3) the airport at which the drugs were seized;*

19 *(4) the manner in which the drugs were seized;*

20 *and*

21 *(5) the manner in which the drugs were trans-*
 22 *ported.*

23 *(c) USE OF DATA; RECOMMENDATIONS FOR ADDI-*
 24 *TIONAL DATA COLLECTION.—In conducting the study re-*
 25 *quired by subsection (a), the Comptroller General shall use*
 26 *all available data. If the Comptroller General determines*

1 *that additional data is needed to fully understand the extent*
 2 *to which illegal drugs enter the United States through inter-*
 3 *national airports in the United States, the Comptroller*
 4 *General shall develop recommendations for the collection of*
 5 *that data.*

6 (d) *SUBMISSION TO CONGRESS.*—*Not later than 180*
 7 *days after the date of enactment of this Act, the Comptroller*
 8 *General shall submit to Congress a report on the study con-*
 9 *ducted under subsection (a) that includes any recommenda-*
 10 *tions developed under subsection (c).*

11 **SEC. 5020. SENSE OF CONGRESS ON PREVENTING THE**
 12 **TRANSPORTATION OF DISEASE-CARRYING**
 13 **MOSQUITOES AND OTHER INSECTS ON COM-**
 14 **MERCIAL AIRCRAFT.**

15 *It is the sense of Congress that the Secretary of Trans-*
 16 *portation and the Secretary of Agriculture should, in co-*
 17 *ordination and consultation with the World Health Organi-*
 18 *zation, develop a framework and guidance for the use of*
 19 *safe, effective, and nontoxic means of preventing the trans-*
 20 *portation of disease-carrying mosquitoes and other insects*
 21 *on commercial aircraft.*

22 **SEC. 5021. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
 23 **PHILADELPHIA METROPLEX PROGRAM.**

24 *Not later than 90 days after the date of enactment of*
 25 *this Act, the Administrator of the Federal Aviation Admin-*

1 *istration shall develop and publish in the Federal Register*
 2 *a work plan for the New York/New Jersey/Philadelphia*
 3 *metroplex program.*

4 **SEC. 5022. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
 5 **FACILITIES IN THE NEW YORK CITY AND NEW-**
 6 **ARK REGION.**

7 *Not later than 90 days after the date of enactment of*
 8 *this Act, the Administrator of the Federal Aviation Admin-*
 9 *istration shall submit to the appropriate committees of Con-*
 10 *gress a report on the Federal Aviation Administration's*
 11 *staffing and scheduling plans for air traffic control facili-*
 12 *ties in the New York City and Newark region for the 1-*
 13 *year period beginning on such date of enactment.*

14 **SEC. 5023. GAO STUDY OF INTERNATIONAL AIRLINE ALLI-**
 15 **ANCES.**

16 *(a) IN GENERAL.—The Comptroller General of the*
 17 *United States shall conduct a study of certain cooperative*
 18 *agreements between United States air carriers and non-*
 19 *United States air carriers (referred to in this section as*
 20 *“alliances”), which—*

21 *(1) have been created pursuant to section 41309*
 22 *of title 49, United States Code; and*

23 *(2) have been exempted from antitrust laws (as*
 24 *defined in the first section of the Clayton Act (15*

1 *U.S.C. 12)) pursuant to section 41308 of title 49,*
2 *United States Code.*

3 **(b) SCOPE.**—*The study conducted under subsection (a)*
4 *shall assess—*

5 *(1) the consequences of alliances, including re-*
6 *duced competition, stifling new entrants into markets,*
7 *increasing prices in markets, and other adverse con-*
8 *sequences;*

9 *(2) the representations made by air carriers to*
10 *the Secretary of Transportation for the necessity of an*
11 *antitrust exemption;*

12 *(3) the Department of Transportation's expecta-*
13 *tions of public benefits resulting from alliances, in-*
14 *cluding whether such expected benefits were actually*
15 *achieved;*

16 *(4) the adequacy of the Department of Transpor-*
17 *tation's efforts in the approval and monitoring of al-*
18 *liances, including possessing relevant experience and*
19 *expertise in the fields of antitrust and consumer pro-*
20 *tection;*

21 *(5) whether there has been sufficient trans-*
22 *parency in the approval of alliances, including oppor-*
23 *tunities for public review and feedback;*

24 *(6) the role of the Department of Justice in the*
25 *oversight of alliances;*

1 (7) *whether there are alternatives to antitrust*
 2 *immunity that could be conferred that would also*
 3 *produce public benefits;*

4 (8) *whether alliances should be required to ex-*
 5 *pire;*

6 (9) *the level of competition between air carriers*
 7 *who are members of the same alliance;*

8 (10) *the level of competition between alliances;*

9 (11) *whether the Department of Transportation*
 10 *should amend, modify, or revoke any exemption from*
 11 *the antitrust laws granted by the Secretary of Trans-*
 12 *portation in connection with an alliance; and*

13 (12) *the effect of alliances on the number and*
 14 *quality of jobs for United States air carrier flight*
 15 *crew employees, including the share of alliance flying*
 16 *done by such employees.*

17 (c) *RECOMMENDATIONS.—Not later than 180 days*
 18 *after the date of enactment of this Act, the Comptroller Gen-*
 19 *eral shall submit to Congress the results of the study con-*
 20 *ducted under subsection (a), which shall include rec-*
 21 *ommendations on the reforms needed to improve competi-*
 22 *tion and enhance choices for consumers, including—*

23 (1) *whether oversight of alliances should be exer-*
 24 *cised by the Department of Justice rather than by the*
 25 *Department of Transportation; and*

1 (2) *whether antitrust immunity for alliances*
 2 *should expire.*

3 **SEC. 5024. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
 4 **AND TURBINE-POWERED MULTIENGINE AIR-**
 5 **CRAFT.**

6 *The Secretary of Transportation shall revise such regu-*
 7 *lations as may be necessary to ensure that multi-year lessees*
 8 *and owners of large and turbine-powered multiengine air-*
 9 *craft are treated equally for purposes of joint ownership*
 10 *policies of the Federal Aviation Administration.*

11 **SEC. 5025. EVALUATION OF EMERGING TECHNOLOGIES.**

12 (a) *STUDY.*—*The Administrator of the Federal Avia-*
 13 *tion Administration, in consultation with representatives*
 14 *of the aviation community and institutions of higher edu-*
 15 *cation (as defined in section 101(a) of the Higher Edu-*
 16 *cation Act of 1964 (20 U.S.C. 1001(a))), shall conduct a*
 17 *study to evaluate the potential impact of emerging tech-*
 18 *nologies, such as electric propulsion and autonomous con-*
 19 *trol, on the current state of aircraft design, operations,*
 20 *maintenance, and licensing.*

21 (b) *REPORT.*—*Not later than 1 year after the date of*
 22 *enactment of this Act, the Administrator shall submit a re-*
 23 *port to the Committee on Commerce, Science, and Trans-*
 24 *portation of the Senate and the Committee on Transpor-*
 25 *tation and Infrastructure of the House of Representatives*

1 *that summarizes the results of the study conducted under*
 2 *subsection (a).*

3 **SEC. 5026. STUDENT OUTREACH REPORT.**

4 *Not later than 6 months after the date of enactment*
 5 *of this Act, the Administrator of the Federal Aviation Ad-*
 6 *ministration shall submit a report to the Committee on*
 7 *Commerce, Science, and Transportation of the Senate and*
 8 *the Committee on Transportation and Infrastructure of the*
 9 *House of Representatives that describes the Administra-*
 10 *tion's existing outreach efforts, such as the STEM Aviation*
 11 *and Space Education Outreach Program, to elementary*
 12 *and secondary students who are interested in careers in*
 13 *science, technology, engineering, art, and mathematics—*

14 *(1) to prepare and inspire such students for*
 15 *aeronautical careers; and*

16 *(2) to mitigate an anticipated shortage of pilots*
 17 *and other aviation professionals.*

18 **SEC. 5027. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
 19 **CONTROL SYSTEM.**

20 *Notwithstanding any other provision of law, the Fed-*
 21 *eral Aviation Administration, as appropriate, shall upon*
 22 *request of a private aircraft owner or operator, block the*
 23 *registration number of the aircraft of the owner or operator*
 24 *from any public dissemination or display, except in data*

1 *made available to a Government agency, for the non-*
 2 *commercial flights of the owner or operator.*

3 **SEC. 5028. CONDUCT OF SECURITY SCREENING BY THE**
 4 **TRANSPORTATION SECURITY ADMINISTRA-**
 5 **TION AT CERTAIN AIRPORTS.**

6 *(a) IN GENERAL.—The Administrator of the Trans-*
 7 *portation Security Administration shall provide for secu-*
 8 *rity screening to be conducted by the Transportation Secu-*
 9 *rity Administration at, and provide all necessary staff and*
 10 *equipment to, any airport—*

11 *(1) that lost commercial air service on or after*
 12 *January 1, 2013; and*

13 *(2) the operator of which, following the loss de-*
 14 *scribed in paragraph (1), submits to the Adminis-*
 15 *trator—*

16 *(A) a request for security screening to be*
 17 *conducted at the airport by the Transportation*
 18 *Security Administration; and*

19 *(B) written confirmation of a commitment*
 20 *from a commercial air carrier—*

21 *(i) that the air carrier desires to re-*
 22 *sume commercial air service at the airport;*
 23 *and*

1 (ii) to resume such service not later
 2 than one year after the date of the submis-
 3 sion of the request under subparagraph (A).

4 (b) *DEADLINE.*—The Administrator of the Transpor-
 5 tation Security Administration shall ensure that the process
 6 of implementing security screening by the Transportation
 7 Security Administration at an airport described in sub-
 8 section (a) is complete not later than the later of—

9 (1) the date that is 90 days after the date on
 10 which the operator of the airport submits to the Ad-
 11 ministrator a request for such screening under para-
 12 graph (2)(A) of that subsection; or

13 (2) the date on which the air carrier intends to
 14 resume commercial air service at the airport.

15 (c) *EFFECT ON OTHER AIRPORTS.*—The Adminis-
 16 trator of the Transportation Security Administration shall
 17 carry out this section in a manner that does not negatively
 18 affect operations at airports that are provided security
 19 screening by the Transportation Security Administration.

20 **SEC. 5029. AVIATION CYBERSECURITY.**

21 (a) *COMPREHENSIVE AVIATION FRAMEWORK.*—

22 (1) *IN GENERAL.*—Not later than 240 days after
 23 the date of enactment of this Act, the Administrator
 24 of the Federal Aviation Administration shall facili-
 25 tate and support the development of a comprehensive

1 *framework of principles and policies to reduce cyber-*
2 *security risks to the national airspace system, civil*
3 *aviation, and agency information systems.*

4 (2) *SCOPE.*—*As part of the principles and poli-*
5 *cies under paragraph (1), the Administrator shall—*

6 (A) *clarify cybersecurity roles and respon-*
7 *sibilities of offices and employees, including gov-*
8 *ernance structures of any advisory committees*
9 *addressing cybersecurity at the Federal Aviation*
10 *Administration;*

11 (B) *recognize the interactions of different*
12 *components of the national airspace system and*
13 *the interdependent and interconnected nature of*
14 *aircraft and air traffic systems;*

15 (C) *identify and implement objectives and*
16 *actions to reduce cybersecurity risks to the air*
17 *traffic control information systems, including ac-*
18 *tions to improve implementation of information*
19 *security standards and best practices of the Na-*
20 *tional Institute of Standards and Technology,*
21 *and policies and guidance issued by the Office of*
22 *Management and Budget for agency systems;*

23 (D) *support voluntary efforts by industry,*
24 *RTCA, Inc., or standards-setting organizations*
25 *to develop and identify consensus standards, best*

1 *practices, and guidance on aviation systems in-*
 2 *formation security protection, consistent with the*
 3 *activities described in section 2(e) of the Na-*
 4 *tional Institute of Standards and Technology Act*
 5 *(15 U.S.C. 272(e)); and*

6 *(E) establish guidelines for the voluntary*
 7 *sharing of information between and among avia-*
 8 *tion stakeholders pertaining to aviation-related*
 9 *cybersecurity incidents, threats, and*
 10 *vulnerabilities.*

11 *(3) LIMITATIONS.—In carrying out the activities*
 12 *under this section, the Administrator shall—*

13 *(A) coordinate with aviation stakeholders,*
 14 *including industry, airlines, manufacturers, air-*
 15 *ports, RTCA, Inc., and unions;*

16 *(B) consult with the Secretary of Defense,*
 17 *Secretary of Homeland Security, Director of Na-*
 18 *tional Institute of Standards and Technology,*
 19 *the heads of other relevant agencies, and inter-*
 20 *national regulatory authorities; and*

21 *(C) evaluate on a periodic basis, but not*
 22 *less than once every 2 years, the effectiveness of*
 23 *the principles established under this subsection.*

24 *(b) THREAT MODEL.—The Secretary of Transpor-*
 25 *tation, in coordination with the Administrator of the Fed-*

1 *eral Aviation Administration, shall implement the open*
 2 *recommendation issued in 2015 by the Government Ac-*
 3 *countability Office to assess the potential cost and timetable*
 4 *of developing and maintaining an agency-wide threat*
 5 *model to strengthen cybersecurity across the Federal Avia-*
 6 *tion Administration.*

7 *(c) SECURE ACCESS TO FACILITIES AND SYSTEMS.—*

8 *(1) IDENTITY MANAGEMENT REQUIREMENTS.—*

9 *Not later than 1 year after the date of enactment of*
 10 *this Act, the Secretary of Transportation shall imple-*
 11 *ment open recommendations issued in 2014 by the In-*
 12 *spector General of the Department of Transpor-*
 13 *tation—*

14 *(A) to work with the Federal Aviation Ad-*
 15 *ministration to revise its plan to effectively tran-*
 16 *sition remaining users to require personal iden-*
 17 *tity verification, including create a plan of ac-*
 18 *tions and milestones with a planned completion*
 19 *date to monitor and track progress; and*

20 *(B) to work with the Director of the Office*
 21 *of Security of the Department of Transportation*
 22 *to develop or revise plans to effectively transition*
 23 *remaining facilities to require personal identity*
 24 *verification cards at the Federal Aviation Ad-*
 25 *ministration.*

1 (2) *IDENTITY MANAGEMENT ASSESSMENT.*—

2 (A) *IN GENERAL.*—Not later than 180 days
3 after the date of enactment of this Act, the Sec-
4 retary of Transportation shall prepare a plan to
5 implement the use of identity management, in-
6 cluding personal identity verification, at the
7 Federal Aviation Administration, consistent
8 with section 504 of the Cybersecurity Enhance-
9 ment Act of 2014 (Public Law 113–274; 15
10 U.S.C. 7464) and section 225 of title II of divi-
11 sion N of the Cybersecurity Act of 2015 (Public
12 Law 114–113; 129 Stat. 2242).

13 (B) *CONTENTS.*—The plan shall include—

14 (i) an assessment of the current imple-
15 mentation and use of identity management,
16 including personal identity verification, at
17 the Federal Aviation Administration for se-
18 cure access to government facilities and in-
19 formation systems, including a breakdown
20 of requirements for use and identification of
21 which systems and facilities are enabled to
22 use personal identity verification; and

23 (ii) the actions to be taken, including
24 specified deadlines, by the Chief Informa-
25 tion Officers of the Department of Trans-

1 *portation and the Federal Aviation Admin-*
2 *istration to increase the implementation*
3 *and use of such measures, with the goal of*
4 *100 percent implementation across the*
5 *agency.*

6 (3) *REPORT.—The Secretary shall submit the*
7 *plan to the appropriate committees of Congress.*

8 (4) *CLASSIFIED INFORMATION.—The report sub-*
9 *mitted under paragraph (3) shall be in unclassified*
10 *form, but may include a classified annex.*

11 (d) *AIRCRAFT SECURITY.—*

12 (1) *IN GENERAL.—The Aircraft Systems Infor-*
13 *mation Security Protection Working Group shall pe-*
14 *riodically review rulemaking, policy, and guidance*
15 *for certification of avionics software and hardware*
16 *(including any system on board an aircraft) and con-*
17 *tinued airworthiness in order to reduce cybersecurity*
18 *risks to aircraft systems.*

19 (2) *REQUIREMENTS.—In conducting the reviews,*
20 *the working group—*

21 (A) *shall assess the cybersecurity risks to*
22 *aircraft systems, including recognizing the inter-*
23 *actions of different components of the national*
24 *airspace system and the interdependent and*

1 *interconnected nature of aircraft and air traffic*
 2 *systems;*

3 *(B) shall assess the extent to which existing*
 4 *rulemaking, policy, and guidance to promote*
 5 *safety also promote aircraft systems information*
 6 *security protection; and*

7 *(C) based on the results of subparagraphs*
 8 *(A) and (B), may make recommendations to the*
 9 *Administrator of the Federal Aviation Adminis-*
 10 *tration if separate or additional rulemaking,*
 11 *policy, or guidance is needed to address aircraft*
 12 *systems information security protection.*

13 *(3) RECOMMENDATIONS.—In any recommenda-*
 14 *tion under paragraph (2)(C), the working group shall*
 15 *identify a cost-effective and technology-neutral ap-*
 16 *proach and incorporate voluntary consensus stand-*
 17 *ards and best practices and international practices to*
 18 *the fullest extent possible.*

19 *(4) REPORT.—*

20 *(A) IN GENERAL.—Not later than 60 days*
 21 *after the date of enactment of this Act, and peri-*
 22 *odically thereafter, the working group shall pro-*
 23 *vide a report to the Administrator of the Federal*
 24 *Aviation Administration on the findings of the*
 25 *review and any recommendations.*

1 (B) CONGRESS.—*The Administrator shall*
2 *submit to the appropriate committees of Congress*
3 *a copy of each report provided by the working*
4 *group.*

5 (5) CLASSIFIED INFORMATION.—*Each report*
6 *submitted under this subsection shall be in unclassi-*
7 *fied form, but may include a classified annex.*

8 (e) CYBERSECURITY IMPLEMENTATION PROGRESS.—
9 *The Administrator of the Federal Aviation Administration*
10 *shall—*

11 (1) *not later than 90 days after the date of en-*
12 *actment of this Act, and periodically thereafter until*
13 *the completion date, provide to the appropriate com-*
14 *mittees of Congress a briefing on the actions the Ad-*
15 *ministrator has taken to improve information secu-*
16 *rity management, including the steps taken to imple-*
17 *ment subsections (a), (b) and (c) and all of the issues*
18 *and open recommendations identified in cybersecurity*
19 *audit reports issued in 2014 and 2015 by the Inspec-*
20 *tor General of the Department of Transportation and*
21 *the Government Accountability Office; and*

22 (2) *not later than 1 year after the date of enact-*
23 *ment of this Act, issue a final report to the appro-*
24 *priate committees of Congress on the steps taken to*
25 *improve information security management, including*

1 *implementation of subsections (a), (b) and (c) and all*
 2 *of the issues and open recommendations identified in*
 3 *the cybersecurity audit reports issued in 2014 and*
 4 *2015 by the Inspector General of the Department of*
 5 *Transportation and the Government Accountability*
 6 *Office.*

7 **SEC. 5030. TECHNICAL AND CONFORMING AMENDMENTS.**

8 *(a) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT*
 9 *CONGESTED AIRPORTS.—Section 40104(c) is amended by*
 10 *striking “47176” and inserting “47175”.*

11 *(b) CONSULTATION ON CARRIER RESPONSE NOT COV-*
 12 *ERED BY PLAN.—Section 41313(c)(16), as amended by sec-*
 13 *tion 3104 of this Act, is further amended by striking “the*
 14 *foreign air carrier will consult” and inserting “will con-*
 15 *sult”.*

16 *(c) WEIGHING MAIL.—Section 41907 is amended by*
 17 *striking “and –administrative” and inserting “and admin-*
 18 *istrative”.*

19 *(d) FLIGHT ATTENDANT CERTIFICATION.—Section*
 20 *44728 is amended—*

21 *(1) in subsection (c), by striking “chapter” and*
 22 *inserting “title”; and*

23 *(2) in subsection (d)(3), by striking “is” and in-*
 24 *serting “be”.*

1 (e) *SCHEDULE OF FEES*.—Section 45301(a)(1) is
 2 amended by striking “United States government” and in-
 3 serting “United States Government”.

4 (f) *CLASSIFIED EVIDENCE*.—Section 46111(g)(2)(A) is
 5 amended by striking “(18 U.S.C. App.)” and inserting “(18
 6 U.S.C. App.)”.

7 (g) *ALLOWABLE COST STANDARDS*.—Section
 8 47110(b)(2) is amended—

9 (1) in subparagraph (B), by striking
 10 “compatability” and inserting “compatibility”; and

11 (2) in subparagraph (D)(i), by striking “cli-
 12 matic” and inserting “climatic”.

13 (h) *DEFINITION OF QUALIFIED HUBZONE SMALL*
 14 *BUSINESS CONCERN*.—Section 47113(a)(3) is amended by
 15 striking “(15 U.S.C. 632(o))” and inserting “(15 U.S.C.
 16 632(p))”.

17 (i) *DISCRETIONARY FUND*.—Section 47115, as amend-
 18 ed by section 1006 of this Act, is further amended—

19 (1) by striking subsection (i); and

20 (2) by redesignating subsection (j) as subsection
 21 (i).

22 (j) *SPECIAL APPORTIONMENT CATEGORIES*.—Section
 23 47117(e)(1)(B) is amended by striking “at least” and in-
 24 serting “At least”.

1 (k) *SOLICITATION AND CONSIDERATION OF COM-*
2 *MENTS.*—Section 47171(l) is amended by striking “4371”
3 *and inserting “4321”.*

4 (l) *OPERATIONS AND MAINTENANCE.*—Section 48104
5 *is amended by striking “(a) AUTHORIZATION OF APPRO-*
6 *PRIATIONS.—the” and inserting “The”.*

7 (m) *EXPENDITURES FROM AIRPORT AND AIRWAY*
8 *TRUST FUND.*—Section 9502(d)(2) of the Internal Revenue
9 *Code of 1986 is amended by striking “farms” and inserting*
10 *“farms)”.*

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114TH CONGRESS
2D Session

S. 2658

A BILL

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

DECEMBER 7, 2016

Reported with an amendment