

119TH CONGRESS  
2D SESSION

# S. 3885

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

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

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## A BILL

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

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Aviation Innovation and Global Competitiveness Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Transparency of the FAA type certification process.

Sec. 3. Criteria for FAA issue papers.

Sec. 4. FAA delegation guidance.

Sec. 5. Sense of Congress on United States leadership in aviation.

Sec. 6. Rule of construction.

Sec. 7. Definitions.

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

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

9 (1) improving the issue paper process associ-  
10 ated with applications for a type certificate or sup-  
11 plemental type certificate under section 44704 of  
12 title 49, United States Code;

13 (2) determining, in any given certification  
14 project, the maximum extent possible to which an in-  
15 dustry consensus standard can be used as an accept-  
16 able means or method of compliance, to the extent  
17 consistent with the public interest in aviation safety,  
18 and in the Administrator’s sole discretion;

19 (3) creating stable policy, to the extent prac-  
20 ticable, regarding subjects that the Administrator  
21 determines are commonly addressed in issue papers,  
22 special conditions, special airworthiness criteria, or  
23 findings on equivalent levels of safety; and

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

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

12           (1) achievement of major milestones established  
13          in the type certification process, including the devel-  
14          opment of issue papers and memoranda regarding  
15          certification basis, certification plan means of com-  
16          pliance, and equivalent levels of safety, including the  
17          anticipated FAA response time at applicable stages  
18          of the issue paper process;

19           (2) the amount of time that passes between—

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

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

1 (3) responses by the Administrator to—

2 (A) applicant petitions for exemptions; and

3 (B) applicant proposals setting forth  
4 means of compliance with applicable perform-  
5 ance-based design standards; and

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

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

13 (d) CONSULTATION REQUIREMENT.—In carrying out  
14 the requirements under subsections (a) and (b), the Ad-  
15 ministrator shall consult with—

16 (1) trade associations and advanced air mobility  
17 stakeholders that represent prior and prospective ap-  
18 plicants for type certificates, including, but not lim-  
19 ited to, type certificates for powered-lift or other air-  
20 craft designed for operation in advanced air mobility  
21 use cases;

22 (2) trade associations and prospective infra-  
23 structure providers that represent airports or  
24 vertiports that serve the aircraft covered where the

1 certification process would require changes to the in-  
2 frastructure design of such airports or vertiports;

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

7 (4) any other relevant organizations and stake-  
8 holders, as determined by the Administrator.

9 (e) REPORT TO CONGRESS.—Not later than 180 days  
10 after the Administrator establishes standard expected  
11 timelines under subsection (b), and annually thereafter,  
12 the Administrator, in consultation with the FAA’s Execu-  
13 tive Director of the Aircraft Certification Service, shall  
14 submit to the Committee on Commerce, Science, and  
15 Transportation of the Senate and the Committee on  
16 Transportation and Infrastructure of the House of Rep-  
17 resentatives, a report on the status of the implementation  
18 of this section, including—

19 (1) metrics on the FAA’s performance in meet-  
20 ing standard expected timelines under subsection  
21 (b);

22 (2) a description of processes under which the  
23 Administrator reviews internal performance and ad-  
24 dresses deficiencies as needed;

1           (3) details on any instance where standard ex-  
2           pected timelines were exceeded and changes to staff-  
3           ing levels, administration, processes, or capabilities  
4           that could improve performance to align with stand-  
5           ard expected timelines; and

6           (4) the Administrator’s progress in creating  
7           stable policy with respect to matters commonly cov-  
8           ered in issue papers.

9   **SEC. 3. CRITERIA FOR FAA ISSUE PAPERS.**

10       (a) IN GENERAL.—To support the FAA type certifi-  
11       cation process, and therefore innovation in aviation, in-  
12       cluding the development of new and novel technologies re-  
13       lated to advanced air mobility, and to ensure global leader-  
14       ship in aviation, not later than 180 days after the date  
15       of enactment of this section, the Administrator shall  
16       amend FAA order 8110.112A (or a successor document)  
17       and other applicable FAA documents to—

18           (1) include specific criteria to be used to deter-  
19       mine—

20           (A) when an issue is so significant that it  
21           rises to the level that it warrants the establish-  
22           ment of an issue paper; and

23           (B) which roles within the FAA will be re-  
24           sponsible for evaluating whether each criterion  
25           is met;

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

4           (3) improve efficiency and timelines by elimi-  
5           nating recurring issue papers by—

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

9                   (B) incorporating stable issue papers for  
10                  special conditions, exemptions, equivalent level  
11                  of safety findings, and other requirements  
12                  through annual updates to product airworthi-  
13                  ness standards issued under title 14, Code of  
14                  Federal Regulations.

15          (b) SUBSEQUENT ORDERS.—In the event such FAA  
16          order 8110.112A is superseded or canceled, the Adminis-  
17          trator shall ensure that the matters described in para-  
18          graphs (1), (2), and (3) of subsection (a) are included in  
19          a subsequent order governing issue papers.

20          **SEC. 4. FAA DELEGATION GUIDANCE.**

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

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

3 (b) REQUIREMENTS.—The updated delegation guid-  
4 ance required by subsection (a) shall include each of the  
5 following:

6 (1) Criteria for applicant eligibility for delega-  
7 tion.

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

11 (3) Processes for documentation and manage-  
12 ment review when FAA elects not to use authorized  
13 representatives of the Administrator or the applicant  
14 to perform routine and type certification activities.

15 (4) The extent to which the FAA's implementa-  
16 tion of delegation authority considers how to ensure  
17 safety and foster predictable and routine type certifi-  
18 cation processes for new and novel technologies.

19 (5) The extent to which the FAA's implementa-  
20 tion of delegation authority considers how a type  
21 certification process, as described in paragraph (4),  
22 impacts United States global leadership in the devel-  
23 opment and production of these technologies.

1 **SEC. 5. SENSE OF CONGRESS ON UNITED STATES LEADER-**  
2 **SHIP IN AVIATION.**

3 In accordance with the Federal Aviation Administra-  
4 tion Act of 2024 (Public Law 118–63), it is the Sense  
5 of Congress that the United States should continue its  
6 support for advanced air mobility, United States innova-  
7 tion, and global leadership in the development and safe  
8 deployment of new and novel aviation technologies.

9 **SEC. 6. RULE OF CONSTRUCTION.**

10 Notwithstanding any other provision of law—

11 (1) the Administrator’s establishment of stand-  
12 ard expected timelines or expected ranges of time for  
13 certain actions under section 2(b) shall not create  
14 any new legal right that did not exist on the day be-  
15 fore the date of enactment of this Act; and

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

19 **SEC. 7. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATOR.—The term “Adminis-  
22 trator” means the Administrator of the Federal  
23 Aviation Administration.

24 (2) ADVANCED AIR MOBILITY.—The term “ad-  
25 vanced air mobility” has the meaning given such

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

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

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