

REAUTHORIZING THE FAA & PROTECTING PASSENGERS THROUGH 2021



SECTION BY SECTION: S. 1405

Section 1. Short title; table of contents.

This section would provide the short title of this bill as the “Federal Aviation Administration Reauthorization Act of 2017.” This section would also provide a table of contents for the bill.

Section 2. References to title 49, United States Code.

This section would provide that, unless otherwise expressly provided, the amendments to the law in this bill shall be considered to be made to a section or other provision of title 49, United States Code.

Section 3. Definition of appropriate committees of Congress.

For this Act, this section would define “the appropriate committees of Congress” to be the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Section 4. Effective date.

This section would set the effective date of the bill’s provisions as the date of enactment of the Act, except as otherwise expressly provided.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Section 1001. Airport planning, development, noise compatibility planning, and programs.

This section would provide funding levels for the Airport Improvement Program (AIP) for fiscal years (FYs) 2018 through 2021. In FY 2018, the level would be \$3.35 billion. FYs 2019-2021 would see a rise to \$3.75 billion, a \$400 million (or 12 percent) increase. This increase is within the surplus of the Airport and Airway Trust Fund (hereafter, the “Trust Fund”).

Section 1002. Air navigation facilities and equipment.

This section would provide authorization of appropriations for the Federal Aviation Administration’s (FAA) Facilities and Equipment account of \$2,877,365,122 for FY 2018; \$2,889,379,240 for FY 2019; \$2,906,007,932 for FY 2020; and \$2,921,493,286 for FY 2021.

Section 1003. FAA operations.

This section would provide authorization of appropriations for the FAA's operations account of \$10,123,257,311 for FY 2018; \$10,233,107,832 for FY 2019; \$10,341,034,956 for FY 2020; and \$10,453,299,174 for FY 2021.

Section 1004. FAA research and development.

This section would provide authorization of appropriations for the FAA's research and development account of \$175,000,000 for each of the FYs 2018-2021.

Section 1005. Funding for aviation programs.

This section would extend the formula that determines the amount made available from the Trust Fund each year to fund the FAA. Trust Fund support for aviation programs would be equal to the sum of 90 percent of estimated Trust Fund revenues (taxes plus interest) plus the difference between actual revenues and the Trust Fund appropriation in the second preceding FY.

Section 1006. Extension of expiring authorities.

This section would extend the following: AIP discretionary grant eligibility for the Marshall Islands, Micronesia, and Palau; eligibility of States and local governments for AIP grants for compatible land use planning; and a pilot program allowing AIP funds to be spent on certain airport property redevelopment projects.

Subtitle B—Airport Improvement Program Modifications

Section 1201. Small airport regulation relief.

This section would direct the FAA, for the term of the bill, to apportion, for up to three years, AIP entitlement funds to certain small airports based on the number of passenger boardings during calendar year 2012 if the airport had scheduled air service and meets certain requirements. It would also provide an annual entitlement of \$600,000 for airports with annual passenger boardings between 8,000 and 10,000.

Section 1202. Priority review of construction projects in cold weather States.

This section would require the FAA to schedule its review of construction projects so that projects in States where the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

Section 1203. State block grants updates.

This section would increase the cap on the number of States allowed to participate in the State Block Grant Program from 10 to 15. Qualifying States that participate in the State Block Grant Program assume responsibility for administering AIP grants at non-primary commercial service, reliever, and General Aviation (GA) airports. Each State in the program is responsible for determining which locations will receive funds for ongoing project administration.

Section 1204. Contract Tower Program updates.

This section would authorize appropriations for the Contract Air Traffic Control Tower Cost-Share Program and increase the cap on the Federal share of contract tower construction projects. This section would also revise the methodology for determining benefit-to-cost ratios for contract tower airports. For contract towers at non-cost share airports, there would not be an annual benefit-to-cost ratio unless the traffic at the airport decreases by a certain amount. The FAA would establish procedures for participants in the Contract Tower Program to review and appeal determinations related to a benefit-to-cost ratio.

Section 1205. Approval of certain applications for the contract tower program.

This section would require the FAA to advance pending requests for admission into the program from new entrants, as well as cost share participants seeking full Federal participation based on their eligibility under existing Benefit Cost Analysis criteria, if the FAA has not implemented a revised cost-benefit methodology for determining eligibility for the Contract Tower Program 30 days after the date of enactment of this Act. The section would apply to airports for which an application has been submitted prior to January 1, 2016, but that the FAA has not processed in the intervening years while the agency has been developing new Benefit Cost Analysis criteria.

Section 1206. Remote towers.

This section would establish a pilot program for the construction and operation of remote towers. The FAA would be required to clearly define the research agenda for the pilot program and airports would have to submit competing proposals to the FAA outlining how they would further the FAA's research agenda if they are selected to participate in the pilot program. In choosing which airports become part of the pilot program, the FAA would consider specific factors, and must select at least one airport currently in the Contract Tower Program and at least one airport that does not currently have an air traffic control tower. If the FAA certifies such systems, the section would make them AIP eligible.

Section 1207. Midway Island airport.

This section would extend the authorization for Midway Island's airport to receive AIP funds through FY 2021.

Section 1208. Airport road funding.

This section would allow for the use of airport revenue to repair and improve roads on airport property, but only as much of the proportional cost of the repairs or improvements that would match the proportion of airport-only traffic on that road.

Section 1209. Repeal of inherently low-emission airport vehicle pilot program.

This section would repeal the Inherently Low-Emission Airport Vehicle Pilot Program because the pilot program has been successfully completed.

Section 1210. Modification of zero-emission airport vehicles and infrastructure pilot program.

This section would modify the Zero-Emission Airport Vehicles and Infrastructure Pilot Program to be used exclusively for transporting passengers on-airport or for employee shuttle buses within the airport. By limiting the program to on-airport passenger and employee transport vehicles, this section would follow existing statutory guidance, which allows terminal projects for the movement of passengers and baggage in air commerce.

Section 1211. Repeal of airport ground support equipment emissions retrofit pilot program.

This section would repeal the Airport Ground Support Equipment Emissions Retrofit Pilot Program because it has been successfully completed.

Section 1212. Funding eligibility for airport energy efficiency assessments.

This section would revise the statutory mandate that the FAA establish a program to encourage public-use airports to assess their energy requirements and which allows the FAA to make grants to airports that have completed the assessment to acquire or construct equipment that will increase the airport's energy efficiency. This section would make a revision requiring the FAA to reimburse airport sponsors for the costs they incur in conducting this assessment. Additionally, in applying for the equipment grants, airports would now certify that no safety projects would be deferred by prioritizing one of these grants.

Section 1213. Recycling plans; safety projects at unclassified airports.

This section would make a technical correction to clarify that airports preparing a master plan project must include recycling plans in that project. The section would also clarify the eligibility of certain projects for AIP funding at low-activity airports that are currently in the “unclassified” category.

Section 1214. Transfers of instrument landing systems.

This section would allow an airport to transfer to the FAA an instrument landing system consisting of a glide slope and localizer that conforms to performance specifications of the FAA if specific criteria are met. In order to be eligible, the system must have been purchased with the assistance of an AIP grant and the FAA must have determined that a satellite navigation system cannot provide a suitable approach at the airport.

Section 1215. Non-movement area surveillance pilot program.

This section would allow the FAA to carry out a pilot program to support the non-Federal acquisition and installation of qualifying non-movement area surveillance systems and sensors if certain factors are met. Non-movement area is defined as the areas that are not under tower control. Installation of non-movement area surveillance allows uninterrupted tracking of aircraft from gate to gate, with the expectation that safety would be enhanced by having comprehensive data available of all aircraft movement on the airfield. This would provide an additional benefit to the airports because they will be able to track snow removal vehicles or other vehicles that are in the non-movement area.

Section 1216. Amendments to definitions.

This section would provide clarification and technical adjustments to specific statutory definitions related to aviation.

Section 1217. Clarification of noise exposure map updates.

This section would clarify an existing statutory provision that deals with the submission of noise exposure maps from airport operators to the FAA. The Vision 100–Century of Aviation Reauthorization Act (P.L. 108–176) required the FAA to “make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.” This section would clarify when airports must supply certain revisions to the FAA.

Section 1218. Provision of facilities.

This section would detail how the FAA may not require airport owners or sponsors to provide the FAA, without cost, any equipment or space for services related to air traffic control, air navigation, or weather reporting.

Section 1219. Moratorium on changes to the Contract Weather Observer Program.

This section would extend the current moratorium on the FAA’s ability to make changes to the Contract Weather Observer program.

Section 1220. Federal share adjustment.

This section would adjust the Federal share of certain AIP projects. In order to be eligible for this increase, the FAA must determine that the project is a successive phase of a multi-phased construction project for which the sponsor received a grant in FY 2011 or earlier.

Section 1221. Miscellaneous technical amendments.

This section would provide miscellaneous technical amendments to current law to ensure clarity in statutory

aviation provisions.

Section 1222. Mothers' rooms at airports.

This section would allow the DOT to approve project grants for projects at medium or large hub airports to maintain a lactation area in each passenger terminal building of the airport within the secured area of the airport terminal. Additionally, this section would allow the DOT to approve projects for terminal development for the construction or installation of a lactation area at a commercial service airport.

Section 1223. Definition of small business concern.

This section would amend code to clarify that "small business concern" has the meaning given in section 3 of the Small Business Act (15 U.S.C. 632) and that in the case of a concern in the construction industry, a concern shall be considered a small business concern if the concern meets a specific size standard.

Section 1224. State standards for airport pavements.

This provision would direct the FAA, upon request by a State, to promptly provide technical assistance to the State to achieve prompt development of a State standard for pavements on nonprimary public-use airports that would be acceptable to the Secretary. Such technical assistance would also indicate what would be acceptable to the FAA considering local conditions and locally available materials, factors recognized by the FAA as relevant to such State standards.

Subtitle C—FLIGHT Act of 2017

Sec. 1301. Short title.

This would designate the title of this subtitle as the "Forward Looking Investment in General Aviation, Hangars, and Tarmacs Act of 2017" or the "FLIGHT Act of 2017".

Sec. 1302. General aviation airport entitlement reform.

This section would give nonprimary airports (i.e., GA airports) flexibility for the use of their entitlement funds by extending the eligibility period for carrying over such annual funds from 4 years to 5 years. It would also authorize the transfer of unused nonprimary entitlement (NPE) funds to a NPE set-aside in the FAA discretionary fund. Further, the section would authorize the FAA to reduce the local match for nonprimary airport projects that meet certain criteria. Also, it allows up to four percent of total NPE funds to be used for certain types of airport development at Disaster Relief Airports designated under Section 1305.

Sec. 1303. Extending aviation development streamlining.

This section would allow GA airport projects to be subject to the same expedited and coordinated environmental review process available to congested airports.

Sec. 1304. Establishment of public private-partnership program at general aviation airports.

This section would direct the FAA to establish a five-year public-private partnership GA airport pilot program and would authorize \$5 million from the Airport and Airway Trust Fund each year. Each participating airport would be able to receive up to \$500,000 to be used solely for the purpose of attracting private sector investment for the construction of private hangar, business hangar, and facilities investments. This section would also encourage airport operators to employ best business practices to enter into such agreements.

Sec. 1305. Disaster relief airports.

This section would direct the FAA to designate GA airports in areas subject to natural disasters as "Disaster Relief Airports". It would provide at least four percent of total NPE funds to such airports for required

emergency planning, equipment, or facilities.

Sec. 1306. Airport development relating to disaster relief.

This section would amend the statutory definition of airport development to include projects for disaster relief at GA airports, including planning for disaster preparedness, airport communications equipment, and airport infrastructure necessary to facilitate disaster response efforts.

Sec. 1307. Inclusion of covered aircraft construction in definition of aeronautical activity for purposes of airport improvement grants.

This section would clarify that the construction of a covered aircraft shall be treated as an aeronautical activity for purposes of determining an airport's compliance with a grant assurance or for the receipt of Federal financial assistance for airport development. Additionally, this section would define the term "covered aircraft" as an aircraft used or intended to be used exclusively for recreational purposes and constructed by a private individual at a GA airport, for the purposes of this section.

Subtitle D—Passenger Facility Charges

Section 1401. PFC streamlining.

This section would expand the current pilot program for passenger facility charge (PFC) authorizations at certain non-hub airports to include small, medium, and large hub airports.

Section 1402. Intermodal access projects.

This section would allow the FAA to approve the use of PFCs to finance eligible capital costs of an intermodal ground access project. Intermodal ground access projects would include projects for constructing a local facility owned or operated by an eligible agency that is located on airport property and is directly and substantially related to the movement of passengers or property traveling in air transportation.

Section 1403. Future aviation infrastructure and financing study.

This section would require the DOT to engage an independent nonprofit research organization to conduct a study and make recommendations on actions needed to upgrade and restore the national aviation infrastructure system, including airport infrastructure needs to meet growing demand and existing financial resources for commercial service airports.

Section 1404. Airport vehicle emissions.

This section would allow the FAA to approve the use of PFCs to acquire vehicles that produce lower emissions if the airport is located in an air quality nonattainment area and other criteria are met.

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

Section 2001. Definitions.

This section would define certain terms used in this subtitle.

Part I—Privacy and transparency

Section 2101. Unmanned aircraft systems privacy policy.

This section would state that it is the policy of the United States that the operation of any unmanned aircraft system (UAS) shall be carried out in a manner that respects and protects personal privacy consistent with Federal, State, and local law.

Section 2102. Sense of Congress.

This section would express the sense of Congress that commercial users of UAS, except news gathering entities, should have a written privacy policy regarding the collection, use, retention, and dissemination of any data collected during the operation of a UAS.

Section 2103. Federal Trade Commission authority.

This section would make explicit the authority of the Federal Trade Commission (FTC) to enforce violations of the privacy policies of commercial operators.

Section 2104. Commercial and governmental operators.

This section would require the FAA to make available to the public, through a database, information regarding government and commercial operators authorized to operate UAS in the national airspace. In addition, this section would require that the database include information about the collection, retention, use of and access to personally identifiable information, if applicable. This section would also require public aircraft operators to disclose additional information about the location, timing, and purpose of flight as well as technical capabilities of the aircraft flown.

Section 2105. Analysis of current remedies under Federal, State, local jurisdictions.

This section would direct a GAO study on current legal remedies at the Federal, State, and local level that exist to address concerns associated with UAS operations, and identify any remaining gaps for further consideration by Congress.

Part II—Unmanned Aircraft Systems

Section 2121. Definitions.

This section would codify definitions related to UAS.

Section 2122. Utilization of unmanned aircraft system test sites.

This section would reauthorize and enhance the utilization of the existing seven UAS test sites until September 30, 2021. This section would update the FAA's authority with respect to the test sites, first authorized in 2012, by more clearly directing research priorities, improving coordination with the FAA, and enhancing protections for proprietary information to encourage more fruitful engagement with the private sector. This section would also expand opportunities for any public entity authorized by the FAA as a UAS flight test center before January 1, 2009.

Section 2123. Small unmanned aircraft safety standards.

This section would direct the FAA to charter an Aviation Rulemaking Committee (ARC) to recommend risk-based, consensus safety standards for UAS and a process for the FAA to accept such standards, in lieu of the more cumbersome certification process used for the approval of other aircraft. These standards would ultimately improve safety by determining which safety technologies and other capabilities would be built into UAS sold in the United States.

Section 2124. Small unmanned aircraft systems in the Arctic.

This section would codify a provision enacted in section of 331 the FMRA (49 U.S.C. 40101 note) governing

UAS operations in the Arctic.

Section 2125. Special authority for certain unmanned aircraft systems.

This section would reauthorize and expand exemption authority, formerly known as “section 333 exemptions,” for the FAA to authorize certain safe UAS operations in the national airspace system. This section would also make explicit the authority for the FAA to approve nighttime operations, beyond-line-of-sight operations, and operations over people. As provided under section 2154 of this bill, UAS operations authorized under “section 333 exemptions” prior to enactment of this bill would not be affected, and would remain authorized in accordance with their terms, notwithstanding the repeal and replacement of section 333 of the FMRA (49 U.S.C. 40101 note) by this section.

Section 2126. Additional rulemaking authority.

This section would direct further risk-based UAS integration regulatory efforts after completion of the ongoing small UAS rule, including a new rulemaking related to micro UAS (4.4 lbs. or less), and the FAA would be expected to take into consideration advancements in beyond-line-of-sight and other technologies for safe integration of UAS.

Section 2127. Governmental unmanned aircraft systems.

This section would codify existing authority to authorize public (i.e., governmental) aircraft operations and would require Federal agencies to maintain a data minimization policy for data collected by UAS to protect privacy, civil rights, and civil liberties. This section would codify requirements for agencies to develop policies intended to ensure that agencies only collect data for authorized purposes and appropriately limit the retention and dissemination of such data.

Section 2128. Special rules for model aircraft.

This section would codify and amend the definition of “model aircraft,” which are excluded from certain FAA rules. Under the amended law, the FAA would be able to review operational parameters and modify them, in collaboration with relevant stakeholders, as necessary to improve safety.

Section 2129. Authority.

This section would restore the FAA’s rules regarding the registration of small UAS as they pertain to model aircraft.

Section 2130. Unmanned aircraft systems aeronautical knowledge and safety.

This section would establish a requirement for the development and implementation of an aeronautical knowledge and safety exam. The FAA would be able to waive the exam requirement for operators of aircraft weighing less than 0.55 pounds or for UAS operators under the age of 13 who are under the supervision of an adult. To maintain safety in the national airspace, this section would also require that all UAS users demonstrate completion of this aeronautical knowledge test.

Section 2131. Treatment of unmanned aircraft operating underground.

This section would make explicit that UAS operations underground are not subject to FAA regulation. This is consistent with existing regulations.

Section 2132. Enforcement.

This section would require the FAA to establish a program to utilize available technologies for the remote detection and identification of UAS in order to significantly enhance the ability of the FAA and other Federal agencies to pursue appropriate enforcement actions against UAS operators who violate applicable laws and

regulations.

Section 2133. Airport safety and airspace hazard mitigation and enforcement.

This section would require FAA to test UAS hazard mitigation systems at public use airports. Detection and mitigation systems approved by the FAA as a result of the testing would be eligible for purchase by airports using AIP funds.

Section 2134. Aviation emergency safety public services disruption.

This section would prohibit UAS users from interfering with emergency response activities and would raise civil penalties to not more than \$20,000 for those found in violation.

Section 2135. Public UAS Operations by tribal governments.

This section would amend the definition of “public aircraft” to include UAS that are owned and operated or leased by an Indian tribal government.

Section 2136. Carriage of property by small unmanned aircraft systems for compensation or hire.

This section would require the DOT to issue a final rule authorizing the carriage of property by operators of small UAS for compensation or hire within the United States not later than 1 year after the date of enactment. This section would also require the creation of a small UAS air carrier certificate for persons that directly undertake the operation of small UAS to carry property in air transportation and the development of a classification system for persons issued small UAS air carrier certificates. It is believed that the logical first step is to identify the ways that this type of certificate would differ from the existing air carrier certificate. In the certification process, though, it is expected that the safety of the NAS and the public are considered foremost.

Section 2137. Collegiate Training Initiative program for unmanned aircraft systems.

This section would require the FAA to establish a Collegiate Training Initiative program to help prepare college students for careers involving UAS.

Sec. 2138. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the administration.

This section would require the FAA, in consultation with the Department of Veterans Affairs, the Department of Defense, and the Department of Labor, to determine whether occupations of the FAA relating to UAS technology and regulations can be incorporated into the Veterans’ Employment Program of the Administration.

Sec. 2139. Report on UAS and chemical aerial application.

The section would require the FAA prepare a report evaluating which aviation safety requirements should apply to UAS operations engaged in the aerial spraying of chemicals for agricultural purposes.

Sec. 2140. Part 107 implementation improvements.

This section would require the FAA to publish samples of the agency’s justifications for granting waivers to the rules governing operations of small UAS under Part 107 of the Code of Federal Regulations.

Sec. 2141. Redesignation.

This section would codify, without substantive change, several provisions related to UAS contained in the FAA Extension, Safety, and Security Act of 2016 (P.L. 114-190).

Part III—Transition and savings provision

Section 2151. Federal and local authorities.

This section would require the GAO to study the roles and responsibilities of the federal government and state and local authorities with respect to the national airspace system, particularly with respect to UAS, and make recommendations.

Section 2152. Spectrum.

This section would allow UAS, if permitted by and under the rules of the FCC, to operate with wireless control and communication, including on licensed spectrum with consent of the licensee. The section also would require an interagency report that addresses possible UAS use of aviation spectrum and operational barriers.

Section 2153. Use of unmanned aircraft systems at institutions of higher education.

This section would streamline the approval process for the safe operation of UAS at institutions of higher education in an academic setting.

Section 2154. Transition language.

This section would address technical legal issues associated with the codification of UAS-related provisions from the 2012 FAA reauthorization bill.

Part IV—Operator Safety

Sec. 2161. Short title.

This section would set forth the title of this part as the “Drone Operator Safety Act.”

Sec. 2162. Findings; sense of Congress.

This section would set forth findings and a Sense of Congress relating to the safe operation of UAS.

Sec. 2163. Unsafe operation of unmanned aircraft.

This section would make it a crime to knowingly or recklessly operate a UAS near a manned aircraft or too close to a runway.

Subtitle B—FAA Safety Certification Reform

Part I—General provisions

Section 2211. Definitions.

This section would set forth definitions applicable to this subtitle.

Section 2212. Safety oversight and certification advisory committee.

This section would establish the Safety Oversight and Certification Advisory Committee (SOCAC), comprised of industry stakeholders and the FAA. The SOCAC would be responsible for providing advice to the Secretary of Transportation on policy-level issues related to FAA safety oversight and certification programs and activities, and recommending consensus national goals, strategic objectives and priorities to achieve the most efficient, streamlined, and cost-effective safety oversight and certification processes. The Advisory Committee sunsets on September 30, 2021.

Part II—Aircraft Certification Reform

Section 2221. Aircraft certification performance objectives and metrics.

This section would direct the FAA, in collaboration with the SOCAC, to establish performance objectives and to apply and track performance metrics for both the FAA and the aviation industry related to aircraft certification. The performance objective for aircraft certification would ensure that progress is being made in eliminating delays, increasing accountability, and achieving effective utilization of delegation authority while maintaining leadership of the United States in international aviation.

Section 2222. Organization designation authorizations.

This section would amend existing law by requiring that, when overseeing an Organization Designation Authorization (ODA) holder, the FAA must require a procedures manual that addresses all procedures and limitations regarding the ODA's functions and ensure that such functions are delegated fully to the ODA, unless the FAA determines there is a safety or public interest reason not to delegate functions. This section would also establish a centralized ODA policy office within the FAA's Office of Aviation Safety to oversee and ensure the consistency of audit functions under the ODA program across the FAA.

Section 2223. ODA review.

This section would establish a multidisciplinary expert review panel consisting of members appointed by the FAA to conduct both a survey of ODA holders and applicants and an assessment of the FAA's processes and procedures to obtain feedback on the FAA's efforts involving the ODA program and make recommendations to improve the FAA's ODA-related activities. Within 6 months of the panel convening, the panel would submit a report to the FAA and appropriate committees of Congress on the assessment and recommendations.

Section 2224. Type certification resolution process.

This section would amend existing law by requiring the FAA to establish a type certification resolution process, in which the certificate applicant and the FAA would establish for each project specific certification milestones and timeframes for those milestones. If the milestones are not met within the specific timeframe, the relevant milestone(s) would be automatically escalated to the appropriate management levels of both the applicant and the FAA and be resolved within a specific period of time.

Section 2225. Safety enhancing technologies for small general aviation airplanes.

This section would require, within 180 days, the FAA to establish and begin implementation of a risk-based policy that expedites the installation of safety enhancing technologies for small GA aircraft, and establish a more streamlined process so that the safety benefits of such technologies for small GA aircraft can be realized.

Part III—Flight standards reform

Section 2231. Flight standards performance objectives and metrics.

This section would direct the FAA, in collaboration with the SOCAC established in section 2212, to establish performance objectives and to apply and track metrics for both the FAA and aviation industry relating to flight standards activities.

Section 2232. FAA task force on flight standards reform.

This section would direct the FAA to establish an FAA Task Force on Flight Standards Reform (Task Force). The Task Force would be composed of 20 industry experts and stakeholders, and be responsible for

identifying best practices and providing recommendations for simplifying and streamlining flight standards processes for training opportunities for aviation safety inspectors, and for achieving consistency in FAA regulatory interpretations and oversight. This section would require the FAA, in consultation with the relevant industry stakeholders, to determine the feasibility of realigning flight standards service regional field offices into specialized areas of aviation safety oversight and technical expertise.

Section 2233. Centralized safety guidance database.

This section would direct the FAA to establish a centralized safety guidance database that would include all regulatory guidance documents of the FAA Office of Aviation Safety.

Section 2234. Regulatory Consistency Communications Board.

This section would require a Regulatory Consistency Communications Board to be responsible for recommending a process by which FAA personnel and regulated entities may submit regulatory interpretation questions without fear of retaliation from the agency. The SOCAC would recommend performance objectives and performance metrics for both the FAA and the aviation industry to track the progress of actions of the Board.

Part IV—Safety workforce

Section 2241. Safety workforce training strategy.

This section would direct the FAA to review and revise its safety workforce training. The review and revision would include fostering an inspector and engineer workforce with the necessary skills and training, allowing employees participating in organization management teams or ODA program audits to complete appropriate training, and seeking knowledge-sharing opportunities between the FAA and aviation industry.

Part V—International aviation

Section 2251. Promotion of United States aerospace standards products, and services abroad.

This section would amend existing law by directing the FAA to take appropriate actions to promote U.S. aerospace standards abroad, defend approvals of U.S. aerospace products and services abroad, and utilize bilateral safety agreements to improve validation of U.S. certified products.

Section 2252. Bilateral exchanges of safety oversight responsibilities.

This section would amend existing law by giving the FAA the ability to accept an airworthiness directive issued by the aeronautical authority of a foreign country and leverage the country's regulatory process, if that process fits within defined parameters.

Section 2253. FAA leadership abroad.

This section would direct the FAA to promote U.S. aerospace safety standards abroad and to work with foreign governments to facilitate the acceptance of FAA approvals and standards internationally. The FAA would be directed to further assist American companies who have experienced significantly long foreign validation wait times, and to work with foreign governments to improve the timeliness of their acceptance of FAA validations and approvals. The FAA would also be required to track the amount of time it takes foreign authorities to validate U.S. type certificated aeronautical products and establish benchmarks and metrics to reduce the validation times. This would require the FAA to submit a report after 1 year describing the FAA's strategic plan for international agreement, including recommendations if appropriate.

Section 2254. Registration, certification, and related fees.

This section would amend existing law by allowing the FAA to establish and collect a fee from a foreign government or entity for certification services if the fee is consistent with aviation safety agreements and does not exceed the cost of the services.

Subtitle C—Airline Passenger Safety and Protections.

Section 2301. Access to air carrier flight decks.

This section would require the FAA to collaborate with other aviation authorities to advance a global standard for access to air carrier flight decks and redundancy requirements consistent with the flight deck access and redundancy requirements in the United States. The Germanwings tragedy highlighted the fact that some countries do not require, as the United States does, two authorized persons to be on the flight deck of a large passenger aircraft at all times during a flight.

Section 2302. Aircraft tracking and flight data.

This section would require the FAA to assess the current standards for near-term and long-term aircraft tracking and flight data recovery and to conduct a rulemaking to improve such standards, if necessary. In revising these performance standards, the FAA may consider various methods for improving detection and retrieval of flight data, including low frequency and extended battery life for underwater locating devices, automatic deployable flight recorders, satellite-based solutions, distress-mode tracking, and protections against disabling flight recorder systems. The FAA is also instructed to coordinate with international regulatory authorities and the International Civil Aviation Organization (ICAO) in an effort to ensure that any new international standard for aircraft tracking and flight data recovery is consistent with a performance-based approach and is implemented in a globally harmonized manner.

Section 2303. Flight attendant duty period limitations and rest requirements.

This section would require the FAA to conduct a rulemaking to increase the scheduled rest period for flight attendants from 9 to 10 hours, with reasonable flexibility to be considered as part of the rulemaking on the minimum hours. Airlines would be required to develop fatigue risk management plans for flight attendants.

Section 2304. Report on obsolete test equipment.

This section would require the FAA to submit a report to Congress on the National Test Equipment Program. This report would contain a list of all known outstanding requests for test equipment and the FAA's recommendations for increasing multi-functionality in future test equipment to be developed.

Section 2305. Plan for systems to provide direct warnings of potential runway incursions.

This section would require the FAA to assess available technologies to determine where it is feasible, cost-effective, and appropriate to install and deploy systems to provide a direct warning capability to flight crews and air traffic controllers of potential runways incursions at an airport and to report to Congress on the results of the assessment, once completed. The assessment would be required to consider relevant NTSB findings and aviation stakeholder views.

Section 2306. Helicopter air ambulance operations data and reports.

This section would require the FAA, in collaboration with helicopter air ambulance industry stakeholders, to assess the availability of information related to the location of heliports and helipads used by helicopters providing air ambulance services. Based on the assessment, the FAA would, as appropriate or necessary, update forms related to heliports and helipads and develop a new database related to such helicopter landing areas for air ambulance services. This section would also make various changes to safety data that

operators of helicopter air ambulance services must provide to the FAA for more risk-based, data driven safety oversight.

Section 2307. Part 135 accident and incident data.

This section would require the FAA to determine, in collaboration with the NTSB and Part 135 industry stakeholders, what, if any, additional data should be reported as part of an accident or incident notice. The FAA would then submit a report to Congress on its findings in an effort to more accurately measure the safety of on-demand Part 135 aircraft activity, to pinpoint safety problems, and to form the basis for critical research and analysis of GA issues for more risk-based, data driven safety oversight.

Section 2308. Definition of human factors.

This section would create a statutory definition of "human factors" to ensure consistent use of the term by the FAA.

Section 2309. Sense of Congress; pilot in command authority.

This section would express the sense of Congress that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.

Section 2310. Enhancing ASIAs.

This section would direct the FAA to work with relevant aviation industry stakeholders to assess what, if any, improvements are needed to develop the predictive capability of the Aviation Safety Innovation Analysis and Sharing (ASIAS) system with regard to identifying precursors to accidents. The FAA would be required to report to Congress on the assessment.

Section 2311. Improving runway safety.

This section would require the FAA to expedite the development of metrics to allow the FAA to determine whether runway incursions are increasing and to assess the effectiveness of implemented runway safety initiatives. The FAA would also be required to submit a report to Congress describing the progress being made in developing these metrics not later than 1 year after the date of enactment of this Act.

Section 2312. Safe air transportation of lithium cells and batteries.

This section would require the FAA to update its rules to implement the revised standards issued by ICAO, which became effective on April 16, 2016, prohibiting the bulk air transport of lithium ion batteries on passenger aircraft and cargo shipment of lithium batteries with an internal charge above 30 percent. The DOT would be allowed to review existing rules regarding the air transportation, including passenger carrying and cargo aircraft, of lithium batteries and cells.

This section would also establish a lithium battery safety working group to research additional ways to decrease the risk of fires and explosions from lithium batteries and cells during bulk air transport; additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and new or existing technologies and practices that could reduce the fire and explosion risk of lithium batteries and cells. One year after it is established, the working group would report to Congress on its research.

Section 2313. Aircraft cabin evacuation procedures.

This section would require the FAA to review the evacuation certification of transport-category aircraft with regard to emergency conditions, crew procedures used for evacuations under actual emergency conditions, any relevant changes to passenger demographics and legal requirements, and any relevant changes to passenger seating configurations, as well as review recent accidents and incidents in which passengers evacuated such aircraft. In conducting this review, the FAA would be required to consult with the NTSB, relevant aircraft

manufacturers, air carriers, and other relevant experts and Federal agencies, and would be required to review relevant data with respect to evacuation certification. In addition, this section would require the FAA to submit a report to Congress on the results of the review and any related recommendations not later than 1 year after the date of enactment of this Act.

Section 2316. Annual safety incident report.

This section would require the FAA to submit an annual report to Congress describing the agency's safety oversight process, the risk-based oversight methods applied to ensure aviation safety, and in the instance of specific reviews of air carrier performance to safety regulations, a description of the cases where the timelines for recurrent reviews are advanced.

Subtitle D—General Aviation Safety

Section 2401. Automated weather observing systems policy.

This section would require the FAA to update automated weather observing systems (AWOS) standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal AWOS, and to review and update, as necessary, any existing policies in accordance with the new standards. The FAA would also be required to establish a process under which appropriate onsite airport personnel or aviation officials may be permitted to conduct the minimum triannual preventative maintenance checks for non-Federal AWOS, as long as they have the appropriate training. In updating these standards, the FAA would be required to ensure that the standards are performance-based, to use risk analysis to determine the accuracy of the AWOS outputs required for pilots to perform safe aircraft operations, and to provide a cost benefit analysis demonstrating the benefits outweigh the cost for any requirement not directly related to safety.

Section 2402. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.

This section would require the FAA to consult with GA stakeholders in defining the scope and requirements for any new Future Flight Service Program to be used in a competitive source selection for the next flight service contract with the FAA not later than 180 days after the enactment of this Act.

Section 2403. Aviation fuel.

This section would direct the FAA to allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the FAA determines that an unleaded gasoline qualifies as a replacement, identifies the aircraft and engines that are eligible to use the qualified replacement, and adopts a process for them to operate using the qualified replacement in a safe manner.

Sec. 2404. Applicability of medical certification standards to operators of air balloons.

This section would direct the FAA to revise the Federal regulations regarding medical certificates to require them to apply to operators of air balloons to the same extent such regulations apply to operators of other aircraft.

Section 2405. Technical Corrections.

This section would, by amending an existing statutory provision, require the FAA to issue regulations to require owners of certain towers that are between 50 and 200 feet tall ("covered towers") to either mark the towers or include them in an FAA database to promote safety for low-flying aircraft, particularly those involved in agricultural operations. The FAA would develop the database with appropriate protections of proprietary information.

Subtitle E—General Provisions

Section 2501. FAA technical training.

This section would require the FAA, in collaboration with the exclusive bargaining representatives of covered FAA personnel, to establish an e-learning training pilot program in accordance with specific requirements. The pilot program would terminate 1 year after its creation, and upon its termination, the FAA would be required to assess and establish or update an e-learning training program that incorporates lessons learned from the pilot program.

Section 2502. Safety critical staffing.

This section would instruct the DOT IG to conduct and complete an audit of the staffing model used by the FAA to determine the number of aviation safety inspectors that are needed to fulfill the mission of the FAA and adequately ensure aviation safety. At a minimum, the audit would include a review of the current staffing model and an analysis of how consistently the staffing model is applied throughout the FAA, a review of the assumptions and methods used in devising and implementing the staffing model, and a determination as to whether the current staffing model considers the FAA's authority to fully utilize designees. Upon the completion of this audit, the DOT IG would be required to report to Congress with the results.

Section 2503. Approach control radar in all air traffic control towers.

This section would require the FAA to identify airports that are currently served by FAA towers with non-radar approach and departure control and to develop an implementation plan, including budgetary considerations, to provide those identified facilities with approach control radar.

Sec. 2504. Airspace management advisory committee.

This section would direct the FAA to establish an advisory committee to carry out specific duties. The duties of the advisory committee would include conducting a review of the practices and procedures of the FAA for developing proposals with respect to changes in regulations, policies, or guidance of the FAA relating to airspace, recommending revisions to improve communications and coordination between and among affected elements of the FAA and with other affected entities, conducting a review of the management by the FAA of systems and information used to evaluate data relating to obstructions to air navigation or navigational facilities, and making recommendations to ensure that the data relating to obstructions to air navigation is publicly available. This section would also establish the membership of the advisory committee and would require a report on the actions taken by the advisory committee to be submitted to Congress.

Subtitle F—General Aviation Pilot Protections

Section 2601. Short title.

This section would designate the short title of this subtitle as the "Fairness for Pilots Act"

Section 2602. Expansion of Pilot's Bill of Rights.

This section would make several amendments to the Pilot's Bill of Rights, which allows individuals denied an airman certificate to appeal that denial to U.S. District Court after it has been upheld under the normal NTSB appeals process. This section would expand the scope of that provision to allow individuals who have had their airman certificates suspended or revoked to avail themselves of the same appeals process, and would modify the standard of review for appeals in U.S. District Court.

A key change to current law, under this bill, would be the availability of a U.S. District Court review on a de novo basis once the current administrative remedies have been exhausted (including an appeal to the full NTSB).

Under a de novo review, the District Court would try the matter. In such a court case, any element of the record of administrative review could be presented as evidence, but the court would not be compelled to give deference to administrative decisions. Also in such court cases, the FAA would bear the burden of proof under any appeal related to suspended or revoked certificates while the airman would bear the burden for the appeal of a denied certificate. The intent is that the FAA would bear the burden of proof in instances where the agency is accusing a pilot of an infraction against rules, however the pilot would bear the burden of proof when he or she is required to demonstrate proficiency or sufficient qualifications.

This section would impose new requirements for notifications with respect to FAA investigations relating to airman certificates. This section would set out requirements for the FAA to provide a copy of the releasable portion of the investigative report to the holder of an airman certificate who is the subject of certain enforcement actions. If the FAA fails to adhere to the requirements of this section, the certificate holder may move to dismiss the complaint before an administrative law judge (ALJ). The ALJ may order appropriate relief if the FAA fails to establish good cause for failure to comply with this section. This section would also define the portions of an investigative report considered releasable.

Section 2603. Limitations on reexamination of certificate holders.

This section would only apply to reexaminations that are ordered due to the fault of the FAA. It would prohibit the FAA from reexamining a GA pilot holding a student, sport, recreational, or private pilot airman certificate unless the agency has reasonable grounds to: (1) establish a lack of qualification on the part of the pilot; or (2) demonstrate that the certificate was obtained through fraud or an exam that was inadequate. Before taking action to reexamine a pilot, the FAA would be required to provide a GA pilot the reasonable basis for the reexamination and relevant information that formed that basis.

This section would prohibit the FAA from ordering certain certificate actions against a GA pilot, after a reexamination, unless the FAA determines that the pilot lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate, or fraudulently obtained it. This section also would set forth the standard of review for any such certificate actions.

Section 2604. Expediting updates to NOTAM program.

This section would amend the Pilot's Bill of Rights to require the NOTAM Improvement Program to be maintained in a public repository that is accessible on the Internet, machine readable, and searchable. It also would require the FAA to include temporary flight restrictions within the NOTAM Improvement Program; direct the FAA to consider the repository of NOTAMs created to be the sole source location for pilots to check for NOTAMs; determine that NOTAMs are announced and published when included in the repository; and, after the FAA completes the NOTAM Improvement Program, prohibit the enforcement of a NOTAM violation if the NOTAM was not included in the repository before the flight commenced. The FAA also would be prohibited from enforcing NOTAM violations, within 180 days after the date of enactment of this bill, until the FAA certifies to Congress that it has implemented the changes to the NOTAM system required by this section; however, an exception for national security is provided.

Section 2605. Accessibility of certain flight data.

This section would impose requirements on the FAA with regard to certain records related to certificate actions. Specifically, when the FAA receives a written request for a flight record (as defined in the Pilot's Bill of Rights) from an individual who is the subject of an investigation initiated by the FAA, and the covered flight record is not in the possession of the FAA, the FAA would be required to request the relevant record from the contract tower or other contractor of the FAA that possesses such flight record. These records would be required to be provided to the FAA by such entities.

If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in a flight record, and the individual who is the subject of an investigation has requested the record, the FAA would be required to 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.

The FAA would have 180 days after the date of enactment to promulgate regulations or guidance to ensure compliance with this section. Any contract or agreement entered into or renewed after enactment of the bill, between the FAA and a covered entity, would be required to contain material terms to ensure compliance with the requirements of this section relevant contracts that are in effect on the date of enactment need not have such material terms unless the contract or agreement is renegotiated, renewed, or modified after that date.

Section 2606. Authority for legal counsel to issue certain notices.

This section would require the FAA to revise its regulations to authorize legal counsel to close certain enforcement actions with a warning notice, letter of corrections, or other administrative action.

TITLE III—AIR SERVICE IMPROVEMENTS

Section 3001. Definitions.

This section would define terms used in this title.

Subtitle A—Passenger Air Service Improvements

Section 3101. Causes of airline delays or cancellations.

This section would require the DOT to review the categorization of delays and cancellations with respect to air carriers that are required to report such data. This section would also allow for the DOT to use the Advisory Committee for Aviation Consumer Protection to assist in conducting the review and providing recommendations. Upon the conclusion of the review, this section would require the DOT to submit a report to Congress on the outcome, including describing any recommendations that were made. It is important to note that nothing in this section shall be construed as affecting the decision of an air carrier to maximize its system capacity during weather related events to accommodate the greatest number of passengers.

Section 3102. Involuntary changes to itineraries.

This section would instruct the DOT to review whether it is an unfair or deceptive practice for an air carrier to change the itinerary of a passenger, more than 24 hours before departure, if the new itinerary involves additional stops or departs 3 hours earlier, or later, and compensation or other more suitable air transportation is not offered.

Section 3103. Addressing the needs of families of passengers involved in aircraft accidents.

This section would slightly expand the type of aircraft accidents for which U.S. and foreign air carriers must provide certain services to passengers and their families, as already required by law. The statutory threshold is changed from “major loss of life” to “any loss of life.” This section would also include technical and conforming changes to the law related to the assistance that the NTSB that must provide to families in such circumstances.

Section 3104. Travelers with disabilities.

This section would instruct the GAO to conduct a study of airport accessibility best practices for individuals

with disabilities beyond those recommended under previous acts including to improve infrastructure and communications, such as way findings, amenities, and passenger care. The GAO would then be required to submit a report to Congress on its findings, conclusions, and recommendations.

Section 3105. Extension of Advisory Committee for Aviation Consumer Protection.

This section would extend the Advisory Committee for Aviation Consumer Protection through the last fiscal year of this Act. This section would also require each member of the advisory committee who is not a government employee to annually disclose any potential conflicts of interest to the DOT.

Section 3106. Extension of competitive access reports.

This section would extend for the term of the bill the statutory requirement for medium and large hub airports to file with the DOT competitive access reports.

Section 3107. Refunds for other fees that are not honored by a covered air carrier.

This section would instruct the DOT to promulgate regulations that require each air carrier to promptly provide an automatic refund of any ancillary fees paid for services that the passenger did not receive on a passenger's scheduled flight, on a subsequent replacement itinerary, or on a flight canceled by the passenger.

Section 3108. Disclosure of fees to consumers.

This section would instruct the DOT to promulgate regulations requiring each air carrier and ticket agent to disclose in a standardized format the baggage fee, cancellation fee, change fee, ticketing fee, and seat selection fee of that air carrier. The regulations developed would ensure that each disclosure be prominently displayed to a consumer prior to the point of purchase in clear and plain language and in an easily readable font size. This section would not prescribe that carriers be required to provide any information to travel intermediaries outside of contractual arrangements.

Section 3109. Seat assignments.

This section would call for the DOT to require each air carrier and ticket agent to disclose to consumers that the selection of preferred seating for a flight and any associated fees are optional and that, if a consumer does not pay for a preferred seat, a seat will be assigned to the consumer from available inventory prior to departure. This section would also outline how this information should be disclosed to the consumer if a ticket is bought online, if the ticket is purchased over the telephone, during check-in for a flight, and at other ancillary seat purchase opportunities prior to departure.

Section 3110. Advance boarding during pregnancy.

This section would require DOT to review airline policies regarding traveling during pregnancy and, if appropriate, revise regulations to require an air carrier to offer advance boarding of an aircraft to a pregnant passenger who requests such assistance.

Section 3111. Consumer complaint process improvement.

This section would require each commercial air carrier and ticket agent to inform each consumer of an airline carrier service, at the point of sale, that the consumer can file a complaint about air carrier service with the air carrier and with the Aviation Consumer Protection Division of the DOT. Also included in this section is a requirement for each air carrier to include specific consumer complaint process information on its website.

Section 3112. Online access to aviation consumer protection information.

This section would require the DOT to complete an evaluation of the aviation consumer protection portion of

its public website to determine whether there are any changes to the user interface that will improve usability, accessibility, consumer satisfaction, and Website performance. The DOT would be instructed to consider the best practices of other Federal agencies with effective Websites, to consult with the Federal Web Managers Council, and to develop a plan, including an implementation timeline, in completing this evaluation. The DOT would then be required to submit the evaluation and plan to Congress.

Additionally, this section would require the DOT to implement a program to develop application software for wireless devices that will enable a user to access information and perform activities related to aviation consumer protection. Once developed, this application software would be required to be made available to the public at no cost.

Section 31136. Study on in cabin wheelchair restraint systems.

This section would require the Architectural and Transportation Barriers Compliance Board, in consultation with the DOT, to conduct a study to determine the ways in which particular individuals with significant disabilities who use wheelchairs, including power wheelchairs, can be accommodated through in-cabin wheelchair restraint systems.

Section 3114. Advisory committee on the air travel needs of passengers with disabilities.

This section would establish an advisory committee for the air travel needs of passengers with disabilities.

Section 3115. Enforcement of aviation consumer protection rules.

This section would require the GAO to conduct a study to consider and evaluate DOT enforcement of aviation consumer protection rules.

Section 3116. Dimensions for passenger seats.

This section would require the FAA to review the minimum seat pitch for airline passengers' seats, taking the safety of passengers into consideration, including those with disabilities.

Section 3117. Cell phone voice communication ban.

This section would allow DOT to issue regulations to prohibit an individual on an aircraft from engaging in voice communication using a mobile communications device during a flight of that aircraft. Any member of the flight crew on duty on an aircraft, any flight attendant on duty on an aircraft, and any Federal law enforcement officer acting in an official capacity would be exempt from this prohibition.

Sec. 3118. Tickets Act.

This section would prohibit an air carrier from denying boarding of a revenue passenger without the consent of the passenger once the passenger is approved by the gate attendant to clear the boarding area and board the flight unless the passenger poses a safety, security, or health risk to the other passengers or the passenger is engaging in behavior that is obscene, disruptive, or otherwise unlawful.

This section would also require DOT to review air carrier policies and revise regulations to eliminate the dollar amount limitation on the amount of compensation that may be provided to a passenger who is denied boarding involuntarily. Further, this section would require the GAO to review airline policies and practices relating to the oversale of flights, taking into account specific considerations, and to report to Congress on this review. Finally, this section would require the DOT to prescribe regulations requiring an air carrier, or other entity selling tickets for flight in passenger air transportation, to specify on a passenger's flight itinerary, receipt, or other direct customer communication, the policies of the air carrier operating the flight regarding oversold flights and the possible loss of a seat by a passenger to an employee of the air carrier.

Sec. 3119. Transparency for disabled passengers.

This section would require that the compliance date of the final DOT rule on the reporting of data for mishandled wheelchairs and scooters transported in aircraft cargo compartments be January 1, 2018

Subtitle B—Essential Air Service

Section 3201. Essential air service.

This section would reauthorize the EAS program at \$175 million for FYs 2018 through 2021. This section would also adjust the Federal share of certain costs related to community eligibility for subsidized air service. The DOT would be required to consider the flexibility of current operational dates and airport accessibility to meet local community needs when issuing requests for proposal for EAS service at seasonal airports.

Section 3202. Small community air service development program.

This section would reauthorize the Small Community Air Service Development Program at \$10 million for each of FY during the term of the bill.

Section 3203. Small community program amendments.

This section would allow the DOT to waive the limitation related to projects that are the same, if the community or consortium spent little or no money on its previous project or encountered industry or environmental challenges, due to circumstances that were reasonably beyond the control of the community or consortium.

Section 3204. Waivers.

This section would allow the DOT to waive certain statutory requirements related to EAS service if requested by the community receiving subsidized air service.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

Section 4001. Definitions.

This section would define terms used in this title.

Subtitle A—Next Generation Air Transportation System

Section 4101. Return on investment assessment.

This section would require the FAA to submit a report to Congress which assesses the overall NextGen portfolio. As part of this report, the FAA would be required to delineate how each NextGen program directly contributes to a more safe and efficient air traffic control system, what the expectations and priorities of NextGen are in a manner that clearly articulates the current status of NextGen programs, and the return on investment dates and projected impacts of these programs for both the Federal Government and the users of the national airspace system.

Additionally, this section would require the FAA, in consultation with the NextGen Advisory Committee, to use the assessment described above to develop a priority list of all NextGen programs and activities. This priority list should be included in the aforementioned report to Congress. Finally, the FAA would be required to modify the agency's budget submissions to reflect the current status of NextGen programs and the projected returns on investment for each program.

Section 4102. Ensuring FAA readiness to provide seamless oceanic operations.

This section would require the Secretary of Transportation to make a final investment decision for the implementation of a reduced oceanic separation capability by September 30, 2018, that, if a positive business case is provided, would result in operational use by the end of 2020.

Section 4103. Annual NextGen performance goals.

This section would direct the FAA to establish annual NextGen performance goals in order to meet previously established NAS performance metrics baselines and would add a requirement for the DOT to include, in a statutorily required report to Congress, a description of the progress made on NextGen performance goals relative to the performance metrics established under section 214 of the FMRA (49 U.S.C. 40101 note).

Additionally, this section would require the FAA to consider the progress made toward meeting the NextGen performance goals when evaluating the performance of the Chief NextGen Officer for the purpose of awarding a bonus. Finally, this section would require the annual performance agreement made between the Administrator of the FAA and the Chief NextGen Officer to include quantifiable NextGen airspace performance objectives established in consultation with by the NextGen Advisory Committee.

Section 4104. Air traffic control operational contingency plans.

This section would require the FAA to update the agency's air traffic control operational contingency plans (FAA Order JO 1900.47E), and continue to update them every five years, to address potential air traffic facility outages that could have a major impact on operation of the national airspace system. Further, the FAA would be required to convene NextGen program officials to evaluate, expedite, and complete a report on how planned NextGen capabilities can enhance the resiliency of the national airspace system and mitigate the impact of future air traffic control disruptions. This section is in response to the September 26, 2014, incident in which an FAA contract employee deliberately started a fire that destroyed critical equipment at the FAA's Chicago Air Route Traffic Control Center in Aurora, Illinois.

Additionally, not later than 60 days after the date the air traffic control operational contingency plans are updated, the FAA would be required to submit a report to Congress on the update, including any recommendations for ensuring that air traffic facility outages do not have a major impact on operation of the national airspace system.

Section 4105. 2020 ADS-B Out mandate plan.

This section would require the FAA, in collaboration with the NextGen Advisory Council (NAC), to identify any known and potential barriers to compliance with the 2020 ADS-B Out mandate and to develop a plan to address any identified barriers. This section would require the plan to be sent to Congress and to be updated periodically. The FAA's ADS-B program is expected to be the centerpiece of the NextGen effort at the FAA, but the satellite-based system faces uncertainty and controversy. In May 2010, the agency published a final rule that mandated airspace users be equipped with ADS-B Out avionics by January 1, 2020. Subsequently, in April 2015, the FAA announced completion of the ADS-B ground-based radio infrastructure.

In 2014, the DOT IG found that while ADS-B is providing benefits where radar is limited or nonexistent in places such as the Gulf of Mexico, the system is providing only limited initial services to pilots and air traffic controllers in domestic airspace. The DOT IG also found, in 2014, that all elements of the system, such as avionics, the ground infrastructure, and controller automation systems, had not yet been tested in combination to determine if the overall system can be used in congested airspace and perform as well as existing radar, much less allow aircraft to fly closer together. This is referred to as "end-to-end testing." When this report was issued, commercial and GA stakeholders voiced serious concerns that equipping with new avionics for the 2020

mandate will be difficult due to the cost and limited availability of avionics, and capacity of certified repair stations to install avionics.

Section 4106. NextGen interoperability.

This section would require the FAA to conduct a gap analysis to identify potential risks to NextGen interoperability with other Air Navigation Service Providers and to establish a timeframe for periodically reevaluating these risks. The FAA would also be required to develop a plan that identifies and documents the actions to mitigate these risks and report to Congress on these actions.

Section 4107. NextGen transition management.

This section would require the FAA to identify and analyze any technical and operational maturity gaps in current NextGen transition and implementation plans. The FAA would then be required to develop a plan to mitigate those gaps identified, and to report to Congress on these actions.

Section 4108. Implementation of NextGen operational improvements.

This section would require the FAA to work with the airlines, and other users of the national airspace system, to develop and implement a system to systematically track the use of existing performance based navigation (PBN) procedures and to require consideration of other key operational improvements in planning for NextGen improvements, including identifying additional metroplexes for PBN projects, non-metroplex PBN procedures, as well as the identification of unused flight routes for decommissioning.

Additionally, the FAA would be required to develop and implement guidelines for ensuring timely inclusion of appropriate stakeholders, including airport representatives, in the planning and implementation of NextGen improvement efforts and to assure that NextGen planning documents provide stakeholders information on how and when operational improvements are expected to achieve NextGen goals and targets. Finally, the FAA would be required to report to Congress on the progress made toward implementing these requirements and on the timeline and process that will be used to implement PBN at additional airports, including information on how the FAA will partner and coordinate with private industry to ensure expeditious implementation of PBN.

Section 4109. Securing aircraft avionics systems.

This section would require the FAA to consider revising, where appropriate, regulations regarding airworthiness certification to address cybersecurity for avionics systems and to require that aircraft avionics systems used for flight guidance or aircraft control be secured against unauthorized access via passenger in-flight entertainment systems.

Section 4110. Defining NextGen.

This section would require the GAO to assess how the line items included in the FAA's NextGen budget request directly relate to the goals and expected outcomes of NextGen and to report to Congress on the results of this assessment.

Section 4111. Human factors.

This section would require the FAA to recognize and incorporate, in early design phases of all relevant NextGen programs, the human factors and procedural and airspace implications of stated goals and associated technical changes and to ensure that a human factors specialist, separate from the research and certification groups, is directly involved with the NextGen approval process. The FAA would also be required to submit a report to Congress on the progress made toward implementing these requirements not later than 1 year after the date of enactment of this Act.

Section 4112. Major acquisition reports.

This section would instruct the FAA to evaluate the agency's current acquisition practices to ensure that they appropriately identify the current estimated costs for each acquisition system, including all segments, separately identify cumulative amounts for acquisition costs, technical refresh, and other enhancements in order to identify the total baselined and re-baselined costs for each system, and account for the way funds are being used when reporting to managers, Congress, and other stakeholders. Not later than 1 year after the date of enactment of this Act, the FAA would also be required to submit a report to Congress on the progress made toward implementing these requirements.

Section 4113. Equipage mandates.

This section would require the FAA to provide a statement of estimated costs and benefits that is based upon mature and stable technical specifications and to create a timeline for FAA deliverables and investments by both users and the FAA before any NextGen related equipage mandates are imposed on users of the national airspace system.

Section 4114. Workforce.

This section would require the FAA, within 1 year of the date of enactment of this Act, to identify and assess barriers to attracting, developing, training, and retaining a talented workforce in the areas of systems engineering, architecture, systems integration, digital communications, and cybersecurity. The FAA would then also be required to develop a comprehensive plan to attract, develop, train, and retain talented individuals, and identify the resources needed to attract develop and retain this talent. Additionally, the FAA would be required to submit a report to Congress on the progress made toward implementing these requirements.

Section 4115. Programmatic risk management.

This section would require the FAA to solicit input from specialists in probability and statistics to identify and prioritize the programmatic and implementation risks to NextGen and to develop a method to manage and mitigate these risks. The FAA would also be required to report to Congress on the progress made toward implementing these requirements not later than 1 year after the date of enactment of this Act.

Sec. 4116. Program management.

This section would require the FAA, in collaboration with the NAC and the National Academies of Science, Engineering, and Medicine, to submit a report to Congress on how the FAA is utilizing industry best practices regarding highly integrated program management to implement NextGen. As part of this report, this section would also require the FAA to identify the key risks for the implementation of specific NextGen programs and develop a detailed plan to mitigate those risks.

Sec. 4117. System-wide improvements.

This section would require the FAA to submit a report to Congress identifying the improvements and benefits that have been realized in the national airspace system, as a whole, as a result of specific NextGen programs.

Sec. 4118. NextGen research.

This section would direct the FAA to submit a report to Congress specifying the top five priority research areas for the implementation and advancement of NextGen, and outline why these research areas are important, what other Federal agencies are involved in this research, and provide an estimate on when the research identified will be completed.

Subtitle B—Administration Organization and Employees

Section 4201. Cost-saving initiatives.

This section would instruct the FAA to identify and implement agency-wide cost-savings initiatives and to develop appropriate timelines and metrics to measure whether the initiatives are successful in reducing costs. The FAA would also be required to report to Congress on the progress made toward implementing these requirements not later than 1 year after the date of enactment of this Act.

Section 4202. Federal Aviation Administration performance measures and targets.

This section would require the establishment of FAA performance measures and targets, including measures to assess reductions of delays in completing projects and the effectiveness of projects.

Section 4203. Treatment of essential employees during furloughs.

This section would define the term “essential employee” and allow the FAA to keep essential employees by transferring budgetary resources within the agency in the event of a furlough of one or more employees.

Section 4204. Controller candidate interviews.

This section would instruct the FAA to require that an in-person interview be conducted with each individual applying for an air traffic control specialist position before that individual may be hired to fill that position and would mandate that this be done not later than 60 days after this bill is enacted. Additionally, this section would mandate that, not later than 30 days after the date of enactment of this Act, the FAA must establish guidelines regarding this in-person interview process.

Section 4205. Report on plans for air traffic control facilities in the New York City and Newark region.

This section would require the FAA to report on staffing and scheduling for NY/Newark control facilities for a period of one year.

Section 4206. Work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.

This section would require the FAA to develop and publish a work plan for the NY/NJ/PA Metropolitan Area Airspace Project.

Section 4207. Air traffic services at aviation events.

This section would require the FAA to provide air traffic services and aviation safety support for aviation events, including airshows and fly-ins, without the imposition or collection of any fee, tax, or other charge for that purpose. In determining the services and support to be provided for an aviation event, this section would require the FAA to consider the services and support required to meet levels of activity at prior, similar events and the anticipated need for services and support.

Sec. 4208. Annual report on inclusion of disabled veteran leave in personnel management system.

This section would require the FAA to publish a public report on the effect of disabled veteran leave on the FAA’s workforce and the number of disabled veterans benefitting from that provision.

TITLE V—MISCELLANEOUS

Section 5001. National Transportation Safety Board investigative officers.

This section would remove a statutory staffing requirement that the NTSB has determined to be burdensome and unnecessary for it to fulfill its duties.

Section 5002. Overflights of national parks.

This section would amend current law to ensure the continued availability of air routes used by air tour operators transiting over Lake Mead on their way to and from the Grand Canyon.

Sec. 5003. Aeronautical studies for commercial space launch site runways.

This section would amend existing law by giving the Secretary of Transportation the ability to decide if constructing or altering a structure may result in an interference with space navigation facilities and equipment. While conducting an aeronautical study, the Secretary would also consider the impact on launch and reentry for launch and reentry vehicles arriving or departing from a launch site or reentry site licensed by the Secretary as relevant to the effective use of the national airspace. This section would require a rulemaking to implement the amendments to existing law.

Section 5004. Comprehensive Aviation Preparedness Plan.

This section would require the Secretary of Transportation and Secretary of Health and Human Services, in coordination with the Secretaries of Homeland Security, Labor, State, and Defense, and representatives of other Federal departments and agencies, as necessary, to develop a comprehensive national aviation communicable disease preparedness plan.

Section 5005. Advanced Materials Center of Excellence.

This section would codify the authorization for the Advanced Materials Center of Excellence, which focuses on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

Section 5006. Interference with airline employees.

This section would require the GAO to complete a study of crimes and violence against airline customer service representatives while they are performing their duties and on airport property, including a gap analysis of laws and resources to deter and address crimes of violence and then submit a report to Congress, including recommendations to address any gaps identified.

Section 5007. Secondary cockpit barriers.

This section would require the FAA to issue an order requiring the installation of secondary barriers on new passenger aircraft.

Section 5008. Research and deployment of certain airfield pavement technologies.

This section would require the FAA to conduct research and development for airfield pavement technologies through grants and cooperative agreements with institutions of higher education and nonprofit organizations. The program would be required to do the following: research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements; develop and conduct training; provide for demonstration projects; and promote airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.

Section 5009. Increase in duration of general aviation aircraft registration.

This section would require the FAA to initiate a rulemaking to extend the timeframe for GA aircraft registration to 5 years.

Section 5010. Modification of limitation of liability relating to aircraft.

This section would clarify current law regarding the liability of aircraft lessors or owners under certain

circumstances.

Section 5011. Government Accountability Office study of illegal drugs seized at international airports in the United States.

This section would require the GAO to conduct a study and report to Congress on illegal drugs seized at international airports. The study should include the types and quantities of drugs seized, origin of the drugs seized, airport at which the drugs were seized, the manner in which the drugs were seized, and the manner in which the drugs were transported. This section would also direct the GAO to use all available data to fully understand the extent to which illegal drugs enter the United States through international airports.

Sec. 5012. Government Accountability Office review of unmanned aircraft systems.

This section would direct the GAO to submit a report to Congress examining the law enforcement challenges posed by the use of unmanned aircraft systems for illegal drug trafficking. As part of the report, the GAO would examine the ways in which international drug traffickers have used unmanned aircraft systems to assist in their efforts to smuggle illegal drugs into the United States, including how they have used unmanned aircraft systems to fly packages of illegal drugs into the United States, and how they have used unmanned aircraft systems to survey international borders.

Section 5013. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.

This section would require the Secretary of Transportation and the Secretary of Agriculture to work with the World Health Organization to develop a framework and guidance for preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft in a safe, effective, and nontoxic manner.

Section 5014. Treatment of multi-year lessees of large and turbine- powered multiengine aircraft.

This section would require the DOT to revise regulations to ensure that multi-year lessees and owners of large and turbine powered multi-engine aircraft are treated equally by the FAA for joint ownership policies.

Section 5015. Student outreach report.

This section would require the FAA to report on outreach efforts to inspire students interested in aeronautical careers. The report would describe the FAA's existing outreach efforts that cater to elementary and secondary students who are interested in careers in science, technology, engineering, and mathematics.

Sec. 5016. Authorization of certain flights by stage 2 aircraft.

This section would authorize the FAA to initiate a pilot program to permit 1 or more operators of a stage 2 aircraft to operate that aircraft in nonrevenue service into not more than four medium hub airports or nonhub airports if the airport and the operator meet specific criteria. The pilot program would terminate on the earlier of either the date ten years after the date of enactment of this Act, or the date on which the FAA determines that no stage 2 aircraft remain in service.

Sec. 5017. Supersonic aircraft.

This section would direct the FAA to review Federal law, including regulations and policy, regarding the operation of supersonic aircraft over land in the United States and to report to Congress on the identification and evaluation of any advancements in supersonic aircraft design that would mitigate the concerns that led to restrictions on the operation of supersonic aircraft, such as noise. This report would also include any recommendations on the laws that would need to be amended to allow the operation of supersonic aircraft over land in the United States.

Section 5018. Technical and conforming amendments.

This section would make technical and conforming amendments to various parts of the title 49 of the United States Code that contain typographical and other errors.

Section 5019. Terminal aerodrome forecast.

This section would authorize FAA to permit specific air carrier operations as long as the air carrier utilizes certain weather forecasts and follows specific procedures.