AMENDMENT NO.__________ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2658

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

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. THUNE (for himself and Mr. NELSON)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the
(b) TABLE OF CONTENTS.—The table of contents of

this Act is as follows:

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

TITLE I—AUTHORIZATIONS

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

Subtitle B—Airport Improvement Program Modifications

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

Subtitle C—Passenger Facility Charges

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

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform


PART I—PRIVACY AND TRANSPARENCY

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

PART II—UNMANNED AIRCRAFT SYSTEMS

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

PART III—TRANSITION AND SAVINGS PROVISIONS

Sec. 2141. Senior advisor for unmanned aircraft systems integration.
Sec. 2142. Effect on other laws.
Sec. 2143. Spectrum.
Sec. 2144. Applications for designation.
Sec. 2145. Use of unmanned aircraft systems at institutions of higher education.
Sec. 2146. Transition language.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

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

PART II—AIRCRAFT CERTIFICATION REFORM

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

PART III—FLIGHT STANDARDS REFORM

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

PART IV—SAFETY WORKFORCE

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

PART V—INTERNATIONAL AVIATION

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

Subtitle C—Airline Passenger Safety and Protections

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

Subtitle D—General Aviation Safety

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

Subtitle E—General Provisions

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

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

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

TITLE III—AIR SERVICE IMPROVEMENTS

Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

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

Subtitle B—Essential Air Service

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

TITLE IV—NEXTGEN AND FAA ORGANIZATION

Sec. 4001. Definitions.

Subtitle A—Next Generation Air Transportation System

Sec. 4101. Return on investment assessment.
Sec. 4102. Ensuring FAA readiness to use new technology.
Sec. 4103. NextGen metrics report.
Sec. 4104. Facility outage contingency plans.
Sec. 4105. ADS-B mandate assessment.
Sec. 4106. Nextgen interoperability.
Sec. 4107. NextGen transition management.
Sec. 4108. Implementation of NextGen operational improvements.
Sec. 4109. Cybersecurity.
Sec. 4110. Defining NextGen.
Sec. 4111. Human factors.
Sec. 4112. Major acquisition reports.
Sec. 4113. Equipage mandates.
Sec. 4114. Workforce.
Sec. 4115. Architectural leadership.
Sec. 4116. Programmatic risk management.
Sec. 4117. NextGen prioritization.

Subtitle B—Administration Organization and Employees

Sec. 4121. Cost-saving initiatives.
Sec. 4122. Treatment of essential employees during furloughs.
Sec. 4123. Controller candidate interviews.
Sec. 4124. Hiring of air traffic controllers.
Sec. 4125. Computation of basic annuity for certain air traffic controllers.

TITLE V—MISCELLANEOUS

Sec. 5001. National Transportation Safety Board investigative officers.
Sec. 5002. Performance-Based Navigation.
Sec. 5003. Overflights of national parks.
Sec. 5004. Navigable airspace analysis for commercial space launch site runways.
Sec. 5005. Survey and report on spaceport development.
Sec. 5006. Aviation fuel.
Sec. 5008. Advanced Materials Center of Excellence.
Sec. 5009. Interference with airline employees.
Sec. 5010. Secondary cockpit barriers.
Sec. 5011. GAO evaluation and audit.
Sec. 5012. Technical and conforming amendments.

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

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

SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.

In this Act, the term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on
Transportation and Infrastructure of the House of Representatives.

SEC. 4. EFFECTIVE DATE.

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

TITLE I—AUTHORIZATIONS
Subtitle A—Funding of FAA Programs

SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) Authorization.—Section 48103(a) is amended by striking “section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) $3,350,000,000 for each of fiscal years 2012 through 2015 and $1,675,000,000 for the period beginning on October 1, 2015, and ending on March 31, 2016” and inserting “section 47505(a)(2), carrying out noise compatibility programs under section 47504(c), for an airport cooperative research program under section 44511, for Airports Technology-Safety research, and Airports Technology-Efficiency research, $3,350,000,000 for fiscal year 2016 and $3,750,000,000 for fiscal year 2017”.


(b) Obligational Authority.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking “After March 31, 2016” and inserting “After September 30, 2017”.

SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) Authorization of Appropriations.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

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

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

SEC. 1003. FAA OPERATIONS.

(a) In General.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

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

and

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

(b) Authorized Expenditures.—Section 106(k)(2) is amended by striking “for fiscal years 2012 through 2015” each place it appears and inserting “for fiscal years 2016 through 2017”.

(e) Authority to Transfer Funds.—Section 106(k)(3) is amended by striking “2012 through 2015 and for the period beginning on October 1, 2015, and end-
Sec. 1004. FAA Research and Development.

Section 48102 is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “44511-44513” and inserting “44512-44513”; and

(ii) by striking “and, for each of fiscal years 2012 through 2015, under subsection (g)”;

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

(C) by striking paragraph (9) and inserting the following:

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

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

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

Sec. 1005. Funding for Aviation Programs.

(a) Airport and Airway Trust Fund Guarantee.—Section 48114(a)(1)(A) is amended to read as follows:

“(A) In General.—The total budget resources made available from the Airport and
Airway Trust Fund each fiscal year under sections 48101, 48102, 48103, and 106(k)—

“(i) shall in each of fiscal years 2016 through 2017, be equal to the sum of—

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

“(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year; and

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

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

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

(a) **MARSHALL ISLANDS, MICRONESIA, AND PALAU.**—Section 47115(j) is amended by striking “2015
and for the period beginning on October 1, 2015, and ending on March 31, 2016,” and inserting “2017”.

(b) Extension of Compatible Land Use Planning and Projects by State and Local Governments.—Section 47141(f) is amended by striking “March 31, 2016” and inserting “September 30, 2017”.

(c) Inspector General Report on Participation in FAA Programs by Disadvantaged Small Business Concerns.—

(1) In General.—For each of fiscal years 2016 through 2017, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(2) New Small Business Concerns.—For purposes of paragraph (1), a new small business concern is a small business concern that did not participate in the programs and activities described in paragraph (1) in a previous fiscal year.

(3) Contents.—The report shall include—
(A) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(B) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(C) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

(d) Extension of Pilot Program for Redevelopment of Airport Properties.—Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “March 31, 2016” and inserting “September 30, 2017”.

Subtitle B—Airport Improvement

Program Modifications

SEC. 1201. SMALL AIRPORT REGULATION RELIEF.

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

“(G) Special rule for fiscal years 2016 through 2017.—Notwithstanding subparagraph (A), the Secretary shall apportion to a sponsor of an airport under that subparagraph for each of fiscal years 2016 through 2017 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

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

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

“(iii) had scheduled air service in the calendar year used to calculate the apportionment.”.
SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

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

(b) REPORT.—The Administrator shall update the appropriate committees of Congress annually on the effectiveness of the review and prioritization.

SEC. 1203. STATE BLOCK GRANTS UPDATES.

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

SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.

(a) SPECIAL RULE.—Section 47124(b)(1)(B) is amended by striking “after such determination is made” and inserting “after the end of the period described in subsection (d)(6)(C)”.

(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-SHARE PROGRAM; FUNDING.—Section 47124(b)(3)(E) is amended to read as follows:
“(E) FUNDING.—Of the amounts appropriated under section 106(k)(1), such sums as may be necessary may be used to carry out this paragraph.”.

(c) CAP ON FEDERAL SHARE OF COST OF CONSTRUCTION.—Section 47124(b)(4)(C) is amended by striking “$2,000,000” and inserting “$4,000,000”.

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

“(d) COST BENEFIT RATIOS.—

“(1) CONTRACT AIR TRAFFIC CONTROL TOWER PROGRAM AT COST-SHARE AIRPORTS.—Beginning on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, if an air traffic control tower is operating under the Cost-share Program, the Secretary shall annually calculate a new benefit-to-cost ratio for the tower.

“(2) CONTRACT TOWER PROGRAM AT NON-COST-SHARE AIRPORTS.—Beginning on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, if a tower is operating under the Contract Tower Program and continued under subsection (b)(1), the Secretary shall not calculate a new benefit-to-cost ratio for the tower unless the annual aircraft traffic at the airport where
the tower is located decreases by more than 25 percent from the previous year or by more than 60 percent over a 3 year period.

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

“(A) The Federal Aviation Administration’s actual cost of wages and benefits of personnel working at the tower.

“(B) The Federal Aviation Administration’s actual telecommunications costs of the tower.

“(C) Relocation and replacement costs of equipment of the Federal Aviation Administration associated with the tower, if paid for by the Federal Aviation Administration.

“(D) Logistics, such as direct costs associated with establishing or updating the tower’s interface with other systems and equipment of the Federal Aviation Administration, if paid for by the Federal Aviation Administration.

“(4) EXCLUSIONS.—In establishing a benefit-to-cost ratio under paragraph (1) or paragraph (2), the Secretary may not consider the following costs:
“(A) Airway facilities costs, including labor and other costs associated with maintaining and repairing the systems and equipment of the Federal Aviation Administration.

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

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

“(D) Costs for utilities, janitorial, and other services paid for or provided by the airport or the State or political subdivision of a State having jurisdiction over the airport where the tower is located.

“(E) The cost of new or replacement equipment, or construction of a new or replacement tower, if the costs incurred were incurred by the airport or the State or political subdivision of a State having jurisdiction over the airport where the tower is or will be located.

“(F) Other expenses of the Federal Aviation Administration not directly associated with the actual operation of the tower.

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

“(6) PROCEDURES.—The Secretary shall establish procedures—

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

“(i) to request the Secretary reconsider that determination; and

“(ii) to submit updated or additional data to the Secretary in support of the reconsideration;

“(B) to allow the Secretary not more than 90 days to review the data submitted under subparagraph (A)(ii) and respond to the request under subparagraph (A)(i);

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

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

“(e) DEFINITIONS.—In this section:

“(1) CONTRACT TOWER PROGRAM.—The term
‘Contract Tower Program’ means the level I air traf-
fee control tower contract program established under
subsection (a) and continued under subsection
(b)(1).

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

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

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

(2) in paragraph (3)—
(A) in the heading, by striking “CONTRACT AIR TRAFFIC CONTROL TOWER PROGRAM” and inserting “COST-SHARE PROGRAM”;
(B) in subparagraph (A), by striking “contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the ‘Contract Tower Program’)” and inserting “Contract Tower Program”;
(C) in subparagraph (B), by striking “In carrying out the program” and inserting “In carrying out the Cost-share Program”;
(D) in subparagraph (C), by striking “participate in the program” and inserting “participate in the Cost-share Program”;
(E) in subparagraph (D), by striking “under the program” and inserting “under the Cost-share Program”; and
(F) in subparagraph (F), by striking “the program continued under paragraph (1)” and inserting “the Contract Tower Program”; and
(3) in paragraph (4)(B)(i)(I), by striking “contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3)” and insert-
ing “Contract Tower Program or the Cost-share Program”.

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

(g) SAVINGS PROVISION.—Notwithstanding the amendments made by this section, the towers for which assistance is being provided under section 41724 of title 49, United States Code, on the day before the date of enactment of this Act may continue to be provided such assistance under the terms of that section as in effect on that day.

SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR CONTRACT TOWER PROGRAM.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration has not implemented a revised cost-benefit methodology for purposes of determining eligibility for the Contract Tower Program before the date that is 30 days after the date of enactment of this Act, any air traffic control tower with an application for participation in the Contract Tower Program pending as of January 1, 2016, shall be approved for participation in
the Contract Tower Program if the Administrator determines the tower is eligible under the criteria set forth in the Federal Aviation Administration report, Establishment and Discontinuance Criteria for Airport Traffic Control Towers, dated August 1990 (FAA-APO-90-7).

(b) Requests for Additional Authority.—The Administrator shall respond not later than 30 days after the date the Administrator receives a formal request from an airport and air traffic control contractor for additional authority to expand contract tower operational hours and staff to accommodate flight traffic outside of current tower operational hours.

(c) Definition of Contract Tower Program.—In this section, the term “Contract Tower Program” has the meaning given the term in section 47124(e) of title 49, United States Code.

SEC. 1206. REMOTE TOWERS.

(a) Pilot Program.—

(1) Establishment.—The Administrator of the Federal Aviation Administration shall establish—

(A) in consultation with airport operators and general aviation users, a pilot program at public-use airports to construct and operate remote towers; and
(B) a selection process for participation in
the pilot program.

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

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

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

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

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

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

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

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

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

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

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

(A) detailing any benefits, costs, or safety improvements associated with the use of the remote towers; and

(B) evaluating the feasibility of using remote towers, particularly in the Contract Tower Program and for airports without any air traffic control tower, or to improve safety at airports with towers.

(7) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Administrator
shall select airports for participation in the pilot program.

(8) DEFINITIONS.—In this subsection:

(A) CONTRACT TOWER PROGRAM.—The term “Contract Tower Program” has the meaning given the term in section 47124(e) of title 49, United States Code.

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

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

SEC. 1207. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100 - Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat.
is amended by striking “and for the period begin-
ing on October 1, 2015, and ending on March 31, 2016,”
inserting “and for fiscal years 2016 through 2017”.

SEC. 1208. AIRPORT ROAD FUNDING.

(a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—

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

“(4) This subsection does not prevent the use
of airport revenue for the maintenance and improve-
ment of the on-airport portion of a surface transpor-
tation facility providing access to an airport and
non-airport locations if the surface transportation
facility is owned or operated by the airport owner or
operator and the use of airport revenue is prorated
to airport use and limited to portions of the facility
located on the airport. The Secretary shall determine
the maximum percentage contribution of airport rev-
ue toward surface transportation facility mainte-
nance or improvement, taking into consideration the
current and projected use of the surface transpor-
tation facility located on the airport for airport and
non-airport purposes. The de minimus use, as deter-
mined by the Secretary, of a surface transportation
facility for non-airport purposes shall not require
prorating.”.
(b) Restrictions on the Use of Airport Revenue.—Section 47133(c) is amended—

(1) by inserting “(1)” before “Nothing” and indenting appropriately; and

(2) by adding at the end the following:

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

SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) Repeal.—Section 47136 is repealed.

(b) Technical and Conforming Amendments.—

The table of contents for chapter 471 is amended by striking the item relating to section 47136 and inserting the following:

47136. [Reserved].

SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE PILOT PROGRAM.

Section 47136a is amended—

(1) in subsection (a), by striking “, including” and inserting “used exclusively for transporting passengers on-airport or for employee shuttle buses within the airport, including”; and
(2) in subsection (f), by inserting ‘‘, as in effect on the day before the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016,’’ after ‘‘section 47136’’.

SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.

(a) REPEAL.—Section 47140 is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by striking the item relating to section 47140 and inserting the following:

‘‘47140. [Reserved].’’.

SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EFFICIENCY ASSESSMENTS.

(a) COST REIMBURSEMENTS.—Section 47140a(a) is amended by striking ‘‘airport.’’ and inserting ‘‘airport, and to reimburse the airport sponsor for the costs incurred in conducting the assessment.’’.

(b) SAFETY PRIORITY.—Section 47140a(b)(2) is amended by inserting ‘‘, including a certification that no safety projects would be deferred by prioritizing a grant under this section,’’ after ‘‘an application’’.

SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UNCLASSIFIED AIRPORTS.

Section 47106(a) is amended—
(1) in paragraph (5), by striking “; and” and inserting a semicolon;

(2) in paragraph (6)—

(A) in the matter preceding subparagraph (A), by striking “for an airport that has an airport master plan, the master plan addresses” and inserting “a master plan project, it will address”; and

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

(3) by adding at the end the following:

“(7) if the project is at an unclassified airport, the project will be funded with an amount appropriated under subsection 47114(d)(3)(B) and is—

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

“(B) for obstruction removal for the primary runway;

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

“(D) a project that the Secretary considers necessary for the safe operation of the airport.”.
SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYSTEMS.

Section 44502(e) is amended by striking the first sentence and inserting “An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration an instrument landing system consisting of a glide slope and localizer that conforms to performance specifications of the Administrator if an airport improvement project grant was used to assist in purchasing the system, and if the Federal Aviation Administration has determined that a satellite navigation system cannot provide a suitable approach.”.

SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT PROGRAM.

(a) In General.—Subchapter I of chapter 471 is amended by adding at the end the following:

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

“(a) In General.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

“(1) the Administrator determines that acquisition and installation of qualifying non-movement area surveillance surface display systems and sen-
sors improve safety or capacity in the National Air-
space System; and

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

“(b) PROJECT GRANTS.—

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

“(2) PROCEDURES.—In accordance with the au-
thority under section 106, the Administrator may es-
tablish procurement procedures applicable to grants
issued under this subsection. The procedures may permit the sponsor to carry out the project with vendors that have been accepted in the procurement procedure or using Federal Aviation Administration contracts. The procedures may provide for the direct reimbursement (including administrative costs) of the Administrator by the sponsor using grant funds under this subsection, for the ordering of system-related equipment and its installation, or for the direct ordering of system-related equipment and its installation by the sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

“(3) DATA EXCHANGE PROCESSES.—The Administrator may establish data exchange processes to allow airport participation in the Federal Aviation Administration’s Airport Collaborative Decision Making process and fusion of the non-movement surveillance data with the Administration’s movement area systems.

“(c) DEFINITIONS.—In this section:

“(1) NON-MOVEMENT AREA.—The term ‘non-movement area’ is the portion of the airfield surface that is not under the control of air traffic control.
“(2) Non-movement area surveillance
surface display system and sensors.—The
term ‘non-movement area surveillance surface dis-
play system and sensors’ is a non-Federal surveil-
lance system that uses on-airport sensors that track
vehicles or aircraft that are equipped with trans-
sponders in the non-movement area.

“(3) Qualifying non-movement area sur-
veillance surface display system and sen-
ors.—The term ‘qualifying non-movement area
surveillance surface display system and sensors’ is a
non-movement area surveillance surface display sys-
tem that—

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

“(B) is on-airport; and

“(C) is airport operated.”.

(b) Technical and Conforming Amendments.—
The table of contents of chapter 471 is amended by insert-
ing after the item relating to section 47142 the following:

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

SEC. 1216. AMENDMENTS TO DEFINITIONS.

Section 47102 is amended—
(1) by redesignating paragraphs (10) through (28) as paragraphs (12) through (30), respectively;
(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;
(3) in paragraph (3)(B)—
   (A) by redesignating clauses (iii) through (x) as clauses (iv) through (xi), respectively; and
   (B) by striking clause (ii) and inserting the following:
   “(ii) security equipment owned and operated by the airport, including explosive detection devices, universal access control systems, perimeter fencing, and emergency call boxes, which the Secretary may require by regulation for, or approve as contributing significantly to, the security of individuals and property at the airport;
   “(iii) safety apparatus owned and operated by the airport, which the Secretary may require by regulation for, or approve as contributing significantly to, the safety of individuals and property at the airport, and integrated in-pavement lighting systems for runways and taxiways and other
runway and taxiway incursion prevention devices;”;

(4) in paragraph (3)—

(A) in subparagraph (K), by striking “such project will result in an airport receiving appropriate” and inserting “the airport would be able to receive”; and

(B) in subparagraph (L)—

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

(ii) by striking “airport, to” and inserting “airport and equipped with”; and

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

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

(6) by inserting after paragraph (6) the following:
“(7) ‘categorized airport’ means a nonprimary airport that has an identified role in the National Plan of Integrated Airport Systems.”;

(7) in paragraph (9), as redesignated, by striking “public” and inserting “public-use”;

(8) by inserting after paragraph (10), as redesignated, the following:

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

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

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

“(I) 100 based aircraft that are currently registered with the Federal Aviation Administration under chapter 445 of this title; and

“(II) 1 based jet aircraft that is currently registered with the Federal Aviation Administration where, for the purposes of this clause, “based” means the aircraft or jet aircraft over-
nights at the airport for the greater
part of the year; or’’; and
(10) by adding at the end the following:
“(31) ‘unclassified airport’ means a nonprimary
airport that is included in the National Plan of In-
grated Airport Systems that is not categorized by
the Administrator of the Federal Aviation Adminis-
tration in the most current report entitled General
Aviation Airports: A National Asset.”.

SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-
DATES.
Section 47503(b) is amended—
(1) by striking “a change in the operation of
the airport would establish” and inserting “there is
a change in the operation of the airport that would
establish”; and
(2) by inserting after “reduction” the following:
“if the change has occurred during the longer of—
“(1) the noise exposure map period forecast by
the airport operator under subsection (a); or
“(2) the implementation timeframe of the oper-
ator’s noise compatibility program.”.

SEC. 1218. PROVISION OF FACILITIES.
Section 44502 is amended by adding at the end the
following:
“(f) Airport Space.—

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

“(A) Building construction, maintenance, utilities, or expenses for services relating to air traffic control, air navigation, or weather reporting.

“(B) Space in a facility owned by the airport owner or sponsor for services relating to air traffic control, air navigation, or weather reporting.

“(2) Rule of Construction.—Nothing in this subsection may be construed to affect—

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

“(B) any grant assurance that requires an airport owner or sponsor to provide land to the Administration without cost for an air traffic control facility.”.
SEC. 1219. CONTRACT WEATHER OBSERVERS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committee of Congress a report—

(1) outlining safety risks, hazard effects, and operational effects that could result from loss of contract weather observer service at airports that use this service and were under review by the Federal Aviation Administration on March 1, 2016;

(2) detailing whether and how rapidly changing severe weather conditions, including thunderstorms, lightning, fog, visibility, cloud layers and ceilings, ice pellets, freezing rain, and drizzle without contract weather observers can accurately be reported at an airport described in paragraph (1); and

(3) detailing the process by which the Administrator analyzed the safety hazards associated with eliminating the contract weather observer service.

(b) MORATORIUM.—The Administrator may not finalize any determination regarding the continued use of the contract weather observer service at any airport until after the date the report is submitted under subsection (a).

SEC. 1220. FEDERAL SHARE ADJUSTMENT.

Section 47109(a)(5) is amended to read as follows:
“(5) 95 percent for a project at an airport for which the United States Government’s share would otherwise be capped at 90 percent under paragraph (2) or paragraph (3) if the Administrator determines that the project is a successive phase of a multi-phased construction project for which the sponsor received a grant in fiscal year 2011 or earlier.”.

SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.

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

(1) in subsection (a), by striking “Transportation” and inserting “Homeland Security”; 

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

(3) in subsection (g), by inserting “of Transportation” after “Secretary” the first place it appears.

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

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

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

Subtitle C—Passenger Facility Charges

SEC. 1301. PFC STREAMLINING.

(a) Passenger Facility Charges; General Authority.—Section 40117(b)(4) is amended—

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

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

(b) Pilot Program for Passenger Facility Charge Authorizations at Nonhub Airports.—Section 40117(l) is amended—

(1) in the heading by striking “Nonhub” and inserting “Certain”; and

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

SEC. 1302. INTERMODAL ACCESS PROJECTS.

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

“(n) PFC Eligibility for Intermodal Ground Access Projects.—

“(1) In general.—The Secretary may authorize a passenger facility charge imposed under sub-
section (b)(1) to be used to finance the eligible capital costs of an intermodal ground access project.

“(2) DEFINITION OF INTERMODAL GROUND ACCESS PROJECT.—In this subsection, the term ‘intermodal ground access project’ means a project for constructing a local facility owned or operated by an eligible agency that—

“(A) is located on airport property; and

“(B) is directly and substantially related to the movement of passengers or property traveling in air transportation.

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

“(A) the total capital cost of the project multiplied by the ratio that the number of individuals projected to use the project to gain access to or depart from the airport bears to the total number of individuals projected to use the local facility; or

“(B) the total cost of the capital improvements that are located on airport property.

“(4) DETERMINATIONS.—The Secretary shall determine the projected use and cost of a project for purposes of paragraph (3) at the time the project is
approved under this subsection, except that, in the
case of a project to be financed in part using funds
administered by the Federal Transit Administration,
the Secretary shall use the travel forecasting model
for the project at the time the project is approved
by the Federal Transit Administration to enter pre-
liminary engineering to determine the projected use
and cost of the project for purposes of paragraph
(3).

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

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

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

“(o) USE OF REVENUES AT A PREVIOUSLY ASSOCI-
ATED AIRPORT.—Notwithstanding the requirements relat-
ing to airport control under subsection (b)(1), the Sec-
Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

“(1) the eligible agency seeking to impose the new charge controls an airport where a $2.00 passenger facility charge became effective on January 1, 2013; and

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

SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FINANCING STUDY.

(a) Future Aviation Infrastructure and Financing Study.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study and make recommendations on the actions needed to upgrade and restore the national aviation infrastructure system to its role as a premier system that meets the growing and shifting demands of the 21st century, including airport infrastructure needs and existing financial resources for commercial service airports.
(b) Consultation.—In carrying out the study, the Transportation Research Board shall convene and consult with a panel of national experts, including—

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

(e) Considerations.—In carrying out the study, the Transportation Research Board shall consider—

(1) the ability of airport infrastructure to meet current and projected passenger volumes;
(2) the available financial tools and resources for airports of different sizes;
(3) the current debt held by airports, and its impact on future construction and capacity needs;
(4) the impact of capacity constraints on passengers and ticket prices;
(5) the purchasing power of the passenger facility charge from the last increase in 2000 to the year of enactment of this Act;

(6) the impact to passengers and airports of indexing the passenger facility charge for inflation;

(7) how long airports are constrained with current passenger facility charge collections;

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

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

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

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

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

(13) airline competition;

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

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

(d) REPORT.—Not later than 15 months after the date of enactment of this Act, the Transportation Re-
search Board shall submit to the Secretary and the appropriate committees of Congress a report on its findings and recommendations.

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

TITLE II—SAFETY
Subtitle A—Unmanned Aircraft Systems Reform

SEC. 2001. DEFINITIONS.

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

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

PART I—PRIVACY AND TRANSPARENCY
SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.

It is the policy of the United States that the operation of any unmanned aircraft or unmanned aircraft system shall be carried out in a manner that respects and protects personal privacy consistent with the United States Constitution and Federal, State, and local law.
SEC. 2102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) each person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, except for news gathering, should have a written privacy policy consistent with section 2101 that is appropriate to the nature and scope of the activities regarding the collection, use, retention, and dissemination of any data collected during the operation of an unmanned aircraft system;

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

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

SEC. 2103. FEDERAL TRADE COMMISSION AUTHORITY.

A violation of a privacy policy by a person that uses an unmanned aircraft system for compensation or hire, or in the furtherance of a business enterprise, in the national airspace system shall be an unfair and deceptive practice in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)).
SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION MULTI-STAKEHOLDER PROCESS.

Not later than July 31, 2016, the Administrator of the National Telecommunications and Information Administration shall submit to the appropriate committees of Congress a report on the industry privacy best practices developed through the multi-stakeholder engagement process (established under Presidential Memorandum of February 15, 2015 (80 Fed. Reg. 9355)) on unmanned aircraft systems transparency and accountability. In addition to the agreed upon best practices, this report shall include relevant stakeholder recommendations for legislative or regulatory action regarding privacy, accountability, and transparency, including ways to encourage the adoption of privacy policies by companies that use unmanned aircraft systems for compensation or hire, or in the furtherance of a business enterprise. The report shall take into account existing rights protected under the First Amendment to the United States Constitution in public spaces and the First Amendment rights of journalists to control their archives.

SEC. 2105. IDENTIFICATION STANDARDS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in collaboration with the Administrator of the Federal Aviation Administration,
and in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Administrator of the National Telecommunications and Information Administration, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft.

(b) CONSIDERATIONS.—As part of the standards developed under subsection (a), the Director shall consider—

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

(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil;

(3) the role of manufacturers, the Federal Aviation Administration, and the owners of the systems described in paragraphs (1) and (2) in reporting and verifying identification data; and

(4) the feasibility of the development and operation of a publicly searchable online database to further enable the immediate remote identification of any unmanned aircraft and its operator by the general public.

(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the
appropriate committees of Congress a report on the consensus identification standards.

(d) GUIDANCE.—Not later than 1 year after the date that the Director submits the report on the consensus identification standards under subsection (c), the Administrator of the Federal Aviation Administration shall issue regulatory guidance based on the consensus identification standards.

SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERATORS.

(a) IN GENERAL.—Except for model aircraft under section 44808 of title 49, United States Code, in authorizing the operation of any public unmanned aircraft system or the operation of any unmanned aircraft system by a person conducting civil aircraft operations, the Administrator of the Federal Aviation Administration, to the extent practicable and consistent with applicable law and without compromising national security, homeland defense, or law enforcement, shall make the identifying information in subsection (b) available to the public via an online searchable database.

(b) CONTENTS.—The database described in subsection (a) shall contain the following:

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

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

(3) The expiration date of any authorization related to a person identified in paragraph (1) or paragraph (2).

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

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

(e) RECORDS.—Each person described in subsection (b)(1), to the extent practicable without compromising national security, homeland defense, or law enforcement shall maintain and make available to the Administrator for not less than 1 year a record of the name and contact information of each person on whose behalf the unmanned aircraft system has been operated.

(d) DEADLINE.—The Administrator shall make the database available not later than 1 year after the date of enactment of this Act.
(c) Termination.—The Administrator may cease the operation of such database on the date that the Administrator issues regulatory guidance on the consensus identification standards in section 2105.

SEC. 2107. ANALYSIS OF CURRENT REMEDIES UNDER FEDERAL, STATE, LOCAL JURISDICTIONS.

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

(1) examines and identifies the existing Federal, State, or local laws, including constitutional law, that address an individual’s personal privacy;

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

(3) identifies any deficiencies in current Federal, State, or local privacy protections; and

(4) recommends legislative or other actions to address the limitations and deficiencies identified in paragraphs (2) and (3).
PART II—UNMANNED AIRCRAFT SYSTEMS

SEC. 2121. DEFINITIONS.

(a) In general.—Part A of subtitle VII is amended by inserting after chapter 447 the following:

“CHAPTER 448—UNMANNED AIRCRAFT SYSTEMS

Sec.

44801. Definitions.

§ 44801. Definitions

In this chapter—

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

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

“(3) ‘Certificate of waiver’ and ‘certificate of authorization’ mean a Federal Aviation Administration grant of approval for a specific flight operation.

“(4) ‘Permanent areas’ means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

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

“(6) ‘sense and avoid capability’ means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

“(7) ‘small unmanned aircraft’ means an unmanned aircraft weighing less than 55 pounds, including the weight of anything attached to or carried by the aircraft.

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

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

“(10) ‘unmanned aircraft’ means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
“(11) ‘unmanned aircraft system’ means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.”.

(b) Table of Chapters.—The table of chapters for subtitle VII is amended by inserting after the item relating to chapter 447 the following:

“448. Unmanned Aircraft Systems .......................................................... 44801”.

SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM TEST SITES.

(a) In General.—Chapter 448, as designated by section 2121 of this Act, is amended by inserting after section 44801 the following:

“§ 44802. Unmanned aircraft system test sites

“(a)(1) In General.—The Administrator of the Federal Aviation Administration shall establish and update, as appropriate, a program for the use of the 6 test sites established under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to facilitate the safe integration of unmanned aircraft systems into the national airspace system.

“(2) Termination.—The program shall terminate on September 30, 2017.”
“(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

“(1) designate airspace for safely testing the integration of unmanned flight operations in the national airspace system;

“(2) develop operational standards and air traffic requirements for unmanned flight operations at test sites, including test ranges;

“(3) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

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

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

“(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures as it relates to continued development of standards for integration into the national airspace system;

“(7) engage each test site operator in projects for research, development, testing, and evaluation of unmanned aircraft systems to facilitate the Federal Aviation Administration’s development of standards
for the safe integration of unmanned aircraft into
the national airspace system, which may include solu-
tions for—

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

“(B) classifications of airspace where manufac-
turers must prevent flight of an unmanned
aircraft system;

“(C) classifications of airspace where manufac-
turers of unmanned aircraft systems must
alert the operator to hazards or limitations on
flight;

“(D) sense and avoid capabilities; and

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

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

“(9) allow a test site to develop multiple test
ranges within the test site;
“(10) streamline the approval process for test sites when processing unmanned aircraft certificates of waiver or authorization for operations at the test sites;

“(11) require each test site operator to protect proprietary technology, sensitive data, or sensitive research of any civil or private entity when using that test site without the need to obtain an experimental or special airworthiness certificate;

“(12) evaluate options for the operation of 1 or more small unmanned aircraft systems beyond the visual line of sight of the operator for testing under controlled conditions that ensure the safety of persons and property, including on the ground; and

“(13) allow test site operators to receive Federal funding, other than from the Federal Aviation Administration, including in-kind contributions, from test site participants in the furtherance of research, development, and testing objectives.

“(c) Test Site Locations.—In determining the location of a test site under subsection (a), the Administrator shall—

“(1) take into consideration geographic and climatic diversity;
“(2) take into consideration the location of 
ground infrastructure and research needs; and 

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

“(d) REPORT TO CONGRESS.—

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

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

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

“(B) a description of all of the data gen-
erated from the operations described in sub-
paragraph (A), and shared with the Federal 
Aviation Administration through a cooperative
research and development agreement authorized
in section 2123 of the Federal Aviation Admin-
istration Reauthorization Act of 2016, that re-
late to unmanned aircraft systems research pri-
orities, including beyond-line-of-sight, un-
manned traffic management, nighttime oper-
ations, and sense and avoid technology;

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

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

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

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

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

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

“(e) Review of Operations by Test Site Operators.—The operator of each test site under subsection (a) shall—

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

“(A) ongoing or completed research; and

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

“(2) submit to the Administrator, in such form and manner as specified by the Administrator, the results of the review, including recommendations to further enable private research and development operations at the test sites that contribute to the Federal Aviation Administration’s safe integration of unmanned aircraft systems into the national airspace system, on a quarterly basis until the program terminates.

“(f) Testing.—The Secretary may authorize an operator of a test site described in subsection (a) to administer testing requirements established by the Administrator for unmanned aircraft systems operations.”.

(b) Technical and Conforming Amendments.—
(1) **Table of Contents.**—The table of contents for chapter 448, as added by section 2121 of this Act, is further amended by inserting after the item relating to section 44801 the following:

> "44802. Unmanned aircraft system test sites."

(2) **Pilot Projects.**—Section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking subsection (c).

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

(a) **Research Plan.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the United States Unmanned Aircraft System Executive Committee, jointly, and in coordination with industry, users, the Center of Excellence for Unmanned Aircraft Systems, and test site operators, shall develop a research plan to identify ongoing research into the broad range of technical, procedural, and policy concerns arising from the integration of unmanned aircraft systems into the national airspace system, and research needs regarding those concerns. In developing the plan, the Administrator shall determine and engage the appropriate entities to meet the research needs identified in the plan.

(b) **Collaborative Research and Development Agreements.**—The Administrator may use the other
transaction authority under section 106(l)(6) of title 49, United States Code, and enter into collaborative research and development agreements, to direct research related to unmanned aircraft systems, including at any test site under section 44802(a) of that title.

SEC. 2124. SAFETY STANDARDS.

(a) In General.—Chapter 448, as amended by section 2122 of this Act, is further amended by inserting after section 44802 the following:

“SEC. 44803. AIRCRAFT SAFETY STANDARDS.

“(a) Consensus Aircraft Safety Standards.—Not later than 60 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Director of the National Institute of Standards and Technology and the Administrator of the Federal Aviation Administration, in consultation with government and industry stakeholders and appropriate standards-setting organizations, shall initiate a collaborative process to develop risk-based, consensus industry airworthiness standards related to the safe integration of small unmanned aircraft systems into the national airspace system.

“(b) Considerations.—In developing the consensus aircraft safety standards, the Director and Administrator shall consider the following:
“(1) Technologies or standards related to geographic limitations, altitude limitations, and sense and avoid capabilities.

“(2) Using performance-based standards.

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

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

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

“(6) Consensus identification standards under section 2105.

“(7) How to update or modify a small unmanned aircraft system that was commercially distributed prior to the development of the consensus aircraft safety standards so that, to the greatest extent practicable, such systems meet the consensus aircraft safety standards.
“(8) Any technology or standard related to small unmanned aircraft systems that promotes aviation safety.

“(c) CONSULTATION.—In developing the consensus aircraft safety standards under subsection (a), the Director and Administrator shall consult with—

“(1) the Administrator of the National Aeronautics and Space Administration;

“(2) the President of RTCA, Inc.;

“(3) the Secretary of Defense;

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

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

“(6) unmanned aircraft systems stakeholders;

and

“(7) community-based aviation organizations.

“(d) FAA APPROVAL.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration shall establish a process for the approval of small unmanned aircraft systems make and models based upon the consensus aircraft safety standards developed under subsection (a). The consensus aircraft safety standards developed under subsection (a)
shall allow the Administrator to approve small unmanned aircraft systems for operation within the national airspace system without requiring the type certification process in parts 21 and 23 of the Code of Federal Regulations.

“(e) Eligibility.—The consensus aircraft safety standards for approval of small unmanned aircraft systems developed under this section shall set eligibility requirements for an airworthiness approval of a small unmanned aircraft system which shall include the following:

“(1) An applicant must provide the Federal Aviation Administration with—

“(A) the aircraft’s operating instructions;

and

“(B) the manufacturer’s statement of compliance as described in subsection (f) of this section.

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

“(f) Manufacturer’s Statement of Compliance for Small UAS.—The manufacturer’s statement of compliance shall—
“(1) identify the aircraft make and model, and consensus aircraft safety standard used;

“(2) state that the aircraft make and model meets the provisions of the standard identified in paragraph (1);

“(3) state that the aircraft make and model conforms to the manufacturer’s design data, using the manufacturer’s quality assurance system that meets the identified consensus standard adopted by the Administrator in subsection (d), and is manufactured in way that ensures consistency in the production process so that every unit produced meets the applicable consensus aircraft safety standards;

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

“(A) the aircraft’s operating instructions, that meet the standard identified in paragraph (1); and

“(B) the aircraft’s maintenance and inspection procedures, that meet the standard identified in paragraph (1);

“(5) state that the manufacturer will monitor and correct safety-of-flight issues through a continued airworthiness system that meets the standard identified in paragraph (1);
“(6) state that at the request of the Administration, the manufacturer will provide access by the Administration to its facilities; and

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

“(A) ground and flight tested random samples of the aircraft;

“(B) found the sample aircraft performance acceptable; and

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

“(g) PROHIBITION.—It shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any unmanned aircraft manufactured after the date that the Administrator adopts consensus aircraft safety standards under this section, unless the manufacturer has received approval under subsection (d) for each make and model.”.

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

“44803. Aircraft safety standards.”.
SEC. 2125. UNMANNED AIRCRAFT SYSTEMS IN THE ARCTIC.

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

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§ 44804. Unmanned aircraft systems in the Arctic

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

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

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

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

“(e) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this section, the Secretary shall
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work with relevant national and international communities
to establish and implement a process, or may apply an
applicable process already established, for approving the
use of unmanned aircraft in the designated permanent
areas in the Arctic without regard to whether an un-
manned aircraft is used as a public aircraft, a civil air-
craft, or a model aircraft.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED
AIRCRAFT SYSTEMS.

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

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

“(a) IN GENERAL.—Notwithstanding any other re-
quirement of this chapter, the Secretary of Transportation
shall use a risk-based approach to determine if certain un-
manned aircraft systems may operate safely in the na-
tional airspace system notwithstanding completion of the
comprehensive plan and rulemaking required by section
332 of the FAA Modernization and Reform Act of 2012
(49 U.S.C. 40101 note) or the guidance required by sec-
tion 44807.

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

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

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

“(c) REQUIREMENTS FOR SAFE OPERATION.—If the
Secretary determines under this section that certain un-
manned aircraft systems may operate safely in the na-
tional airspace system, the Secretary shall establish re-
quirements for the safe operation of such aircraft systems
in the national airspace system, including operation re-
lated to research, development, and testing of proprietary
systems.

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

(2) SPECIAL RULES FOR CERTAIN UNMANNED
AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
ernization and reform Act of 2012 (49 U.S.C. 40101
note) and the item relating to that section in the

table of contents under section 1(b) of that Act (126
Stat. 13) are repealed.

SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.

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

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

(A) to enhance research and development

both commercially and in academics;

(B) to spur economic growth and develop-
ment through innovative applications of this

emerging technology; and

(C) to improve emergency response efforts

as it relates to assessing damage to critical in-
fracstructure such as roads, bridges, and public
utilities, including water and power, ultimately
speeding response time;

(2) advancements in miniaturization of safety
technologies, including for aircraft weighing under
4.4 pounds, have increased economic opportunities
for using unmanned aircraft systems while reducing
kinetic energy and risk compared to unmanned air-
craft that may weigh as much as 55 pounds;
(3) advancements in unmanned technology will have the capacity to ultimately improve manned aircraft safety; and

(4) integrating unmanned aircraft systems safely into the national airspace, including beyond visual line of sight operations on a routine basis should remain a top priority for the Federal Aviation Administration as it pursues additional rulemakings under the amendments made by this section.

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

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§ 44806. Additional rulemaking authority

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“(a) IN GENERAL.—Notwithstanding the rulemaking required by section 332 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) or the guidance required by section 44807 of this title and subject to subsection (b)(2) of this section and section 44808, the Administrator may issue regulations under which a person may operate certain unmanned aircraft systems (as determined by the Administrator) in the United States—

“(1) without an airman certificate;

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

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

“(b) Scope of Regulations.—

“(1) In general.—In determining whether a person may operate an unmanned aircraft system under 1 or more of the circumstances described under paragraphs (1) through (3) of subsection (a), the Administrator shall use a risk-based approach and consider, at a minimum, the physical and functional characteristics of the unmanned aircraft system.

“(2) Limitation.—The Administrator may only issue regulations under this section for unmanned aircraft systems that the Administrator determines may be operated safely in the national airspace system.

“(c) Rules of Construction.—Nothing in this section may be construed—

“(1) to prohibit a person from operating an unmanned aircraft system under a circumstance described under paragraphs (1) through (3) of subsection (a) if—

“(A) the circumstance is allowed by regulations issued under this section; and
“(B) the person operates the unmanned aircraft system in a manner prescribed by the regulations; and
“(2) to limit or affect in any way the Administrator’s authority to conduct a rulemaking, make a determination, or carry out any activity related to unmanned aircraft or unmanned aircraft systems under any other provision of law.”.

(c) Table of Contents.—The table of contents for chapter 448, as amended by section 2126 of this Act, is amended by inserting after the item relating to section 44805 the following:

“44806. Additional rulemaking authority.”.

SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYSTEMS.

(a) In General.—Chapter 448, as amended by section 2127 of this Act, is further amended by inserting after section 44806 the following:

“§ 44807. Public unmanned aircraft systems

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

“(1) to streamline the process for the issuance of a certificate of authorization or a certificate of waiver;
“(2) to provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analyses and data become available, and until standards are completed and technology issues are resolved;

“(3) to facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate public unmanned aircraft systems; and

“(4) to provide guidance on a public agency’s responsibilities when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

“(b) Standards for Operation and Certification.—The Administrator of the Federal Aviation Administration shall develop and implement operational and certification requirements for the operation of a public unmanned aircraft system in the national airspace system.

“(c) Agreements With Government Agencies.—

“(1) In general.—The Secretary shall enter into an agreement with each appropriate public agency to simplify the process for issuing a certifi-
cate of waiver or a certificate of authorization with respect to an application for authorization to operate a public unmanned aircraft system in the national airspace system.

“(2) CONTENTS.—An agreement under paragraph (1) shall—

“(A) with respect to an application described in paragraph (1)—

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

“(ii) require a decision by the Administrator on approval or disapproval not later than 60 business days after the date of submission of the application;

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

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

“(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

“(C) allow a government public safety agency to operate an unmanned aircraft weigh-
ing 25 pounds or less if that unmanned aircraft
is operated—

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

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

“(iii) during daylight conditions;

“(iv) within Class G airspace; and

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

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

“(1) prior to the deployment of any new un-
manned aircraft system technology, and at least
every 3 years, existing policies and procedures relat-
ing to the collection, use, retention, and dissemina-
tion of information obtained by an unmanned air-
craft system must be examined to ensure that pri-

vacy, civil rights, and civil liberties are protected;

“(2) if the unmanned aircraft system is the

platform for information collection, information

must be collected, used, retained, and disseminated

consistent with the Constitution, Federal law, and

other applicable regulations and policies, such as the

Privacy Act of 1974 (5 U.S.C. 552a);

“(3) the Federal agency or person operating on

its behalf, only collect information using the un-
manned aircraft system, or use unmanned aircraft

system-collected information, to the extent that the

collection or use is consistent with and relevant to

an authorized purpose as determined by the head of

a Federal agency and consistent with the law;

“(4) any information collected, using an un-
manned aircraft or an unmanned aircraft system,

that may contain personal information will not be

retained by any Federal agency for more than 180
days after the date of collection unless—

“(A) the head of the Federal agency deter-

mines that retention of the information is rel-

vant and necessary to accomplish a purpose of

the Federal agency required to be accomplished
by statute or by executive order of the President;

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

“(C) the information is required to be retained for a longer period under other applicable law, including regulations;

“(5) any information collected, using an unmanned aircraft or unmanned aircraft system, that is not maintained in a system of records under section 552a of title 5, will not be disseminated outside of that Federal agency unless—

“(A) dissemination is required by law; or

“(B) dissemination satisfies an authorized purpose and complies with that Federal agency’s disclosure requirements;

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

“(A) provide notice to the public regarding where in the national airspace system the Federal agency is authorized to operate the unmanned aircraft system;
“(B) keep the public informed about the Federal agency’s unmanned aircraft system program, including any changes to that program that would significantly affect privacy, civil rights, or civil liberties;

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

“(i) a brief description of types or categories of missions flown; and

“(ii) the number of times the Federal agency provided assistance to other agencies or to State, local, tribal, or territorial governments; and

“(D) make available on a public and searchable Internet website the data minimization policy of the Federal agency;

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

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

“(B) the verification of the existence of rules of conduct and training for Federal Gov-
ernment personnel and contractors who work on programs, and procedures for reporting suspected cases of misuse or abuse of unmanned aircraft system technologies;

“(C) the establishment of policies and procedures, or confirmation that policies and procedures are in place, that provide meaningful oversight of individuals who have access to sensitive information, including personal information, collected using an unmanned aircraft system;

“(D) ensuring that any data-sharing agreements or policies, data use policies, and record management policies applicable to an unmanned aircraft system conform to applicable laws, regulations, and policies;

“(E) the establishment of policies and procedures, or confirmation that policies and procedures are in place, to authorize the use of an unmanned aircraft system in response to a request for unmanned aircraft system assistance in support of Federal, State, local, tribal, or territorial government operations; and

“(F) a requirement that State, local, tribal, and territorial government recipients of Fed-
eral grant funding for the purchase or use of unmanned aircraft systems for their own operations have in place policies and procedures to safeguard individuals’ privacy, civil rights, and civil liberties prior to expending such funds; and “(8) ensures the protection of civil rights and civil liberties, including—

“(A) ensuring that policies are in place to prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law;

“(B) ensuring that unmanned aircraft system activities are performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and

“(C) ensuring that adequate procedures are in place to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints.
“(e) **LAW ENFORCEMENT AND NATIONAL SECURITY.**—Each Federal agency shall effectuate a requirement under subsection (d) only to the extent it does not compromise law enforcement or national security.

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

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

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

“44807. Public unmanned aircraft systems.”.

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

Section 334 of the FAA Modernization and reform Act of 2012 (49 U.S.C. 40101 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

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

(a) **IN GENERAL.**—Chapter 448, as amended by section 2128 of this Act, is further amended by inserting after section 44807 the following:
§ 44808. Special rules for model aircraft

“(a) In General.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this chapter, the Administrator of the Federal Aviation Administration may not promulgate any new rule or regulation specific only to an unmanned aircraft operating as a model aircraft if—

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

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

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

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

“(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator, where applicable, and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice and receives approval from the tower, to the extent practicable, for
the operation from each (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport));

“(6) the aircraft is flown from the surface to not more than 400 feet in altitude, except under special conditions and programs established by a community-based organization; and

“(7) the operator has passed an aeronautical knowledge and safety test administered by the Federal Aviation Administration online for the operation of unmanned aircraft systems subject to the requirements of section 44809 and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

“(b) UPDATES.—

“(1) IN GENERAL.—The Administrator, in collaboration with government and industry stakeholders, including nationwide community-based organizations, shall initiate a process to update the operational parameters under subsection (a), as appropriate.
“(2) CONSIDERATIONS.—In updating an operational parameter under paragraph (1), the Administrator shall consider—

“(A) appropriate operational limitations to mitigate aviation safety risk and risk to the uninvolved public;

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

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

“(D) trends in use, enforcement, or incidents involving unmanned aircraft systems; and

“(E) ensuring, to the greatest extent practicable, that updates to the operational parameters correspond to, and leverage, advances in technology.

“(3) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as expanding the authority of the Administrator to require operators of model aircraft under the exemption of this subsection to be required to seek permissive authority of the Administrator prior to operation in the national airspace system.
“(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft.

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

“(1) is capable of sustained flight in the atmosphere; and

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 448, as amended by section 2128 of this Act, is further amended by inserting after the item relating to section 44807 the following:

“44808. Special rules for model aircraft.”.

(2) SPECIAL RULE FOR MODEL AIRCRAFT.—

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

SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL
KNOWLEDGE AND SAFETY.

(a) In General.—Chapter 448, as amended by sec-
tion 2129 of this Act, is further amended by inserting
after section 44808 the following:

“§ 44809. Aeronautical knowledge and safety test

“(a) In General.—An individual may not operate
an unmanned aircraft system unless—

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

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

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

“(b) Exception.—This section shall not apply to the
operation of an unmanned aircraft system that has been
authorized by the Federal Aviation Administration under
section 44802, section 44805, section 44806, or section
44807. The Administrator may waive the requirements of
this section for operators of aircraft weighing less than
0.55 pounds or for operators under the age of 13 oper-
ating the unmanned aircraft system under the supervision of an adult as determined by the Administrator.

“(c) AERONAUTICAL KNOWLEDGE AND SAFETY TEST.—Not later than 180 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration, in consultation with manufacturers of unmanned aircraft systems, other industry stakeholders, and community-based aviation organizations, shall develop an aeronautical knowledge and safety test that can be administered electronically.

“(d) REQUIREMENTS.—The Administrator shall ensure that the aeronautical knowledge and safety test is designed to adequately demonstrate an operator’s—

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

“(2) knowledge of Federal Aviation Administration regulations and requirements pertaining to the operation of an unmanned aircraft system in the national airspace system.

“(e) RECORD OF COMPLIANCE.—

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

“(A) an identification number, issued by the Federal Aviation Administration certifying passage of the aeronautical knowledge and safety test;

“(B) if the individual has authority to operate an unmanned aircraft system under other Federal law, the requisite proof of authority under that law; or

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

“(2) COORDINATION.—The Administrator may coordinate the identification number under paragraph (1)(A) with an operator’s registration number to the extent practicable.

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

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

"44809. Aeronautical knowledge and safety test."

SEC. 2131. SAFETY STATEMENTS.

(a) In General.—Chapter 448, as amended by section 2130 of this Act, is further amended by inserting after section 44809 the following:

§ 44810. Safety statements

“(a) Prohibition.—Except as provided in subsection (d), it shall be unlawful for any person to introduce or deliver for introduction into interstate commerce any unmanned aircraft manufactured on or after the date this section takes effect unless a safety statement is attached to the unmanned aircraft or accompanying the unmanned aircraft in its packaging.

“(b) Safety statement.—

“(1) In General.—Not later than 1 year after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section.

“(2) Requirements.—A safety statement described in subsection (a) shall include—

“(A) information about laws and regulations applicable to unmanned aircraft systems;
“(B) recommendations for using unmanned aircraft in a manner that promotes the safety of persons and property;

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

“(D) include language approved by the Administrator regarding the following:

“(i) A person may operate the unmanned aircraft as a model aircraft (as defined in section 44808) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of the aeronautical knowledge and safety test under section 44809.

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

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

“(iv) The Administrator of the Federal Aviation Administration may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.
“(c) CIVIL PENALTY.—A person who violates sub-
section (a) shall be liable for each violation to the United
States Government for a civil penalty described in section
46301(a).

“(d) EFFECTIVE DATE.—This section shall take ef-
fect on the date of enactment of the Federal Aviation Ad-
ministration Reauthorization Act of 2016, except that sub-
section (a) of this section shall take effect 1 year after
the date of publication of the guidance under subsection
(b).”.

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

“44810. Safety statements.”.

SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-
ATING UNDERGROUND.

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

SEC. 2133. ENFORCEMENT.

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

(b) **Civil Penalties.—**

(1) **In general.—** Section 46301 is amended—

(A) in subsection (a)(1)(A), by inserting “chapter 448,” after “chapter 447 (except sections 44717 and 44719–44723),”;

(B) in subsection (a)(5), by inserting “chapter 448,” after “chapter 447 (except sections 44717–44723),”;

(C) in subsection (d)(2), by inserting “chapter 448,” after “chapter 447 (except sections 44717 and 44719–44723),”; and

(D) in subsection (f), by inserting “chapter 448,” after “chapter 447 (except 44717 and 44719-44723),”.

(2) **Rule of construction.—** Nothing in this subsection shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this Act, a regulation prescribed or order or authority issued under this Act, or any other applicable provision of aviation safety law or regulation.
(c) REPORTING.—As part of the program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law enforcement to report a suspected abuse or a violation of chapter 448 of title 49, United States Code, for enforcement action.

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

SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERVICES DISRUPTION.

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

(1) in section 46301(d)(2), by inserting “section 46320,” after “section 46319,”; and

(2) by adding at the end the following:

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

“(a) PROHIBITION.—No person may operate an aircraft so as to interfere with firefighting, law enforcement, or emergency response activities.

“(b) DEFINITION.—For purposes of this section, an aircraft interferes with the activities specified in subsection (a) when its operation prevents the initiation of, interrupts, or endangers a person or property engaged in those activities.
“(c) Civil Penalty.—A person violating subsection (a) shall be liable for a civil penalty of not more than $20,000.

“(d) Compromise and Setoff.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from the amounts the Government owes the person liable for the penalty.”.

(b) Table of Contents.—The table of contents for chapter 463 is amended by inserting after the item relating to section 46319 the following:

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

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

(a) In General.—The Administrator of the Federal Aviation Administration shall carry out a pilot program for airspace hazard mitigation at airports and other critical infrastructure.

(b) Consultation.—In carrying out the pilot program under subsection (a), the Administrator shall work with the Secretary of Defense, Secretary of Homeland Security, and the heads of relevant Federal agencies for the purpose of ensuring technologies that are developed, tested, or deployed by those departments and agencies to mitigate threats posed by errant or hostile unmanned aircraft
system operations do not adversely impact or interfere
with safe airport operations, navigation, and air traffic
services.

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

SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY
FUNCTIONS.

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

“§ 44811. Regulatory and administrative fees

“(a) IN GENERAL.—Subject to subsection (b), the
Administrator may assess and collect regulatory and ad-
ministrative fees to recover the costs of regulatory and ad-
ministrative activities under this chapter related to au-
thorization to operate unmanned aircraft systems for com-
pensation or hire, or in the furtherance of a business en-
terprise.

“(b) LIMITATIONS.—Fees authorized under sub-
section (a) shall be reasonable, cost-based relative to the
regulatory or administrative activity, and may not be dis-
criminatory or a deterrent to compliance.
“(c) Receipts Credited to Account.—Notwithstanding section 3302 of title 31, all fees and amounts collected under this section shall be credited to the separate account established under section 45303(c). Section 41742 shall not apply to fees and amounts collected under this section.

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

(b) Table of Contents.—The table of contents for chapter 448, as amended by section 2131 of this Act, is further amended by inserting after the item relating to section 44810 the following:

“44811. Regulatory and administrative fees.”.

SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS RULEMAKING.

It is the sense of the Congress that the Administrator of the Federal Aviation Administration and Secretary of Transportation should take every necessary action to expedite final action on the notice of proposed rulemaking dated February 23, 2015 (80 Fed. Reg. 9544), entitled “Operation and Certification of Small Unmanned Aircraft Systems”.
SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.

(a) Research Plan for UTM Development.—

(1) In General.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall develop a research plan for unmanned aircraft systems traffic management (referred to in this section as “UTM”) development.

(2) Requirements.—In developing the research plan under paragraph (1), the Administrator shall—

(A) identify research goals related to:

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

(ii) avionics capability requirements or standards;

(iii) operator identification and authentication requirements and capabilities;

(iv) communication protocols with air traffic control facilities that will not interfere with existing responsibility to deconflict manned aircraft in the national airspace system;
(v) collision avoidance requirements;

(vi) separation standards for manned

and unmanned aircraft; and

(vii) spectrum needs;

(B) evaluate options for the administration

and management structure for the traffic man-

agement of low altitude operations of small un-

manned aircraft systems; and

(C) ensure the plan is consistent with the

broader Federal Aviation Administration regu-

latory and operational framework encompassing

all unmanned aircraft systems operations ex-

pected to be authorized in the national airspace

system.

(3) Assessment.—The research plan under

paragraph (1) shall include an assessment of—

(A) the ability to allow near-term small un-

manned aircraft system operations without need

of an automated UTM system;

(B) the full range of operational capability

any automated UTM system should possess;

(C) the operational characteristics and

metrics that would drive incremental adoption

of automated capability and procedures con-

sistent with a rising aggregate community de-
mand for service for low altitude operations of small unmanned aircraft systems; and

(D) the integration points for small unmanned aircraft system traffic management with the existing national airspace system planning and traffic management systems.

(4) DEADLINES.—The Administrator shall—

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

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

(i) complete the research plan;

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

(iii) publish the research plan on the Federal Aviation Administration’s Web site.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date the research plan under subsection (a) is submitted under paragraph (4)(B) of that subsection, the Administrator of the Federal Aviation Administration shall coordinate with the Administrator of the National Aeronautics and Space Ad-
ministration and the small unmanned aircraft systems industry to develop operational concepts and top-level system requirements for a UTM system pilot program, consistent with subsection (a).

(2) SOLICITATION.—The Administrator shall issue a solicitation for operational prototype systems that meet the necessary objectives for use in a pilot program to demonstrate, validate, or modify, as appropriate, the requirements developed under paragraph (1).

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 270 days after the date the pilot program under subsection (b) is complete, the Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, and in consultation with the head of each relevant Federal agency, shall develop a comprehensive plan for the deployment of UTM systems in the national airspace.

(2) SYSTEM REQUIREMENTS.—The comprehensive plan under paragraph (1) shall include requirements or standards consistent with established or planned rulemaking for, at a minimum—
(A) the flight of small unmanned aircraft systems in controlled and uncontrolled airspace;

(B) communications, as applicable—

(i) among small unmanned aircraft systems;

(ii) between small unmanned aircraft systems and manned aircraft operating in the same airspace; and

(iii) between small unmanned aircraft systems and air traffic control as considered necessary; and

(C) air traffic management for small unmanned aircraft systems operations.

(d) SYSTEM IMPLEMENTATION.—Based on the comprehensive plan under subsection (c), including the requirements under paragraph (2) of that subsection, and the pilot program under subsection (b), the Administrator shall determine the operational need and implementation schedule for evolutionary use of automation support systems to separate and deconflict manned and unmanned aircraft systems.

SEC. 2139. EMERGENCY EXEMPTION PROCESS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish guidance
for the application for and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems for emergency response operations. This guidance shall outline procedures for operations under both sections 44805 and 44807, of title 49, United States Code, with priority given to applications for public unmanned aircraft systems engaged in emergency response activities.

(b) Requirements.—In providing guidance under subsection (a), the Administrator shall—

(1) if applicable, make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight and nighttime operations; and

(2) if applicable, explicitly state the procedures for coordinating with an incident commander to ensure operations granted under procedures developed under subsection (a) do not interfere with manned emergency response operations or otherwise impact response efforts.

SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERNMENTS.

(a) Public UAS Operations by Tribal Governments.—Section 40102(a)(41) is amended by adding at the end the following:
“(F) An unmanned aircraft that is owned and operated by or exclusively leased for at least 90 consecutive days by an Indian tribal government (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), except as provided in section 40125(b).”.

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

PART III—TRANSITION AND SAVINGS

PROVISIONS

SEC. 2141. SENIOR ADVISOR FOR UNMANNED AIRCRAFT SYSTEMS INTEGRATION.

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

(b) QUALIFICATIONS.—The Senior Advisor for Unmanned Aircraft Systems Integration shall have a demonstrated ability in management and knowledge of or experience in aviation.

(c) RESPONSIBILITIES.—Unless otherwise determined by the Administrator of the Federal Aviation Administration—
(1) the Senior Advisor shall report directly to
the Deputy Administrator of the Federal Aviation
Administration; and

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

(A) Providing advice to the Administrator
and Deputy Administrator related to the inte-
gration of unmanned aircraft systems into the
national airspace system.

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

(C) Facilitating coordination and collabor-
ation among components of the Federal Avia-
tion Administration with respect to activities re-
lated to unmanned aircraft systems integration.

(D) Interacting with Congress, and Fed-
eral, State, or local agencies, and stakeholder
organizations whose operations and interests
are affected by the activities of the Federal
Aviation Administration on matters related to
unmanned aircraft systems integration.
SEC. 2142. EFFECT ON OTHER LAWS.

(a) Federal Preemption.—No State or political subdivision of a State may enact or enforce any law, regulation, or other provision having the force and effect of law relating to the design, manufacture, testing, licensing, registration, certification, operation, or maintenance of an unmanned aircraft system, including airspace, altitude, flight paths, equipment or technology requirements, purpose of operations, and pilot, operator, and observer qualifications, training, and certification.

(b) Preservation of State and Local Authority.—Nothing in this subtitle shall be construed to limit a State or local government’s authority to enforce Federal, State, or local laws relating to nuisance, voyeurism, privacy, data security, harassment, reckless endangerment, wrongful death, personal injury, property damage, or other illegal acts arising from the use of unmanned aircraft systems if such laws are not specifically related to the use of an unmanned aircraft system.

(c) No Preemption of Common Law or Statutory Causes of Action.—Nothing in this subtitle, nor any standard, rule, requirement, standard of performance, safety determination, or certification implemented pursuant to this subtitle, shall be construed to preempt, displace, or supplant any State or Federal common law rights or any State or Federal statute creating a remedy for civil
relief, including those for civil damage, or a penalty for a criminal conduct. Notwithstanding any other provision of this subtitle, nothing in this subtitle, nor any amendments made by this subtitle, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory of liability under any State law, maritime law, or Federal common law or statutory theory.

SEC. 2143. SPECTRUM.

(a) In General.—Small unmanned aircraft systems may operate wireless control link, tracking, diagnostics, payload communication, and collaborative-collision avoidance, such as vehicle-to-vehicle communication, and other uses, if permitted by and consistent with the Communications Act of 1934 (47 U.S.C. 151 et seq.), Federal Communications Commission rules, and the safety-of-life determination made by the Federal Aviation Administration, and with carrier consent, whether they are operating within the UTM system under section 2138 of this Act or outside such a system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, the National Telecommunications and Information Administration, and the Federal
Communications Commission, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report—

(1) on whether small unmanned aircraft systems operations should be permitted to operate on spectrum designated for aviation use, on an unlicensed, shared, or exclusive basis, for operations within the UTM system or outside of such a system;

(2) that addresses any technological, statutory, regulatory, and operational barriers to use of such spectrum; and

(3) that, if it is determined that spectrum designated for aviation use is not suitable for operations by small unmanned aircraft systems, includes recommendations of other spectrum frequencies that may be appropriate for such operations.

SEC. 2144. APPLICATIONS FOR DESIGNATION.

(a) Applications for Designation.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or otherwise
limit the operation of an aircraft, including an unmanned aircraft, over a fixed site facility.

(b) **Review Process.**—

(1) **Application Procedures.**—

(A) **In General.**—The Administrator shall establish the procedures for the application for designation under subsection (a).

(B) **Requirements.**—The procedures shall—

(i) allow individual fixed site facility applications; and

(ii) allow for a group of similar facilities to apply for a collective designation.

(C) **Considerations.**—In establishing the procedures, the Administrator shall consider how the process will apply to—

(i) critical infrastructure;

(ii) oil refineries and chemical facilities;

(iii) amusement parks; and

(iv) other locations that may benefit from such restrictions.

(2) **Determination.**—

(A) **In General.**—The Secretary shall provide for a determination under the review
process established under subsection (a) not later than 90 days from the date of application, unless the applicant is provided with written notice describing the reason for the delay.

(B) AFFIRMATIVE DESIGNATIONS.—An affirmative designation shall outline—

(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

(ii) such other limitations that the Administrator determines may be appropriate.

(C) CONSIDERATIONS.—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

(i) aviation safety;

(ii) personal safety of the uninvolved public;

(iii) national security; or

(iv) homeland security.

(D) OPPORTUNITY FOR RESUBMISSION.—

If an application is denied and the applicant can reasonably address the reason for the de-
nial, the Administrator may allow the applicant
to reapply for designation.
(c) PUBLIC INFORMATION.—Designations under sub-
section (a) shall be published by the Federal Aviation Ad-
ministration on a publicly accessible website.

SEC. 2145. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-
STITUTIONS OF HIGHER EDUCATION.
(a) IN GENERAL.—Not later than 270 days after the
date of enactment of this Act, the Administrator of the
Federal Aviation Administration shall establish procedures
and standards, as applicable, to streamline applications
for the safe operation of unmanned aircraft systems at
institutions of higher education in an academic setting.
(b) STANDARDS.—The standards required under sub-
section (a) shall outline risk-based operational parameters
to ensure the safety of the national airspace system and
the uninvolved public that facilitates the use of unmanned
aircraft systems for the following purposes:
(1) Instruction of students at the institution of
higher education.
(2) Activities undertaken by the institution as
part of research projects, including research projects
sponsored by the Federal Government.
(3) Other academic activities at the institution, including general research, engineering, robotics, and data collection.

(c) Procedures.—The Administrator shall outline a procedure to provide for streamlined, risk-based operational approval for unmanned aircraft systems operated at the institution of higher education in an academic setting outside of the parameters or purposes set forth in subsection (b).

(d) Definitions.—In this section:

(1) Institution of Higher Education.—The term “institution of higher education” has the meaning given that term by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) Unmanned Aircraft System.—The term “unmanned aircraft system” has the meaning given the term in section 44801 of title 49, United States Code, as added by section 2121 of this Act.

SEC. 2146. TRANSITION LANGUAGE.

(a) Regulations.—Notwithstanding the repeals under sections 2122(b)(2), 2125(b)(2), 2126(b)(2), 2128(b)(2), and 2129(b)(2) of this Act, all orders, determinations, rules, regulations, permits, grants, and contracts, which have been issued under any law described under subsection (b) of this section on or before the effec-
tive date of this Act shall continue in effect until modified or revoked by the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, as applicable, by a court of competent jurisdiction, or by operation of law other than this Act.

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

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

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


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

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

SEC. 2211. DEFINITIONS.

In this subtitle:
(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Safety Oversight and Certification Advisory Committee established under section 2212.

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

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

(5) **SYSTEMS SAFETY APPROACH.**—The term “systems safety approach” means the application of specialized technical and managerial skills to the systematic, forward-looking identification and control of hazards throughout the lifecycle of a project, program, or activity.

**SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVISORY COMMITTEE.**

(a) **Establishment.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a Safety Oversight and Certification Advisory Committee in accordance with this section.

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

(1) Aircraft and flight standards certification processes, including efforts to streamline those processes.

(2) Implementation and oversight of safety management systems.

(3) Risk-based oversight efforts.

(4) Utilization of delegation and designation authorities, including organization designation authorization.

(5) Regulatory interpretation standardization efforts.

(6) Training programs.

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

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

(c) FUNCTIONS.—In carrying out its duties under subsection (b) related to FAA safety oversight and certification programs and activities, the Advisory Committee shall—
(1) foster aviation stakeholder collaboration in an open and transparent manner;

(2) consult with, and ensure participation by—

(A) the private sector, including representatives of—

(i) general aviation;

(ii) commercial aviation;

(iii) aviation labor;

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

(v) unmanned aircraft systems industry; and

(B) the public;

(3) recommend consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective safety oversight and certification processes in order to maintain the safety of the aviation system while allowing the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace;

(4) provide policy recommendations for the FAA’s safety oversight and certification efforts;
(5) periodically review and provide recommendations regarding the FAA’s safety oversight and certification efforts;

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

(7) provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment;

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

(9) recommend performance metrics for the FAA and the aviation industry to be tracked and reviewed as streamlining certification reform, flight standards reform, and regulation standardization efforts progress;

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

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

(12) provide advice and recommendations to the FAA on how to prioritize safety rulemaking projects;
(13) improve the development of FAA regulations by providing information, advice, and recommendations related to aviation issues;
(14) encourage the validation of U.S. manufactured and FAA type-certificate aircraft products and services throughout the world; and
(15) any other functions as determined appropriate by the chairperson of the Advisory Committee and the Administrator.

(d) MEMBERSHIP.—

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

(A) The Administrator, or the Administrator’s designee.

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

(i) Aircraft and engine manufacturers.

(ii) Avionics and equipment manufacturers.

(iii) Aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers.

(iv) General aviation operators.
(v) Air carriers.

(vi) Business aviation operators.

(vii) Unmanned aircraft systems manufacturers and operators.

(viii) Aviation safety management experts.

(2) NONVOTING MEMBERS.—

(A) IN GENERAL.—In addition to the members appointed under paragraph (1), the Advisory Committee shall be composed of nonvoting members appointed by the Secretary from among individuals representing FAA safety oversight program offices.

(B) DUTIES.—A nonvoting member may—

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

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

(C) LIMITATION.—A nonvoting member may not represent any stakeholder interest other than that of an FAA safety oversight program office.
(3) **TERMS.**—Each voting member and non-voting member of the Advisory Committee shall be appointed for a term of 2 years.

(4) **RULE OF CONSTRUCTION.**—Public Law 104–65 (2 U.S.C. 1601 et seq.) may not be construed to prohibit or otherwise limit the appointment of any individual as a member of the Advisory Committee.

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

(1) Each voting member under subsection (d)(1)(B) shall be an executive that has decision authority within the member’s organization and can represent and enter into commitments on behalf of that organization in a way that serves the entire group of organizations that member represents under that subsection.

(2) The ability to obtain necessary information from experts in the aviation and aerospace communities.

(3) A membership size that enables the Advisory Committee to have substantive discussions and reach consensus on issues in an expeditious manner.

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

(f) Chairperson.—

(1) In general.—The chairperson of the Advisory Committee shall be appointed by the Secretary from among the voting members under subsection (d)(1)(B).

(2) Term.—Each member appointed under paragraph (1) shall serve a term of 2 years as chairperson.

(g) Meetings.—

(1) Frequency.—The Advisory Committee shall convene at least 2 meetings a year at the call of the chairperson.

(2) Public attendance.—Each meeting of the Advisory Committee shall be open and accessible to the public.

(h) Special Committees.—

(1) Establishment.—The Advisory Committee may establish 1 or more special committees composed of private sector representatives, members of the public, labor representatives, and other relevant parties in complying with consultation and participation requirements under subsection (c)(2).
(2) Rulemaking Advice.—A special committee established by the Advisory Committee may—

(A) provide rulemaking advice and recommendations to the Advisory Committee;

(B) provide the FAA additional opportunities to obtain firsthand information and insight from those persons that are most affected by existing and proposed regulations; and

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

(3) Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a special committee under this subsection.

(i) Sunset.—The Advisory Committee shall cease to exist on September 30, 2017.

PART II—AIRCRAFT CERTIFICATION REFORM

SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OBJECTIVES AND METRICS.

(a) In General.—Not later than 120 days after the date the Advisory Committee is established under section 2212, the Administrator shall establish performance objectives and apply and track performance metrics for the
FAA and the aviation industry relating to aircraft certification in accordance with this section.

(b) **COLLABORATION.**—The Administrator shall carry out this section in collaboration with the Advisory Committee and update agency performance objectives and metrics after considering the proposals recommended by the Advisory Committee under paragraphs (8) and (9) of section 2212(c).

(c) **PERFORMANCE OBJECTIVES.**—In establishing performance objectives under subsection (a), the Administrator shall ensure progress is made toward, at a minimum—

(1) eliminating certification delays and improving cycle times;

(2) increasing accountability for both FAA and the aviation industry;

(3) achieving full utilization of FAA delegation and designation authorities, including organizational designation authorization;

(4) fully implementing risk management principles and a systems safety approach;

(5) reducing duplication of effort;

(6) increasing transparency;
(7) developing and providing training, including recurrent training, in auditing and a systems safety approach to certification oversight;

(8) improving the process for approving or accepting the certification actions between the FAA and bilateral partners;

(9) maintaining and improving safety;

(10) streamlining the hiring process for—

(A) qualified systems safety engineers at staffing levels to support the FAA’s efforts to implement a systems safety approach; and

(B) qualified systems safety engineers to guide the engineering of complex systems within the FAA; and

(11) maintaining the leadership of the United States in international aviation and aerospace.

(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall—

(1) apply and track performance metrics for the FAA and the aviation industry; and

(2) transmit to the appropriate committees of Congress an annual report on tracking the progress toward full implementation of the recommendations under section 2212.

(e) DATA.—
(1) BASELINES.—Not later than 1 year after the date the Advisory Committee recommends initial performance metrics under section 2212(c)(9), the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked under this section.

(2) BENCHMARKS.—The Administrator shall use the performance metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the consensus national goals, strategic objectives, and priorities recommended under section 2212(c)(3).

(f) PUBLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall make data generated using the performance metrics applied and tracked under this section available in a searchable, sortable, and downloadable format through the Internet Web site of the FAA or other appropriate methods.

(2) LIMITATIONS.—The Administrator shall make the data under paragraph (1) available in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and
(B) protects from inappropriate disclosure proprietary information.

SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.

(a) In General.—Chapter 447 is amended by adding at the end the following:

“§ 44736. Organization designation authorizations

“(a) Delegations of Functions.—

“(1) In General.—Except as provided in paragraph (3), in the oversight of an ODA holder, the Administrator of the Federal Aviation Administration, in accordance with Federal Aviation Administration standards, shall—

“(A) require, based on an application submitted by the ODA holder and approved by the Administrator (or the Administrator’s designee), a procedures manual that addresses all procedures and limitations regarding the specified functions to be performed by the ODA holder subject to regulations prescribed by the Administrator;

“(B) delegate fully to the ODA holder each of the functions specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the
public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions; and

“(C) conduct oversight activities, including by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

“(2) DUTIES OF ODA HOLDERS.—An ODA holder shall—

“(A) perform each specified function delegated to the ODA holder in accordance with the approved procedures manual for the delegation;

“(B) make the procedures manual available to each member of the appropriate ODA unit; and

“(C) cooperate fully with oversight activities conducted by the Administrator in connection with the delegation.

“(3) EXISTING ODA HOLDERS.—With regard to an ODA holder operating under a procedures manual approved by the Administrator before the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall—
“(A) at the request of the ODA holder, and in an expeditious manner, consider revisions to the ODA holder’s procedures manual;

“(B) delegate fully to the ODA holder each of the functions specified in the procedures manual, unless the Administrator determines, after the date of the delegation and as a result of an inspection or other investigation, that the public interest and safety of air commerce requires a limitation with respect to 1 or more of the functions; and

“(C) conduct oversight activities, including by inspecting the ODA holder’s delegated functions and taking action based on validated inspection findings.

“(b) ODA Office.—

“(1) Establishment.—Not later than 120 days after the date of enactment of Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall identify, within the Office of Aviation Safety, a centralized policy office to be responsible for the organization designation authorization (referred to in this subsection as the ODA Office). The Director of the ODA Office shall report to the Director of the Aircraft Certification Service.
“(2) PURPOSE.—The purpose of the ODA Office shall be to provide oversight and ensure consistency of the Federal Aviation Administration audit functions under the ODA program across the agency.

“(3) FUNCTIONS.—The ODA Office shall—

“(A) improve the Administration and the ODA holder performance and ensure full use of the authorities delegated under the ODA program;

“(B) develop a more consistent approach to audit priorities, procedures, and training under the ODA program;

“(C) expeditiously review a random sample of limitations on delegated authorities under the ODA program to determine if the limitations are appropriate; and

“(D) ensure national consistency in the interpretation and application of the requirements of the ODA program and in the performance of the ODA program.

“(c) DEFINITIONS.—In this section:

“(1) ODA OR ORGANIZATION DESIGNATION AUTHORIZATION.—The term ‘ODA’ or ‘organization designation authorization’ means an authorization
under section 44702(d) to perform approved func-
tions on behalf of the Administrator of the Federal
Aviation Administration under subpart D of part

“(2) ODA HOLDER.—The term ‘ODA holder’
means an entity authorized under section
44702(d)—

“(A) to which the Administrator of the
Federal Aviation Administration issues an ODA
letter of designation under subpart D of part
183 of title 14, Code of Federal Regulations (or
any corresponding similar regulation or ruling);
and

“(B) that is responsible for administering
1 or more ODA units.

“(3) ODA PROGRAM.—The term ‘ODA pro-
gram’ means the program to standardize Federal
Aviation Administration management and oversight
of the organizations that are approved to perform
certain functions on behalf of the Administration
under section 44702(d).

“(4) ODA UNIT.—The term ‘ODA unit’ means
a group of 2 or more individuals under the super-
vision of an ODA holder who perform the specified
functions under an ODA.
“(5) ORGANIZATION.—The term ‘organization’ means a firm, a partnership, a corporation, a company, an association, a joint-stock association, or a governmental entity.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
The table of contents of chapter 447 is amended by adding after the item relating to section 44735 the following:

“44736. Organization designation authorizations.”.

SEC. 2223. ODA REVIEW.

(a) EXPERT REVIEW PANEL.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator of the FAA shall convene a multidisciplinary expert review panel (referred to in this section as the “Panel”).

(2) COMPOSITION.—

(A) IN GENERAL.—The Panel shall be composed of not more than 20 members appointed by the Administrator.

(B) QUALIFICATIONS.—The members appointed to the Panel shall—

(i) each have a minimum of 5 years of experience in processes and procedures under the ODA program; and

(ii) include representatives of ODA holders, aviation manufacturers, safety ex-
perts, and FAA labor organizations, in-
cluding labor representatives of FAA avia-
tion safety inspectors and aviation safety
engineers.

(b) SURVEY.—The Panel shall survey ODA holders
and ODA program applicants to document FAA safety
oversight and certification programs and activities, includ-
ing the FAA’s use of the ODA program and the speed
and efficiency of the certification process. In carrying out
this subsection, the Administrator shall consult with the
appropriate survey experts and the Panel to best design
and conduct the survey.

c) ASSESSMENT.—The Panel shall—

(1) conduct an assessment of—

(A) the FAA’s processes and procedures
under the ODA program and whether the proc-
esses and procedures function as intended;

(B) the best practices of and lessons
learned by ODA holders and the FAA personnel
who provide oversight of ODA holders;

(C) the performance incentive policies, re-
lated to the ODA program for FAA personnel,
that do not conflict with the public interest;
(D) the training activities related to the ODA program for FAA personnel and ODA holders; and

(E) the impact, if any, that oversight of the ODA program has on FAA resources and the FAA’s ability to process applications for certifications outside of the ODA program; and

(2) make recommendations for improving FAA safety oversight and certification programs and activities based on the results of the survey under subsection (b) and each element of the assessment under paragraph (1) of this subsection.

(d) REPORT.—Not later than 180 days after the date the Panel is convened under subsection (a), the Panel shall submit to the Administrator, the Advisory Committee established under section 2212, and the appropriate committees of Congress a report on results of the survey under subsection (b) and the assessment and recommendations under subsection (c).

(e) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 44736 of title 49, United States Code.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.
(g) **Sunset.**—The Panel shall terminate on the date the report is submitted under subsection (d).

**SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

(a) **In General.**—Section 44704(a) is amended by adding at the end the following:

“(6) **Type certification resolution process.**—

“(A) **In General.**—Not later than 15 months after the date of enactment of Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall establish an effective, expeditious, and milestone-based issue resolution process for type certification activities under this subsection.

“(B) **Process requirements.**—The resolution process shall provide for—

“(i) the resolution of technical issues at pre-established stages of the certification process, as agreed to by the Administrator and the type certificate applicant;

“(ii) the automatic escalation to appropriate management personnel of the Federal Aviation Administration and the type certificate applicant of any major certification process milestone that is not
completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant; and

“(iii) the resolution of a major certification process milestone escalated under clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant.

“(C) Definition of Major Certification Process Milestone.—In this paragraph, the term ‘major certification process milestone’ means a milestone related to a type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.”.

(b) Technical and Conforming Amendments.—Section 44704 is amended in the heading by striking “airworthiness certificates,” and inserting “airworthiness certificates,”.
SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL GENERAL AVIATION AIRPLANES.

(a) Policy.—In a manner consistent with the Small Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note), not later than 180 days after the date of enactment of this Act, the Administrator shall establish and begin implementing a risk-based policy that streamlines the installation of safety enhancing technologies for small general aviation airplanes in a manner that reduces regulatory delays and significantly improves safety.

(b) Inclusions.—The safety enhancing technologies for small general aviation airplanes described in subsection (a) shall include, at a minimum, the replacement or retrofit of primary flight displays, auto pilots, engine monitors, and navigation equipment.

(c) Collaboration.—In carrying out this section, the Administrator shall collaborate with general aviation operators, general aviation manufacturers, and appropriate FAA labor organizations, including representatives of FAA aviation safety inspectors and aviation safety engineers, certified under section 7111 of title 5, United States Code.

(d) Definition of Small General Aviation Airplane.—In this section, the term “small general aviation airplane” means an airplane that—
(1) is certified to the standards of part 23 of title 14, Code of Federal Regulations;

(2) has a seating capacity of not more than 9 passengers; and

(3) is not used in scheduled passenger-carrying operations under part 121 of title 14, Code of Federal Regulations.

SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GENERAL AVIATION AIRPLANES.

(a) Final Rulemaking.—Not later than December 31, 2016, the Administrator shall issue a final rulemaking to comply with section 3 of the Small Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note).

(b) Government Review.—The Federal Government’s review process shall be streamlined to meet the deadline in subsection (a).

PART III—FLIGHT STANDARDS REFORM

SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJECTIVES AND METRICS.

(a) In General.—Not later than 120 days after the date the Advisory Committee is established under section 2212, the Administrator shall establish performance objectives and apply and track performance metrics for the FAA and the aviation industry relating to flight standards activities in accordance with this section.
(b) COLLABORATION.—The Administrator shall carry out this section in collaboration with the Advisory Committee and update agency performance objectives and metrics after considering the recommendations of the Advisory Committee under paragraphs (8) and (9) of section 2212(c).

(c) PERFORMANCE OBJECTIVES.—In carrying out subsection (a), the Administrator shall ensure that progress is made toward, at a minimum—

(1) eliminating delays with respect to such activities;

(2) increasing accountability for both FAA and the aviation industry;

(3) fully implementing risk management principles and a systems safety approach;

(4) reducing duplication of effort;

(5) promoting appropriate compliance activities and eliminating inconsistent regulatory interpretations and inconsistent enforcement activities;

(6) improving and providing greater opportunities for training, including recurrent training, in auditing and a systems safety approach to oversight;

(7) developing and allowing the use of a single master source for guidance;
(8) providing and using a streamlined appeal process for the resolution of regulatory interpretation questions;

(9) maintaining and improving safety; and

(10) increasing transparency.

(d) PERFORMANCE METRICS.—In carrying out subsection (a), the Administrator shall—

(1) apply and track performance metrics for the FAA and the aviation industry; and

(2) transmit to the appropriate committees of Congress an annual report tracking the progress toward full implementation of the performance metrics under section 2212.

(e) DATA.—

(1) BASELINES.—Not later than 1 year after the date the Advisory Committee recommends initial performance metrics under section 2212(c)(9), the Administrator shall generate initial data with respect to each of the performance metrics applied and tracked that are approved based on the recommendations required under this section.

(2) BENCHMARKS.—The Administrator shall use the performance metrics applied and tracked under this section to generate data on an ongoing basis and to measure progress toward the consensus
national goals, strategic objectives, and priorities recommended under section 2212(c)(3).

(f) Publication.—

(1) In general.—Subject to paragraph (2), the Administrator shall make data generated using the performance metrics applied and tracked under this section available in a searchable, sortable, and downloadable format through the Internet Web site of the FAA or other appropriate methods.

(2) Limitations.—The Administrator shall make the data under paragraph (1) available in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) protects from inappropriate disclosure proprietary information.

SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS REFORM.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish the FAA Task Force on Flight Standards Reform (referred to in this section as the “Task Force”).

(b) Membership.—

(1) Appointment.—The membership of the Task Force shall be appointed by the Administrator.
(2) NUMBER.—The Task Force shall be composed of not more than 20 members.

(3) REPRESENTATION REQUIREMENTS.—The membership of the Task Force shall include representatives, with knowledge of flight standards regulatory processes and requirements, of—

(A) air carriers;

(B) general aviation;

(C) business aviation;

(D) repair stations;

(E) unmanned aircraft systems operators;

(F) flight schools;

(G) labor unions, including those representing FAA aviation safety inspectors and those representing FAA aviation safety engineers; and

(H) aviation safety experts.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, identifying cost-effective best practices and providing recommendations with respect to—

(1) simplifying and streamlining flight standards regulatory processes;

(2) reorganizing the Flight Standards Service to establish an entity organized by function rather than geographic region, if appropriate;
(3) FAA aviation safety inspector training opportunities;

(4) FAA aviation safety inspector standards and performance; and

(5) achieving, across the FAA, consistent—

(A) regulatory interpretations; and

(B) application of oversight activities.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to the Administrator, Advisory Committee established under section 2212, and appropriate committees of Congress a report detailing—

(1) the best practices identified and recommendations provided by the Task Force under subsection (c); and

(2) any recommendations of the Task Force for additional regulatory action or cost-effective legislative action.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(f) SUNSET.—The Task Force shall cease to exist on the date that the Task Force submits the report required under subsection (d).
SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.

(a) Establishment.—Not later than 1 year after the date of enactment of this Act, the Administrator of the FAA shall establish a centralized safety guidance database for all of the regulatory guidance issued by the FAA Office of Aviation Safety regarding compliance with 1 or more aviation safety-related provisions of the Code of Federal Regulations.

(b) Requirements.—The database under subsection (a) shall—

(1) for each guidance, include a link to the specific provision of the Code of Federal Regulations;

(2) subject to paragraph (3), be accessible to the public; and

(3) be provided in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) protects from inappropriate disclosure proprietary information.

(c) Data Entry Timing.—

(1) Existing Documents.—Not later than 14 months after the date the database is established, the Administrator shall have completed entering into the database any applicable regulatory guidance that are in effect and were issued before that date.
(2) New Regulatory Guidance and Updates.—Beginning on the date the database is established, the Administrator shall ensure that any applicable regulatory guidance that are issued on or after that date are entered into the database as they are issued.

(d) Consultation Requirement.—In establishing the database under subsection (a), the Administrator shall consult and collaborate with appropriate stakeholders, including labor organizations (including those representing aviation workers, FAA aviation safety engineers, and FAA aviation safety inspectors) and aviation industry stakeholders.

(e) Definition of Regulatory Guidance.—In this section, the term “regulatory guidance” means all forms of written information issued by the FAA that an individual or entity may use to interpret or apply FAA regulations and requirements, including information an individual or entity may use to determine acceptable means of compliance with such regulations and requirements, such as an order, manual, circular, policy statement, legal interpretation memorandum, and rulemaking documents.
SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS BOARD.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Administrator of the FAA shall establish a Regulatory Consistency Communications Board (referred to in this section as the “Board”).

(b) Consultation Requirement.—In establishing the Board, the Administrator shall consult and collaborate with appropriate stakeholders, including FAA labor organizations (including labor organizations representing FAA aviation safety inspectors and labor organizations representing FAA aviation safety engineers) and aviation industry stakeholders.

(c) Membership.—The Board shall be composed of FAA representatives, appointed by the Administrator, from—

(1) the Flight Standards Service;

(2) the Aircraft Certification Service; and

(3) the Office of the Chief Counsel.

(d) Functions.—The Board shall carry out the following functions:

(1) Recommend, at a minimum, processes by which—
(A) FAA personnel and persons regulated by the FAA may submit regulatory interpretation questions without fear of retaliation;

(B) FAA personnel may submit written questions as to whether a previous approval or regulatory interpretation issued by FAA personnel in another office or region is correct or incorrect; and

(C) any other person may submit anonymous regulatory interpretation questions.

(2) Meet on a regular basis to discuss and resolve questions submitted under paragraph (1) and the appropriate application of regulations and policy with respect to each question.

(3) Provide to a person that submitted a question under subparagraph (A) or subparagraph (B) of paragraph (1) an expeditious written response to the question.

(4) Recommend a process to make the resolution of common regulatory interpretation questions publicly available to FAA personnel and the public in a manner that—

(A) does not reveal any identifying data of the person that submitted a question; and

(B) protects any proprietary information.
(5) Ensure that responses to questions under this subsection are incorporated into regulatory guidance (as defined in section 2233(e)).

(e) Performance Metrics, Timelines, and Goals.—Not later than 180 days after the date that the Advisory Committee recommends performance objectives and performance metrics for the FAA and the aviation industry under paragraphs (8) and (9) of section 2212(c), the Administrator, in collaboration with the Advisory Committee, shall—

(1) establish performance metrics, timelines, and goals to measure the progress of the Board in resolving regulatory interpretation questions submitted under subsection (d)(1); and

(2) implement a process for tracking the progress of the Board in meeting the performance metrics, timelines, and goals under paragraph (1).

SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT FEASIBILITY REPORT.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with relevant industry stakeholders, shall—

(1) determine the feasibility of realigning flight standards service regional field offices to specialized
areas of aviation safety oversight and technical expertise; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1).

(b) CONSIDERATIONS.—In making a determination under subsection (a), the Administrator shall consider a flight standards service regional field office providing support in the area of its technical expertise to flight standards district offices and certificate management offices.

SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator may enter into a reimbursable agreement with an applicant or certificate-holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval.

(b) CONDITIONS.—The Administrator may enter into an agreement under subsection (a) only if—

(1) the travel covered under the agreement is determined to be necessary, by both the Administrator and the applicant or certificate-holder, to ex-
pedite the acceptance or validation of the relevant
certificate or approval;

(2) the travel is conducted at the request of the
applicant or certificate-holder;

(3) the travel plans and expenses are approved
by the applicant or certificate-holder prior to travel;
and

(4) the agreement requires payment in advance
of FAA services and is consistent with the processes
under section 106(l)(6) of title 49, United States
Code.

(c) REPORT.—Not later than 2 years after the date
of enactment of this Act, the Administrator shall submit
to the appropriate committees of Congress a report on—

(1) the number of occasions on which the Ad-
ministrator entered into reimbursable agreements
under this section;

(2) the number of occasions on which the Ad-
ministrator declined a request by an applicant or
certificate-holder to enter into a reimbursable agree-
ment under this section;

(3) the amount of reimbursements collected in
accordance with agreements under this section; and

(4) the extent to which reimbursable agree-
ments under this section assisted in reducing the
amount of time necessary for foreign authorities’ validations of FAA certificates and design approvals.

(d) DEFINITIONS.—In this section:

(1) APPLICANT.—The term “applicant” means a person that has applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval.

(2) CERTIFICATE-HOLDER.—The term “certificate-holder” means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

PART IV—SAFETY WORKFORCE

SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.

(a) SAFETY WORKFORCE TRAINING STRATEGY.—Not later than 60 days after the date of enactment of this Act, the Administrator of the FAA shall review and revise its safety workforce training strategy to ensure that it—

(1) aligns with an effective risk-based approach to safety oversight;

(2) best utilizes available resources;

(3) allows FAA employees participating in organization management teams or conducting ODA program audits to complete, expeditiously, appropriate training, including recurrent training, in auditing and a systems safety approach to oversight;
(4) seeks knowledge-sharing opportunities between the FAA and the aviation industry in new technologies, best practices, and other areas of interest related to safety oversight;

(5) fosters an inspector and engineer workforce that has the skills and training necessary to improve risk-based approaches that focus on requirements management and auditing skills; and

(6) includes, as appropriate, milestones and metrics for meeting the requirements of paragraphs (1) through (5).

(b) Report.—Not later that 270 days after the date the strategy is established under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report on the implementation of the strategy and progress in meeting any milestones or metrics included in the strategy.

(c) Definitions.—In this section:

(1) ODA holder.—The term “ODA holder” has the meaning given the term in section 44736 of title 49, United States Code.

(2) ODA program.—The term “ODA program” means the program to standardize FAA oversight of the organizations that are approved to per-
form certain functions on behalf of the FAA under section 44702(d) of title 49, United States Code.

(3) Organization Management Team.—The term “organization management team” means a group of FAA employees consisting of FAA aviation safety engineers, flight test pilots, and aviation safety inspectors overseeing an ODA holder and its specified function delegated under section 44702.

SEC. 2242. WORKFORCE STUDY.

(a) Workforce Study.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study to assess the workforce and training needs of the Office of Aviation Safety of the Federal Aviation Administration and taking into consideration how those needs could be met.

(b) Contents.—The study under subsection (a) shall include—

(1) a review of the current staffing levels and requirements for hiring and training, including recurrent training, of aviation safety inspectors and aviation safety engineers;

(2) an analysis of the skills and qualifications required of aviation safety inspectors and aviation safety engineers for successful performance in the
current and future projected aviation safety regulatory environment, including an analysis of the need for a systems engineering discipline within the Federal Aviation Administration to guide the engineering of complex systems, with an emphasis on auditing an ODA holder (as defined in section 44736(c) of title 49, United States Code);

(3) a review of current performance incentive policies of the Federal Aviation Administration, as applied to the Office of Aviation Safety, including awards for performance;

(4) an analysis of ways the Federal Aviation Administration can work with the aviation industry and FAA labor force to establish knowledge-sharing opportunities between the Federal Aviation Administration and the aviation industry in new technologies, best practices, and other areas that could improve the aviation safety regulatory system; and

(5) recommendations on the best and most cost-effective approaches to address the needs of the current and future projected aviation safety regulatory system, including qualifications, training programs, and performance incentives for relevant agency personnel.
(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study required under subsection (a).

PART V—INTERNATIONAL AVIATION

SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.

Section 40104 is amended by adding at the end the following:

“(d) PROMOTION OF UNITED STATES AEROSPACE STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The Secretary shall take appropriate actions—

“(1) to promote United States aerospace-related safety standards abroad;

“(2) to facilitate and vigorously defend approvals of United States aerospace products and services abroad;

“(3) with respect to bilateral partners, to use bilateral safety agreements and other mechanisms to improve validation of United States type certificated aeronautical products and services and enhance mutual acceptance in order to eliminate redundancies and unnecessary costs; and
“(4) with respect to the aeronautical safety authorities of a foreign country, to streamline that country’s validation of United States aerospace standards, products, and services.”.

SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.

Section 44701(e) is amended by adding at the end the following:

“(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

“(A) ACCEPTANCE.—The Administrator shall accept an airworthiness directive (as defined in section 39.3 of title 14, Code of Federal Regulations) issued by an aeronautical safety authority of a foreign country, and leverage that aeronautical safety authority’s regulatory process, if—

“(i) the country is the state of design for the product that is the subject of the airworthiness directive;

“(ii) the United States has a bilateral safety agreement relating to aircraft certification with the country;

“(iii) as part of the bilateral safety agreement with the country, the Administrator has determined that the aero-
nautical safety authority has an aircraft
certification system relating to safety that
produces a level of safety equivalent to the
level produced by the system of the Fed-
eral Aviation Administration; and

“(iv) the aeronautical safety authority
utilizes an open and transparent public no-
tice and comment process in the issuance
of airworthiness directives.

“(B) ALTERNATIVE APPROVAL PROCESS.—
Notwithstanding subparagraph (A), the Admin-
istrator may issue a Federal Aviation Adminis-
tration airworthiness directive instead of accept-
ing the airworthiness directive issued by the
aeronautical safety authority of a foreign coun-
try if the Administrator determines that such
issuance is necessary for safety or operational
reasons due to the complexity or unique fea-
tures of the Federal Aviation Administration
airworthiness directive or the United States
aviation system.

“(C) ALTERNATIVE MEANS OF COMPLI-
ANCE.—The Administrator may—

“(i) accept an alternative means of
compliance, with respect to an airworthi-
ness directive under subparagraph (A),
that was approved by the aeronautical
safety authority of the foreign country that
issued the airworthiness directive; or

“(ii) notwithstanding subparagraph
(A), and at the request of any person af-
fected by an airworthiness directive under
that subparagraph, the Administrator may
approve an alternative means of compli-
ance with respect to the airworthiness di-
rective.”.

SEC. 2253. FAA LEADERSHIP ABROAD.

(a) IN GENERAL.—To promote United States aero-
space safety standards, reduce redundant regulatory activ-
ity, and facilitate acceptance of FAA design and produc-
tion approvals abroad, the Administrator shall—

(1) attain greater expertise in issues related to
dispute resolution, intellectual property, and export
control laws to better support FAA certification and
other aerospace regulatory activities abroad;

(2) work with United States companies to more
accurately track the amount of time it takes foreign
authorities, including bilateral partners, to validate
United States type certificated aeronautical prod-
ucts;
(3) provide assistance to United States companies who have experienced significantly long foreign validation wait times;

(4) work with foreign authorities, including bilateral partners, to collect and analyze data to determine the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA;

(5) establish appropriate benchmarks and metrics to measure the success of bilateral aviation safety agreements and to reduce the validation time for United States type certificated aeronautical products abroad; and

(6) work with foreign authorities, including bilateral partners, to improve the timeliness of the acceptance and validation of FAA design and production approvals by foreign authorities and the acceptance and validation of foreign-certified products by the FAA.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) describes the Administrator’s strategic plan for international engagement;
(2) describes the structure and responsibilities of all FAA offices that have international responsibilities, including the Aircraft Certification Office, and all the activities conducted by those offices related to certification and production;

(3) describes current and forecasted staffing and travel needs for the FAA’s international engagement activities, including the needs of the Aircraft Certification Office in the current and forecasted budgetary environment;

(4) provides recommendations, if appropriate, to improve the existing structure and personnel and travel policies supporting the FAA’s international engagement activities, including the activities of the Aviation Certification Office, to better support the growth of United States aerospace exports; and

(5) identifies policy initiatives, regulatory initiatives, or cost-effective legislative initiatives needed to improve and enhance the timely acceptance of United States aerospace products abroad.

(c) INTERNATIONAL TRAVEL.—The Administrator of the FAA, or the Administrator’s designee, may authorize international travel for any FAA employee, without the approval of any other person or entity, if the Administrator determines that the travel is necessary—
(1) to promote United States aerospace safety standards; or

(2) to support expedited acceptance of FAA design and production approvals.

SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED FEES.

Section 45305 is amended—

(1) in subsection (a) by striking “Subject to subsection (b)” and inserting “Subject to subsection (c)”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

“(b) CERTIFICATION SERVICES.—Subject to subsection (e), and notwithstanding section 45301(a), the Administrator may establish and collect a fee from a foreign government or entity for services related to certification, regardless of where the services are provided, if the fee—

“(1) is established and collected in a manner consistent with aviation safety agreements; and

“(2) does not exceed the estimated costs of the services.”.
Subtitle C—Airline Passenger
Safety and Protections

SEC. 2301. PILOT RECORDS DATABASE DEADLINE.

Section 44703(i)(2) is amended by striking “The Admin-
istrator shall establish” and inserting “Not later than
April 30, 2017, the Administrator shall establish and
make available for use”.

SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.

The Administrator of the Federal Aviation Adminis-
tration shall 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.

SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.

(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Administrator of the
Federal Aviation Administration shall assess current per-
formance standards, and as appropriate, conduct a rule-
making to revise the standards to improve near-term and
long-term aircraft tracking and flight data recovery, in-
cluding retrieval, access, and protection of such data after
an incident or accident.
(b) CONSIDERATIONS.—In revising the performance standards under subsection (a) the Administrator may consider—

(1) various methods for improving detection and retrieval of flight data, including—

(A) low frequency underwater locating devices; and

(B) extended battery life for underwater locating devices;

(2) automatic deployable flight recorders;

(3) triggered transmission of flight data, and other satellite-based solutions;

(4) distress-mode tracking; and

(5) protections against disabling flight recorder systems.

(e) COORDINATION.—In revising the performance standards under subsection (a), the Administrator shall coordinate with international regulatory authorities and the International Civil Aviation Organization 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.
SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.

(a) MODERNIZATION OF TRAINING.—Not later than October 1, 2017, the Administrator of the Federal Aviation Administration shall review, and update as necessary, recent guidance regarding pilot flight deck monitoring that an air carrier can use to train and evaluate its pilots to ensure that air carrier pilots are trained to use and monitor automation systems while also maintaining proficiency in manual flight operations consistent with the final rule entitled, “Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers”, published on November 12, 2013 (78 Fed. Reg. 67799).

(b) CONSIDERATIONS.—In reviewing and updating the guidance, the Administrator shall—

(1) consider casualty driven scenarios during initial and recurrent simulator instruction that focus on automation complacency during system failure, including flight segments when automation is typically engaged and should result in hand flying the aircraft into a safe position while employing crew resource management principles;

(2) consider the development of metrics or measurable tasks an air carrier may use to evaluate the ability of pilots to appropriately monitor flight deck systems;
(3) consider the development of metrics an air

carrier may use to evaluate manual flying skills and

improve related training;

(4) convene an expert panel, including members

with expertise in human factors, training, and flight

operations—

(A) to evaluate and develop methods for

training flight crews to understand the

functionality of automated systems for flight

path management;

(B) to identify and recommend to the Ad-

ministrator the most effective training methods

that ensure that pilots can apply manual flying

skills in the event of flight deck automation fail-

ure or an unexpected event; and

(C) to identify and recommend to the Ad-

ministrator revision in the training guidance for

flight crews to address the needs identified in

subparagraphs (A) and (B); and

(5) develop any additional standards to be used

for guidance the Administrator considers necessary

to determine whether air carrier pilots receive suffi-
cient training opportunities to develop, maintain,

and demonstrate manual flying skills.
(c) DOT IG Review.—Not later than 2 years after the date the Administrator reviews the guidance under subsection (a), the Inspector General of the Department of Transportation shall review the air carriers implementation of the guidance and the ongoing work of the expert panel.

SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR PILOTS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall consider the recommendations of the Pilot Fitness Aviation Rulemaking Committee in determining whether to implement, as part of a comprehensive medical certification process for pilots with a first- or second-class airman medical certificate, additional screening for mental health conditions, including depression and suicidal thoughts or tendencies, and access treatment that would address any risk associated with such conditions.

SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS.

(a) Modification of Final Rule.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise the flight attendant duty period limitations and rest
requirements under section 121.467 of title 14, Code of Federal Regulations.

(b) CONTENTS.—Except as provided in subsection (b), in revising the rule under subsection (a), the Administrator shall ensure that a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours.

(c) EXCEPTION.—The rest period required under subsection (b) may be scheduled or reduced to 9 consecutive hours if the flight attendant is provided a subsequent rest period of at least 11 consecutive hours.

SEC. 2307. TRAINING FLIGHT ATTENDANTS TO IDENTIFY HUMAN TRAFFICKING.

Section 44734(a) is amended—

(1) in paragraph (2) by striking “and” at the end;

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

(3) by adding at the end the following:

“(4) identifying and timely alerting of appropriate government personnel or a law enforcement officer and filing a report of a potential victim or incidence of human trafficking.”.
SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report on the National Test Equipment Program (referred to in this section as the “Program”).

(b) CONTENTS.—The report shall include—

(1) a list of all known outstanding requests for test equipment, cataloged by type and location, under the Program;

(2) a description of the current method under the Program of ensuring calibrated equipment is in place for utilization;

(3) a plan by the Administrator for appropriate inventory of such equipment; and

(4) the Administrator’s recommendations for increasing multi-functionality in future test equipment to be developed and all known and foreseeable manufacturer technological advances.

SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARNINGS OF POTENTIAL RUNWAY INCURSIONS.

(a) IN GENERAL.—Not later than June 30, 2016, the Administrator of the Federal Aviation Administration shall—
(1) assess available technologies to determine whether it is feasible, cost-effective, and appropriate to install and deploy, at any airport, systems to provide a direct warning capability to flight crews and air traffic controllers of potential runway incursions; and

(2) submit to the appropriate committees of Congress a report on the assessment under paragraph (1), including any recommendations.

(b) CONSIDERATIONS.—In conducting the assessment under subsection (a), the Administration shall consider National Transportation Safety Board findings and relevant aviation stakeholder views relating to runway incursions.

SEC. 2310. LASER POINTER INCIDENTS.

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Director of the Federal Bureau of Investigation, shall provide quarterly updates to the appropriate committees of Congress regarding—

(1) the number of incidents involving the beam from a laser pointer (as defined in section 39A of title 18, United States Code) being aimed at, or in
the flight path of, an aircraft in the airspace jurisdiction of the United States;

(2) the number of civil or criminal enforcement actions taken by the Federal Aviation Administration, Department of Transportation, or Department of Justice with regard to the incidents described in paragraph (1), including the amount of the civil or criminal penalties imposed on violators;

(3) the resolution of any incidents that did not result in a civil or criminal enforcement action; and

(4) any actions the Department of Transportation or Department of Justice has taken on its own, or in conjunction with other Federal agencies or local law enforcement agencies, to deter the type of activity described in paragraph (1).

(b) CIVIL PENALTIES.—The Administrator shall revise the maximum civil penalty that may be imposed on an individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft, to be $25,000.

SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS DATA AND REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in collaboration with hel-
icopter air ambulance industry stakeholders, shall assess the availability of information to the general public related to the location of heliports and helipads used by helicopters providing air ambulance services, including helipads and helipads outside of those listed as part of any existing databases of Airport Master Record (5010) forms.

(b) REQUIREMENTS.—Based on the assessment under subsection (a), the Administrator shall—

(1) update, as necessary, any existing guidance on what information is included in the current databases of Airport Master Record (5010) forms to include information related to heliports and helipads used by helicopters providing air ambulance services; or

(2) develop, as appropriate and in collaboration with helicopter air ambulance industry stakeholders, a new database of heliports and helipads used by helicopters providing air ambulance services.

(c) REPORTS.—

(1) ASSESSMENT.—Not later than 30 days after the date the assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress a report on the assessment, including any recommendations on how
to make information related to the location of heli-
ports and helipads used by helicopters providing air
ambulance services available to the general public.

(2) Implementation.—Not later than 30 days
after completing action under paragraph (1) or
paragraph (2) of subsection (b), the Administrator
shall submit to the appropriate committees of Con-
gress a report on the implementation of that action.

(d) Incident and Accident Data.—Section 44731
is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1),
by striking “not later than 1 year after the date
of enactment of this section, and annually
thereafter” and inserting “annually”;

(B) in paragraph (2), by striking “flights
and hours flown, by registration number, dur-
ing which helicopters operated by the certificate
holder were providing helicopter air ambulance
services” and inserting “hours flown by the hel-
icopters operated by the certificate holder”;

(C) in paragraph (3)—

(i) by striking “of flight” and insert-
ing “of patients transported and the num-
ber of patient transport”;
(ii) by inserting “or” after “inter-facility transport,”; and

(iii) by striking “, or ferry or repositioning flight”;  

(D) in paragraph (5)—

(i) by striking “flights and”; and

(ii) by striking “while providing air ambulance services”; and

(E) by amending paragraph (6) to read as follows:

“(6) The number of hours flown at night by helicopters operated by the certificate holder.”;

(2) in subsection (d)—

(A) by striking “Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit” and inserting “The Administrator shall submit annually”; and

(B) by adding at the end the following:

“The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by opera-
tors providing helicopter air ambulance services.”;

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

“(e) IMPLEMENTATION.—In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall—

“(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; and

“(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.”.

SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) determine, in collaboration with the National Transportation Safety Board and Part 135
industry stakeholders, what, if any, additional data should be reported as part of an accident or incident notice 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 general aviation issues; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including a description of the additional data to be collected, a timeframe for implementing the additional data collection, and any potential obstacles to implementation.

SEC. 2313. DEFINITION OF HUMAN FACTORS.

Section 40102(a) is amended—

(1) by redesignating paragraphs (24) through (47) as paragraphs (25) through (48), respectively; and

(2) by inserting after paragraph (23) the following:

“(24) ‘human factors’ means a multidisciplinary field that generates and compiles information about human capabilities and limitations and applies it to design, development, and evaluation of equipment, systems, facilities, procedures, jobs, environments, staffing, organizations, and personnel management
for safe, efficient, and effective human performance, including people’s use of technology.”.

SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AUTHORITY.

It is 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, as set forth in section 91.3(a) of title 14, Code of Federal Regulations (or any successor regulation thereto).

SEC. 2315. ENHANCING ASIAs.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with relevant aviation industry stakeholders, shall assess what, if any, improvements are needed to develop the predictive capability of the Aviation Safety Information Analysis and Sharing program (referred to in this section as “ASIAs”) with regard to identifying precursors to accidents.

(b) Contents.—In conducting the assessment under subsection (a), the Administrator shall—

(1) determine what actions are necessary—

(A) to improve data quality and standardization; and

(B) to increase the data received from additional segments of the aviation industry, such
as small airplane, helicopter, and business jet 
operations;
(2) consider how to prioritize the actions de-
scribed in paragraph (1); and
(3) review available methods for disseminating 
safety trend data from ASIAS to the aviation safety 
community, including the inspector workforce, to in-
form in their risk-based decision making efforts.
(e) REPORT.—Not later than 60 days after the date 
the assessment under subsection (a) is complete, the Ad-
ministrator shall submit to the appropriate committees of 
Congress a report on the assessment, including rec-
ommendations regarding paragraphs (1) through (3) of 
subsection (b).
SEC. 2316. IMPROVING RUNWAY SAFETY.
(a) IN GENERAL.—The Administrator of the Federal 
Aviation Administration shall expedite the development of 
metrics—
(1) to allow the Federal Aviation Administra-
tion to determine whether runway incursions are in-
creasing; and
(2) to assess the effectiveness of implemented 
runway safety initiatives.
(b) REPORT.—Not later than 1 year after the date 
of enactment of this Act, the Administrator shall submit
to the appropriate committees of Congress a report on the progress in developing the metrics described in subsection (a).

SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) Restrictions on Transportation of Lithium Batteries on Passenger Aircraft.—

(1) In general.—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note)—

(A) not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall update applicable regulations to implement the revised standards adopted by the International Civil Aviation Organization (ICAO) on February 22, 2016, regarding—

(i) prohibiting the bulk air transportation of lithium ion batteries on passenger aircraft; and

(ii) prohibiting bulk air cargo shipment of lithium batteries with an internal charge above 30 percent; and

(B) the Secretary of Transportation may initiate a review of existing regulations under
parts 171-181 of title 49, Code of Federal Regulations, and any applicable regulations under title 14, Code of Federal Regulations, regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

(2) LIMITED EXCEPTION FOR MEDICAL DEVICE BATTERIES.—The Secretary of Transportation may issue limited exceptions to the restrictions in paragraph (1) to allow the shipment of replacement medical device batteries on passenger aircraft if—

(A) the intended destination is not served by cargo aircraft; and

(B) the Secretary can ensure the general safety of such shipments.

(3) SAVINGS CLAUSE.—Nothing in this section shall be construed as expanding or constricting any other authority the Secretary of Transportation has under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note) to promulgate additional emergency or permanent regulations as permitted by subsection (b) of that section.

(b) LITHIUM BATTERY SAFETY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the President shall establish a lithium battery safety
working group to promote and coordinate efforts related to the promotion of the safe manufacture, use, and transportation of lithium batteries and cells.

(1) COMPOSITION.—

(A) IN GENERAL.—The working group shall be composed of at least 1 representative from each of the following:


(ii) Department of Transportation.

(iii) National Institute on Standards and Technology.

(iv) Food and Drug Administration.

(B) ADDITIONAL MEMBERS.—The working group may include not more than 4 additional members with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

(C) SUBCOMMITTEES.—The President, or members of the working group, may—

(i) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and
(ii) include in a subcommittee the participation of non-member stakeholders with expertise in areas that the President or members consider necessary.

(2) REPORT.—Not later than 1 year after the date it is established under subsection (b), the working group shall—

(A) research—

(i) additional ways to decrease the risk of fires and explosions from lithium batteries and cells;

(ii) additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and

(iii) new or existing technologies that could reduce the fire and explosion risk of lithium batteries and cells; and

(B) transmit to the appropriate committees of Congress a report on the research under subparagraph (A), including any legislative recommendations to effectuate the safety improvements described in clauses (i) through (iii) of that subparagraph.
(3) **Exemption from FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(4) **Termination.**—The working group, and any working group subcommittees, shall terminate 90 days after the date the report is transmitted under paragraph (2).

**Subtitle D—General Aviation Safety**

**Sec. 2401. Automated Weather Observing Systems Policy.**

(a) **In General.**—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and
(3) establish a process under which appropriate on site airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum tri-annual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220-16D).

(b) PERMISSION.—Permission to conduct the minimum tri-annual preventative maintenance checks described under subsection (a)(3) shall not be withheld but for specific cause.

(c) STANDARDS.—In updating the standards under subsection (a)(1), the Administrator shall—

(1) ensure the standards are performance-based;

(2) use risk analysis to determine the accuracy of the automated weather observing systems outputs required for pilots to perform safe aircraft operations; and

(3) provide a cost benefit analysis to determine whether the benefits outweigh the cost for any requirement not directly related to safety.

(d) REPORT.—Not later than September 30, 2017, the Administrator shall provide a report to the appropriate
committees of Congress on the implementation of requirements under this section.

SEC. 2402. TOWER MARKING.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations to require the marking of covered towers.

(b) Marking Required.—The regulations under subsection (a) shall require that a covered tower be clearly marked in a manner that is consistent with applicable guidance under the Federal Aviation Administration Advisory Circular issued December 4, 2015 (AC 70/7460-1L) or other relevant safety guidance, as determined by the Administrator.

(c) Application.—The regulations issued under subsection (a) shall ensure that—

(1) all covered towers constructed on or after the date on which such regulations take effect are marked in accordance with subsection (b); and

(2) a covered tower constructed before the date on which such regulations take effect is marked in accordance with subsection (b) not later than 1 year after such effective date.

(d) Definition of Covered Tower.—
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(1) IN GENERAL.—In this section, the term "covered tower" means a structure that—

(A) is self-standing or supported by guy wires and ground anchors;

(B) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

(C) at the highest point of the structure is at least 50 feet above ground level;

(D) at the highest point of the structure is not more than 200 feet above ground level;

(E) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

(F) is located—

(i) outside the boundaries of an incorporated city or town; or

(ii) on land that is—

(I) undeveloped; or

(II) used for agricultural purposes.

(2) EXCLUSIONS.—The term "covered tower" does not include any structure that—

(A) is adjacent to a house, barn, electric utility station, or other building;

(B) is within the curtilage of a farmstead;
(C) supports electric utility transmission or distribution lines;

(D) is a wind powered electrical generator with a rotor blade radius that exceeds 6 feet; or

(E) is a street light erected or maintained by Federal, State, local, or tribal entity.

(e) DATABASE.—The Administrator shall—

(1) develop a database that contains the location and height of each covered tower;

(2) keep the database current to the extent practicable;

(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law; and

(4) ensure access to the database is limited to individuals, such as airmen, who require the information for aviation safety purposes only.

SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall evaluate and update, as necessary, standards for crash-resistant fuel systems for civilian rotorcraft.
Subtitle E—General Provisions

SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OFFICER.

(a) In General.—Section 106 is amended by adding at the end the following:

“(u) Designated Agency Safety and Health Officer.—

“(1) Appointment.—There shall be a Designated Agency Safety and Health Officer appointed by the Administrator who shall exclusively fulfill the duties prescribed in this subsection.

“(2) Responsibilities.—The Designated Agency Safety and Health Officer shall have responsibility and accountability for—

“(A) auditing occupational safety and health issues across the Administration;

“(B) overseeing Administration-wide compliance with relevant Federal occupational safety and health statutes and regulations, national industry and consensus standards, and Administration policies; and

“(C) encouraging a culture of occupational safety and health to complement the Administration’s existing safety culture.
“(3) Reporting Structure.—The Designated Agency Safety and Health Officer shall occupy a full-time, senior executive position and shall report directly to the Assistant Administrator for Human Resource Management.

“(4) Qualifications and Removal.—

“(A) Qualifications.—The Designated Agency Safety and Health Officer shall have demonstrated ability and experience in the establishment and administration of comprehensive occupational safety and health programs and knowledge of relevant Federal occupational safety and health statutes and regulations, national industry and consensus standards, and Administration policies.

“(B) Removal.—The Designated Agency Safety and Health Officer shall serve at the pleasure of the Administrator.”.

(b) Deadline for Appointment.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall appoint an individual to serve as the Designated Agency Safety and Health Officer under section 106(u) of title 49, United States Code.
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SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED STATES.

(a) Risk-Based Oversight.—Section 44733 is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) by inserting after subsection (e) the following:

“(f) Risk-Based Oversight.—

“(1) In general.—Not later than 90 days after the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

“(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

“(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.
“(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

“(A) in accordance with the United States obligations under applicable international agreements; and

“(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

“(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).”; and

(3) in subsection (g), as redesignated—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as redesignated, the following:

“(1) HEAVY MAINTENANCE WORK.—The term ‘heavy maintenance work’ means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.”.
(b) **Alcohol and Controlled Substances Testing.**—The Administrator of the Federal Aviation Administration shall ensure that—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking required pursuant to section 44733(d)(2) of title 49, United States Code, is published in the Federal Register; and

(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.

(c) **Background Investigations.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to determine whether the individual presents a threat to aviation safety, in a manner that is—

(1) determined acceptable by the Administrator; 

(2) consistent with the applicable laws of the country in which the repair station is located; and 

(3) consistent with the United States obligations under international agreements.
SEC. 2503. FAA TECHNICAL TRAINING.

(a) E-LEARNING TRAINING PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in collaboration with the exclusive bargaining representatives of covered FAA personnel, shall establish an e-learning training pilot program in accordance with the requirements of this section.

(b) CURRICULUM.—The pilot program shall—

(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA personnel receive instruction on the latest aviation technologies, processes, and procedures;

(2) focus on providing specialized technical training for covered FAA personnel, as determined necessary by the Administrator;

(3) include training courses on applicable regulations of the Federal Aviation Administration; and

(4) consider the efficacy of instructor-led online training.

(c) PILOT PROGRAM TERMINATION.—The pilot program shall terminate 1 year after the date of establishment of the pilot program.

(d) E-LEARNING TRAINING PROGRAM.—Upon termination of the pilot program, the Administrator shall assess and establish or update an e-learning training program
that incorporates lessons learned for covered FAA personnel as a result of the pilot program.

(c) DEFINITIONS.—In this section:

(1) COVERED FAA PERSONNEL.—The term “covered FAA personnel” means airway transportation systems specialists and aviation safety inspectors of the Federal Aviation Administration.

(2) E-LEARNING TRAINING.—The term “e-learning training” means learning utilizing electronic technologies to access educational curriculum outside of a traditional classroom.

SEC. 2504. SAFETY CRITICAL STAFFING.

(a) AUDIT BY DOT INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct and complete an audit of the staffing model used by the Federal Aviation Administration to determine the number of aviation safety inspectors that are needed to fulfill the mission of the Federal Aviation Administration and adequately ensure aviation safety.

(b) CONTENTS.—The audit shall include, at a minimum—

(1) a review of the staffing model and an analysis of how consistently the staffing model is applied
throughout the Federal Aviation Administration’s aviation safety lines of business;

(2) a review of the assumptions and methods used in devising and implementing the staffing model to assess the adequacy of the staffing model to predict the number of aviation safety inspectors needed to properly fulfill the mission of the Federal Aviation Administration and meet the future growth of the aviation industry; and

(3) a determination on whether the current staffing model takes into account the Federal Aviation Administration’s authority to fully utilize designees.

(e) REPORT.—Not later than 30 days after the date of completion of the audit, the Inspector General shall submit to the appropriate committees of Congress a report on the results of the audit.

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

SEC. 2601. SHORT TITLE.

This subtitle may be cited as the “Pilot’s Bill of Rights 2”.
SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver’s license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;
(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual’s section of the checklist described in subsection (b); and
(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

   (A) The covered aircraft is carrying not more than 5 passengers.

   (B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

   (C) The flight, including each portion of that flight, is not carried out—

      (i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

      (ii) at an altitude that is more than 18,000 feet above mean sea level;
(iii) outside the United States, unless
authorized by the country in which the
flight is conducted; or
(iv) at an indicated air speed exceed-
ing 250 knots.

(b) Comprehensive Medical Examination.—

(1) In general.—Not later than 180 days
after the date of enactment of this Act, the Adminis-
trator shall develop a checklist for an individual to
complete and provide to the physician performing
the comprehensive medical examination required in
subsection (a)(7).

(2) Requirements.—The checklist shall con-
tain—

(A) a section, for the individual to com-
plete that contains—

(i) boxes 3 through 13 and boxes 16
through 19 of the Federal Aviation Admin-
istration Form 8500-8 (3-99);

(ii) a signature line for the individual
to affirm that—

(I) the answers provided by the
individual on that checklist, including
the individual’s answers regarding
medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—
(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation); 

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus); 

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and visera (including hernia);

(IX) anus (not including digital examination);

(X) skin;
(XI) G-U system (not including pelvic examination); 

(XII) upper and lower extremities (strength and range of motion);  

(XIII) spine and other musculoskeletal;  

(XIV) identifying body marks, scars, and tattoos (size and location);  

(XV) lymphatics;  

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);  

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);  

(XVIII) general systemic;  

(XIX) hearing;  

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);  

(XXI) blood pressure and pulse;  

and  

(XXII) anything else the physician, in his or her medical judgment, considers necessary;
(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and non-prescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: “I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual’s ability to safely operate an aircraft.”; and
(v) to provide the date the comprehensive medical examination was completed, and the physician’s full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual’s logbook and made available on request.

(e) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;
(7) encourage regular medical examinations and consultations with primary care physicians; (8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions; (9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and (10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual’s logbook and made available upon request, and shall contain the individual’s name, address, and airman certificate number; 

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual’s driving record; 

(C) a certification by the individual that the individual is under the care and treatment
of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stat-
ing: “I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.”.

(d) National Driver Register.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) Special Issuance Process.—

(1) In General.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;
(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.
(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—
(i) in the judgment of the individual’s State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual’s driver’s license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—
(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual’s State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual’s driver’s license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care
of a State-licensed medical specialist for that
neurological condition.

(f) **Identification of Additional Medical Conditions for the CACI Program.**

(1) **In General.**—Not later than 180 days
after the date of enactment of this Act, the Adminis-
trator shall review and identify additional medical
conditions that could be added to the program
known as the Conditions AMEs Can Issue (CACI)
program.

(2) **Consultations.**—In carrying out para-
graph (1), the Administrator shall consult with avia-
tion, medical, and union stakeholders.

(3) **Report Required.**—Not later than 180
days after the date of enactment of this Act, the Ad-
ministrator shall submit to the Committee on Com-
merce, Science, and Transportation of the Senate
and the Committee on Transportation and Infra-
structure of the House of Representatives a report
listing the medical conditions that have been added
to the CACI program under paragraph (1).

(g) ** Expedited Authorization for Special
Issuance of a Medical Certificate.**

(1) **In General.**—The Administrator shall im-
plement procedures to expedite the process for ob-
taining an Authorization for Special Issuance of a
Medical Certificate under section 67.401 of title 14,
Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out para-
graph (1), the Administrator shall consult with avia-
tion, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year
after the date of enactment of this Act, the Adminis-
trator shall submit to the Committee on Commerce,
Science, and Transportation of the Senate and the
Committee on Transportation and Infrastructure of
the House of Representatives a report describing
how the procedures implemented under paragraph
(1) will streamline the process for obtaining an Au-
thorization for Special Issuance of a Medical Certifi-
cate and reduce the amount of time needed to review
and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years
after the date of enactment of this Act, the Administrator,
in coordination with the National Transportation Safety
Board, shall submit to the Committee on Commerce,
Science, and Transportation of the Senate and the Com-
mittee on Transportation and Infrastructure of the House
of Representatives a report that describes the effect of the
regulations issued or revised under subsection (a) and in-
cludes statistics with respect to changes in small aircraft activity and safety incidents.

(i) Prohibition on Enforcement Actions.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) Covered Aircraft Defined.—In this section, the term “covered aircraft” means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) Operations Covered.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) Authority to Require Additional Information.—
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(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator’s Safety Hotline, that reflects on an individual’s ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 2603. EXPANSION OF PILOT’S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended by striking “or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title” and inserting “suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emer-
gency order of revocation under subsections (d) and (e) of section 44709 of such title”.

(b) De Novo Review by District Court; Burden of Proof.—Section 2(e) of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) In General.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

“(A) the district court shall review the denial, suspension, or revocation de novo, including by—

“(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

“(ii) permitting additional discovery and the taking of additional evidence; and

“(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of
the Administrator or the National Transportation Safety Board.”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

“(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

“(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.”; and

(4) by adding at the end the following:

“(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title
shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of enactment of the Pilot’s Bill of Rights.

(c) Notification of Investigation.—Subsection (b) of section 2 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting “and the specific activity on which the investigation is based” after “nature of the investigation”;
(2) in paragraph (3), by striking “timely”; and
(3) in paragraph (5), by striking “section 44709(c)(2)” and inserting “section 44709(e)(2)”.

(d) Release of Investigative Reports.—Section 2 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1159; 49 U.S.C. 44703 note) is further amended by inserting after subsection (c) the following:

“(f) Release of Investigative Reports.—

“(1) In general.—

“(A) Emergency Orders.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or rev-
ocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

“(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (e) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the
covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

“(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

“(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

“(A) Information that is privileged.

“(B) Information that constitutes work product or reflects internal deliberative process.

“(C) Information that would disclose the identity of a confidential source.
“(D) Information the disclosure of which is prohibited by any other provision of law.

“(E) Information that is not relevant to the subject matter of the proceeding.

“(F) Information the Administrator can demonstrate is withheld for good cause.

“(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

“(A) information in addition to the information included in the releasable portion of the investigative report; or

“(B) a copy of the investigative report before the Administrator issues a complaint.”.

SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) is amended—

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

“(1) IN GENERAL.—The Administrator”;

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(2) by striking “reexamine” and inserting “, except as provided in paragraph (2), reexamine”; and

(3) by adding at the end the following:

“(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

“(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

“(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

“(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and de-
monstrably inadequate to establish the air-
man’s qualifications.

“(B) Notification Requirements.—Be-
fore taking any action to reexamine an airman
under subparagraph (A), the Administrator
shall provide to the airman—

“(i) a reasonable basis, described in
detail, for requesting the reexamination;
and

“(ii) any information gathered by the
Federal Aviation Administration, that the
Administrator determines is appropriate to
provide, such as the scope and nature of
the requested reexamination, that formed
the basis for that justification.”.

(b) Amendment, Modification, Suspension, or
Revocation of Airman Certificates After Reexam-
ination.—Section 44709(b) is amended—

(1) in paragraph (1), by redesignating subpara-
graphs (A) and (B) as clauses (i) and (ii), respec-
tively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as
subparagraphs (A) and (B), respectively, and indent-
ing appropriately;
(3) in the matter preceding subparagraph (A), as redesignated, by striking “The Administrator” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator”; and

(4) by adding at the end the following:

“(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

“(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

“(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

“(ii) materially contributed to the issuance of the certificate by fraudulent means.
“(B) Standard of review.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot’s Bill of Rights (49 U.S.C. 44703 note).”.

(c) Conforming Amendments.—Section 44709(d)(1) is amended—

(1) in subparagraph (A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”;

(2) in subparagraph (B), by striking “subsection (b)(1)(B)” and inserting “subsection (b)(1)(A)(ii)”.

SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) In General.—

(1) Beginning on the date that is 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot’s Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies to the appropriate congressional committees that the Administrator has complied with the requirements of
section 3 of the Pilot’s Bill of Rights, as amended
by this section.

(2) In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Amendments.—Section 3 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “this Act” and inserting “the Pilot’s Bill of Rights 2”; and

(ii) by striking “begin” and inserting “complete the implementation of”;

(B) by amending subparagraph (B) to read as follows:

“(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publica-
tion, and any amendments to such notices with
the date of each amendment, in a manner that
is Internet-accessible, machine-readable, and
searchable;”;

(C) in subparagraph (C), by striking the
period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(D) to specify the times during which
temporary flight restrictions are in effect and
the duration of a designation of special use air-
space in a specific area.”; and

(2) by amending subsection (d) to read as fol-

ows:

“(d) Designation of Repository as Sole
Source for NOTAMS.—

“(1) In general.—The Administrator—

“(A) shall consider the repository for
NOTAMs under subsection (a)(2)(B) to be the
sole location for airmen to check for NOTAMs;
and

“(B) may not consider a NOTAM to be
announced or published until the NOTAM is in-
cluded in the repository for NOTAMs under
subsection (a)(2)(B).
“(2) Prohibition on taking action for violations of notams not in repository.—

“(A) In general.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

“(i) that NOTAM is not available through the repository before the commencement of the flight; and

“(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

“(B) Exception for national security.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.”.

SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) In general.—Subchapter I of chapter 471 is amended by inserting after section 47124 the following:

“§ 47124a. Accessibility of certain flight data

“(a) Definitions.—In this section:

“(1) Administration.—The term ‘Administration’ means the Federal Aviation Administration.
“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(3) APPLICABLE INDIVIDUAL.—The term ‘applicable individual’ means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

“(4) CONTRACT TOWER.—The term ‘contract tower’ means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

“(5) COVERED FLIGHT RECORD.—The term ‘covered flight record’ means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot’s Bill of Rights (49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

“(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—
“(1) Requests.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

“(2) Provision of records.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

“(3) Notice of proposed certificate action.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

“(c) Implementation.—
“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pilot’s Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

“(2) COMPLIANCE BY CONTRACTORS.—

“(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of enactment of the Pilot’s Bill of Rights 2.

“(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of enactment of the Pilot’s Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following:

“47124a. Accessibility of certain flight data.”.
SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

TITLE III—AIR SERVICE IMPROVEMENTS

SEC. 3001. DEFINITIONS.

In this title:

(1) COVERED AIR CARRIER.—The term “covered air carrier” means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(2) ONLINE SERVICE.—The term “online service” means any service available over the Internet, or that connects to the Internet or a wide-area network.

(3) TICKET AGENT.—The term “ticket agent” has the meaning given the term in section 40102 of title 49, United States Code.
Subtitle A—Passenger Air Service Improvements

SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.

(a) Review.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review the categorization of delays and cancellations with respect to air carriers that are required to report such data.

(2) Considerations.—In conducting the review under paragraph (1), the Secretary shall consider, at a minimum—

(A) whether delays and cancellations attributed by an air carrier to weather were unavoidable due to an operational or air traffic control issue, or due to the air carrier’s preference in determining which flights to delay or cancel during a weather event;

(B) whether and to what extent delays and cancellations attributed by an air carrier to weather disproportionally impact service to smaller airports and communities; and

(C) whether it is an unfair or deceptive practice in violation of section 41712 of title
49, United States Code, for an air carrier to inform a passenger that a flight is delayed or cancelled due to weather, without any other context or explanation for the delay or cancellation, when the air carrier has discretion as to which flights to delay or cancel.

(3) ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—The Secretary may use the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), to assist in conducting the review and providing recommendations.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to the appropriate committees of Congress a report on the review under subsection (a), including any recommendations.

(c) SAVINGS PROVISION.—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.

SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.

(a) REVIEW.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review whether it is an unfair or deceptive practice in violation of section 41712 of title 49, United States Code, 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.

(2) ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.—The Secretary may use the Advisory Committee for Aviation Consumer Protection, established under section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), to assist in conducting the review and providing recommendations.

(b) REPORT.—Not later than 90 days after the date the review under subsection (a) is complete, the Secretary shall submit to appropriate committees of Congress a report on the review under subsection (a), including any recommendations.

SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.

Not later than 180 days after the date that the reviews under sections 3101 and 3102 of this Act are com-
plete, the Secretary of Transportation shall issue a supple-
mental notice of proposed rulemaking to its notice of pro-
posed rulemaking published in the Federal Register on
May 23, 2014 (DOT-OST-2014-0056) (relating to the
transparency of airline ancillary fees and other consumer
protection issues) to consider the following:

(1) Requiring an air carrier to provide notifica-
tion and refunds or other consideration to a con-
sumer who is impacted by delays or cancellations
when an air carrier has a choice as to which flights
to cancel or delay during a weather-related event.

(2) Requiring an air carrier to provide notifica-
tion and refunds or other consideration to a con-
sumer who is impacted by involuntary changes to
the consumer’s itinerary.

SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-
SENGERS INVOLVED IN AIRCRAFT ACCI-
DENTS.

(a) Air Carriers Holding Certificates of Pub-
lic Convenience and Necessity.—Section 41113 is
amended—

(1) in subsection (a), by striking “a major” and
inserting “any”;

(2) in subsection (b)—
(A) in paragraph (9), by striking “(and any other victim of the accident)” and inserting “(and any other victim of the accident, including any victim on the ground)”;

(B) in paragraph (16), by striking “major” and inserting “any”; and

(C) in paragraph (17)(A), by striking “significant” and inserting “any”; and

(3) by amending subsection (e) to read as follows:

“(e) DEFINITIONS.—In this section—

“(1) ‘aircraft accident’ means any aviation disaster, regardless of its cause or suspected cause, for which the National Transportation Safety Board is the lead investigative agency.

“(2) ‘passenger’ has the meaning given the term in section 1136.”.

(b) FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR TRANSPORTATION.—Section 41313 is amended—

(1) in subsection (b), by striking “a major” and inserting “any”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “a significant” and inserting “any”;
(B) in paragraph (2), by striking “a significant” and inserting “any”; 
(C) in paragraph (16), by striking “major” and inserting “any”; and 
(D) in paragraph (17)(A), by striking “significant” and inserting “any”.

(c) National Transportation Safety Board.— 
Section 1136(a) is amended by striking “aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life” and inserting “aircraft accident involving an air carrier or foreign air carrier, resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency”.

SEC. 3105. EMERGENCY MEDICAL KITS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall evaluate and revise, as appropriate, the regulations under part 121 of title 14, Code of Federal Regulations, regarding the emergency medical equipment requirements, including the contents of the first-aid kit, applicable to all certificate holders operating passenger-carrying airplanes under that part.

(b) Considerations.—The Administrator shall consider whether the minimum contents of approved emer-
gency medical kits, including approved first-aid kits, include appropriate medications and equipment to meet the emergency medical needs of children, including consideration of an epinephrine auto-injector, as appropriate.

SEC. 3106. TRAVELERS WITH DISABILITIES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of airport accessibility best practices for individuals with disabilities; and

(2) submit to the appropriate committees of Congress a report on the study, including the Comptroller General’s findings, conclusions, and recommendations.

(b) Contents.—The study under subsection (a) shall include accessibility best practices beyond those recommended under the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100 Stat. 1080; Public Law 99–435), or Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq), that improve infrastructure and communications, such as with regard to wayfinding, amenities, and passenger care.
SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) Termination.—Section 411(h) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is amended by striking “March 30, 2016” and inserting “September 30, 2017”.

(b) Financial Disclosure.—Section 411 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting before subsection (i), the following:

“(h) Conflict of Interest Disclosure.—Beginning on the date of enactment of the Federal Aviation Administration Reauthorization Act of 2016, each member of the advisory committee who is not a government employee shall disclose, on an annual basis, any potential conflicts of interest, including financial conflicts of interest, to the Secretary in such form and manner as prescribed by the Secretary.”.

(c) Recommendations.—Section 411(g) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 42301 prec. note) is amended—
(1) by striking “of the first 2 calendar years begin-
ginning after the date of enactment of this Act” and
inserting “calendar year”; and

(2) by inserting “and post on the Department
of Transportation Web site” after “Congress”.

SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(r)(3) is amended by striking “April 1,
2016” and inserting “October 1, 2017”.

SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.

(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Secretary of Transpor-
tation shall issue final regulations to require a covered air
carrier to promptly provide an automatic refund to a pas-
senger in the amount of any applicable ancillary fees paid
if the covered air carrier has charged the passenger an
ancillary fee for checked baggage but the covered air car-
rrier fails to deliver the checked baggage to the passenger
not later than 6 hours after the arrival of a domestic flight
or 12 hours after the arrival of an international flight.

(b) EXCEPTION.—If as part of the rulemaking the
Secretary makes a determination on the record that a re-
quirement under subsection (a) is unfeasible and will neg-
atively affect consumers in certain cases, the Secretary
may modify 1 or both of the deadlines in that subsection
for such cases, except that—
(1) the deadline relating to a domestic flight may not exceed 12 hours after the arrival of the domestic flight; and

(2) the deadline relating to an international flight may not exceed 24 hours after the arrival of the international flight.

SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HONOURED BY A COVERED AIR CARRIER.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations that require each covered air carrier to promptly provide an automatic refund to a passenger of any ancillary fees paid for services that the passenger does not receive, including on the passenger’s scheduled flight or, if rescheduled, a subsequent replacement itinerary.

(b) CANCELLED FLIGHTS.—As part of the rule under subsection (a), the Secretary shall require each covered air carrier to promptly provide an automatic refund to a passenger of any ancillary fees paid for services that the passenger does not receive for a flight cancelled by the passenger.
SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations requiring—

(1) each covered air carrier to disclose to a consumer the baggage fee, cancellation fee, change fee, ticketing fee, and seat selection fee of that covered air carrier in a standardized format; and

(2) notwithstanding the manner in which information regarding the fees described in paragraph (1) is collected, each ticket agent to disclose to a consumer such fees of a covered air carrier in the standardized format described in paragraph (1).

(b) REQUIREMENTS.—The regulations under subsection (a) shall require that each disclosure—

(1) if ticketing is done on an Internet Web site or other online service—

(A) be prominently displayed to the consumer prior to the point of purchase; and

(B) set forth the fees described in subsection (a)(1) in clear and plain language and a font of easily readable size; and

(2) if ticketing is done on the telephone, be expressly stated to the consumer during the telephone call and prior to the point of purchase.
SEC. 3112. SEAT ASSIGNMENTS.

(a) In General.—Not later than 15 months after the date of enactment of this Act, the Secretary of Transportation shall complete such actions as may be necessary to require each covered air carrier and ticket agent to disclose to a consumer that seat selection for which a fee is charged is an optional service, and that if a consumer does not pay for a seat assignment, a seat will be assigned to the consumer from available inventory at the time the consumer checks in for the flight or prior to departure.

(b) Requirements.—The disclosure under subsection (a) shall—

(1) if ticketing is done on an Internet Web site or other online service, be prominently displayed to the consumer on that Internet Web site or online service during the selection of seating or prior to the point of purchase; and

(2) if ticketing is done on the telephone, be expressly stated to the consumer during the telephone call and prior to the point of purchase.

SEC. 3113. CHILD SEATING.

(a) In General.—Not later than 15 months after the date of enactment of this Act, the Secretary of Transportation shall complete such actions as may be necessary to require each covered air carrier and ticket agent to disclose to a consumer that if a reservation includes a child
under the age of 13 traveling with an accompanying passenger who is age 13 or older—

(1) whether adjoining seats are available at no additional cost at the time of purchase; and

(2) if not, what the covered air carrier’s policy is for accommodating adjoining seat requests at the time the consumer checks in for the flight or prior to departure.

(b) REQUIREMENTS.—The disclosure under subsection (a) shall—

(1) if ticketing is done on an Internet Web site or other online service, be prominently displayed to the consumer on that Internet Web site or online service during the selection of seating or prior to the point of purchase; and

(2) if ticketing is done on the telephone, be expressly stated to the consumer during the telephone call and prior to the point of purchase.

SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVEMENT.

(a) IN GENERAL.—Section 42302 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a), the following:
“(b) POINT OF SALE.—Each air carrier, foreign air carrier, and ticket agent shall inform each consumer of a carrier service, at the point of sale, that the consumer can file a complaint about that service with the carrier and with the Aviation Consumer Protection Division of the Department of Transportation.”;

(3) by amending subsection (c), as redesignated, to read as follows:

“(c) INTERNET WEB SITE OR OTHER ONLINE SERVICE NOTICE.—Each air carrier and foreign air carrier shall include on its Internet Web site, any related mobile device application, and online service—

“(1) the hotline telephone number established under subsection (a) or for the Aviation Consumer Protection Division of the Department of Transportation;

“(2) an active link and the email address, telephone number, and mailing address of the air carrier or foreign air carrier, as applicable, for a consumer to submit a complaint to the carrier about the quality of service;

“(3) notice that the consumer can file a complaint with the Aviation Consumer Protection Division of the Department of Transportation;
“(4) an active link to the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation for a consumer to file a complaint; and

“(5) the active link described in paragraph (2) on the same Internet Web site page as the active link described in paragraph (4).”; and

(4) in subsection (d), as redesignated—

(A) in the matter preceding paragraph (1), by striking “An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats” and inserting “Each air carrier and foreign air carrier”;

(B) in paragraph (1), by striking “air carrier” and inserting “carrier”; and

(C) in paragraph (2), by striking “air carrier” and inserting “carrier”.

(b) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to implement the requirements of section 42302 of title 49, United States Code, as amended.
SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PROTECTION INFORMATION.

(a) INTERNET WEB SITE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall—

(1) complete an evaluation of the aviation consumer protection portion of the Department of Transportation’s public Internet Web site to identify any changes to the user interface that will improve usability, accessibility, consumer satisfaction, and Web site performance;

(2) in completing the evaluation under paragraph (1)—

(A) consider the best practices of other Federal agencies with effective Web sites; and

(B) consult with the Federal Web Managers Council;

(3) develop a plan, including an implementation timeline, for—

(A) making the changes identified under paragraph (1); and

(B) making any necessary changes to that portion of the Web site that will enable a consumer—

(i) to access information regarding each complaint filed with the Aviation Con-
sumer Protection Division of the Department of Transportation;

(ii) to search the complaints described in clause (i) by the name of the air carrier and the type of complaint; and

(iii) to determine the date a complaint was filed and the date a complaint was resolved; and

(4) submit the evaluation and plan to appropriate committees of Congress.

(b) MOBILE APPLICATION SOFTWARE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(1) 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, such as—

(A) information regarding airline passenger protections, including protections related to lost baggage and baggage fees, disclosure of additional fees, bumping, and tarmac delays; and

(B) file an aviation consumer complaint, including a safety and security, airline service, disability and discrimination, or privacy com-
plaint, with the Aviation Consumer Protection Division of the Department of Transportation; and

(2) make the application software available to the public at no cost.

SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT SYSTEMS.

Not later than 2 years after the date of the enactment of this Act, the Architectural and Transportation Barriers Compliance Board, in consultation with the Secretary of Transportation, shall 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.

SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE FOR PERSONS WITH DISABILITIES.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(1) each air carrier’s training policy for its personnel and contractors regarding assistance for persons with disabilities, as required by Department of Transportation regulations;
(2) any variations among the air carriers in the policies described in paragraph (1);

(3) how the training policies are implemented to meet the Department of Transportation regulations;

(4) how frequently an air carrier must train new employees and contractors due to turnover in positions that require such training;

(5) how frequently, in the prior 10 years, the Department of Transportation has requested, after reviewing a training policy, that an air carrier take corrective action; and

(6) the action taken by an air carrier under paragraph (5).

(b) Best Practices.—After the date the report is submitted under subsection (a), the Secretary of Transportation, based on the findings of the report, shall develop and disseminate to air carriers such best practices as the Secretary considers necessary to improve the training policies.

SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL NEEDS OF PASSENGERS WITH DISABILITIES.

(a) Establishment.—The Secretary of Transportation shall establish an advisory committee for the air travel needs of passengers with disabilities (referred to in this section as the “Advisory Committee”).
(b) DUTIES.—The Advisory Committee shall advise the Secretary with regard to the implementation of the Air Carrier Access Act of 1986 (Public Law 99–435; 100 Stat. 1080), including—

(1) assessing the disability-related access barriers encountered by passengers with disabilities;

(2) determining the extent to which the programs and activities of the Department of Transportation are addressing the barriers described in paragraph (1);

(3) recommending improvements to the air travel experience of passengers with disabilities; and

(4) such activities as the Secretary considers necessary to carry out this section.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of at least 1 representative of each of the following groups:

(A) Passengers with disabilities.

(B) National disability organizations.

(C) Air carriers.

(D) Airport operators.

(E) Contractor service providers.
(2) APPOINTMENT.—The Secretary of Transportation shall appoint each member of the Advisory Committee.

(3) VACANCIES.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(d) CHAIRPERSON.—The Secretary of Transportation shall designate, from among the members appointed under subsection (c), an individual to serve as chairperson of the Advisory Committee.

(e) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(f) REPORTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Advisory Committee shall submit to the Secretary of Transportation a report on the needs of passengers with disabilities in air travel, including—

(A) an assessment of disability-related access barriers, both those that were evident in the preceding year and those that will likely be an issue in the next 5 years;
(B) an evaluation of the extent to which
the Department of Transportation’s programs
and activities are eliminating disability-related
access barriers;

(C) a description of the Advisory Commit-
tee’s actions during the prior calendar year;

(D) a description of activities that the Ad-
visory Committee proposed to undertake in the
succeeding calendar year; and

(E) any recommendations for legislation,
administrative action, or other action that the
Advisory Committee considers appropriate.

(2) REPORT TO CONGRESS.—Not later than 60
days after the date the Secretary receives the report
under subparagraph (A), the Secretary shall submit
to Congress a copy of the report, including any addi-
tional findings or recommendations that the Sec-
retary considers appropriate.

(g) TERMINATION.—The Advisory Committee shall
terminate 2 years after the date of enactment of this Act.

SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE
AND CANCELLATION FEES.

(a) IN GENERAL.—The Comptroller General of the
United States shall conduct a study of existing airline in-
dustry change and cancellation fees and the current indus-
try practice for handling changes to or cancellation of ticketed travel on covered air carriers.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider, at a minimum—

(1) whether and how each covered air carrier calculates its change fees and cancellation fees; and

(2) the relationship between the cost of the ticket and the date of change or cancellation as compared to the date of travel.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study, including the Comptroller General’s findings, conclusions, and recommendations.

SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PROTECTION RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to consider and evaluate Department of Transportation enforcement of aviation consumer protection rules.

(b) CONTENTS.—The study under subsection (a) shall include an evaluation of—

(1) available enforcement mechanisms;

(2) any obstacles to enforcement; and
(3) trends in Department of Transportation enforcement actions.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study, including the Comptroller General’s findings, conclusions, and recommendations.

SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a proceeding to study the minimum seat pitch for passenger seats on aircraft operated by air carriers (as defined in section 40102 of title 49, United States Code).

(b) Considerations.—In reviewing any minimum seat pitch under subsection (a), the Secretary shall consider the safety of passengers, including passengers with disabilities.

Subtitle B—Essential Air Service

SEC. 3201. ESSENTIAL AIR SERVICE.

(a) Authorization Extension.—Section 41742(a) is amended—

(1) in paragraph (2), by striking “$150,000,000” and all that follows though “March
31, 2016” and inserting “$155,000,000 for each of
fiscal years 2016 through 2017”; and
(2) by striking paragraph (3).
(b) DEFINITIONS.—Section 41731(a)(1)(A) is
amended by striking clause (ii) and inserting the following:
“(ii) was determined, on or after Oc-
tober 1, 1988, and before December 1,
2012, under this subchapter by the Sec-
retary of Transportation to be eligible to
receive subsidized small community air
service under section 41736 (a);”.
(c) SEASONAL SERVICE.—The Secretary of Trans-
portation may consider the flexibility of current oper-
tional dates and airport accessibility to meet local com-
community needs when issuing requests for proposal of essen-
tial air service at seasonal airports.
SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELO-
PMENT PROGRAM.
(a) EXTENSION OF AUTHORIZATION.—Section
41743(e)(2) is amended to read as follows:
“(2) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Sec-
retary $10,000,000 for each of fiscal years 2016
through 2017 to carry out this section. Such sums
shall remain available until expended.”.
(b) **Eligibility.**—Section 41743(c)(1) is amended to read as follows:

“(1) SIZE.—On the date of the most recent notice of order soliciting community proposals issued by the Secretary under this section, the airport serving the community or consortium—

“(A) was not larger than a small hub airport, as determined using the Department of Transportation’s most recent published classification; and

“(B)(i) had insufficient air carrier service; or

“(ii) had unreasonably high air fares.”.

**Sec. 3203. Small Community Program Amendments.**

(a) **In General.**—Section 41743(c)(4) is amended—

(1) by inserting “(B) SAME PROJECTS.—” before the second sentence and indenting appropriately;

(2) by inserting “(A) IN GENERAL.—” before the first sentence and indenting appropriately;

(3) in subparagraph (B), as designated by this subsection, by striking “No community” and inserting “Except as provided in subparagraph (C)”; and

(4) by adding at the end the following:
“(C) EXCEPTION.—The Secretary may waive the limitation under subparagraph (B) related to projects that are the same if the Secretary determines that 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.”.

(b) AUTHORITY TO MAKE AGREEMENTS.—Section 41743(e)(1) is amended by adding at the end the following: “The Secretary may amend the scope of a grant agreement at the request of the community or consortium and any participating air carrier, and may limit the scope of a grant agreement to only the elements using grant assistance or to only the elements achieved, if the Secretary determines that the amendment is reasonably consistent with the original purpose of the project.”.

SEC. 3204. WAIVERS.

Section 41732 is amended by adding at the end the following:

“(c) WAIVERS.—Notwithstanding section 41733(e), upon request by an eligible place, the Secretary may waive, in whole or in part, subsections (a) and (b) of this section or subsections (a) through (e) of section 41734. A waiver
issued under this subsection shall remain in effect for a
limited period of time, as determined by the Secretary.”.

SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE
TO SMALL COMMUNITIES.

(a) IN GENERAL.—Not later than 120 days after the
date of enactment of this Act, the Secretary of Transpor-
tation and the Administrator of the Federal Aviation Ad-
ministration shall establish a working group—

(1) to identify obstacles to attracting and main-
taining air transportation service to and from small
communities; and

(2) to develop recommendations for maintaining
and improving air transportation service to and from
small communities.

(b) OUTREACH.—In carrying out the requirements
under paragraphs (1) and (2) of subsection (a), the work-
ing group shall consult with—

(1) interested Governors;

(2) representatives of State and local agencies,
and other officials and groups, representing rural
States and other rural areas;

(3) other representatives of relevant State and
local agencies; and
(4) members of the public with experience in aviation safety, pilot training, economic development, and related issues.

(c) CONSIDERATIONS.—In carrying out the requirements under paragraphs (1) and (2) of subsection (a), the working group shall—

(1) consider whether funding for, and terms of, current or potential new programs is sufficient to help ensure continuation of or improvement to air transportation service to small communities, including the Essential Air Service Program and the Small Community Air Service Development Program;

(2) identify initiatives to help support pilot training to provide air transportation service to small communities;

(3) consider whether Federal funding for airports serving small communities, including airports that have lost air transportation services or had decreased enplanements in recent years, is adequate to ensure that small communities have access to quality, affordable air transportation service;

(4) consider potential improvements in pilot training and any constraints affecting pilot career pathways that, if addressed, would increase both aviation safety and pilot supply;
(5) identify innovative State or local efforts that have established public-private partnerships that are successful in attracting and retaining air transportation service in small communities; and

(6) consider such other issues as the Secretary and Administrator consider appropriate.

(d) COMPOSITION.—

(1) IN GENERAL.—The working group shall be facilitated through the Administrator or the Administrator’s designee.

(2) MEMBERSHIP.—Members of the working group shall be appointed by the Administrator and shall include representatives of—

(A) State and local government, including State and local aviation officials;

(B) State governors;

(C) aviation safety experts;

(D) economic development officials; and

(E) the traveling public from small communities.

(e) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator shall submit to the appropriate committees of Congress a report, including—
(1) a summary of the views expressed by the participants in the outreach under subsection (b);  

(2) a description of the working group’s findings, including the identification of any areas of general consensus among the non-Federal participants in the outreach under subsection (b); and  

(3) any recommendations for legislative or regulatory action that would assist in maintaining and improving air transportation service to and from small communities.

**TITLE IV—NEXTGEN AND FAA ORGANIZATION**

**SEC. 4001. DEFINITIONS.**

In this title:

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

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) **ADS-B.**—The term “ADS-B” means automatic dependent surveillance-broadcast.

(4) **ADS-B OUT.**—The term “ADS-B Out” means automatic dependent surveillance-broadcast with the ability to transmit information from the
aircraft to ground stations and to other equipped aircraft.

(5) NEXTGEN.—The term “NextGen” means the Next Generation Air Transportation System.

Subtitle A—Next Generation Air Transportation System

SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administrator’s assessment of each NextGen program.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an estimate of the date that each NextGen program will have a positive return on investment;

(2) an assessment of the impacts of each such program for—

(A) the Federal Government; and

(B) the users of the national airspace system;

(3) a description of how each such program directly contributes to a more safe and efficient air traffic control system; and
(4) the status of NextGen programs and of the
projected return on investment for each such pro-
gram.

c) NEXTGEN PRIORITY LIST.—Based on the assess-
ment under subsection (a) the Administrator shall—

(1) develop, in coordination with the NextGen
Advisory Committee and considering the need for a
balance between long-term and near-term user bene-
fits, a prioritization of each NextGen program;

(2) include the priority list in the report under
subsection (b); and

(3) prepare budget submissions to reflect the
current status of NextGen programs and projected
returns on investment for each program.

d) DEFINITIONS.—In this section:

(1) KEY MILESTONES.—The term “key mile-
stones” includes cost and deployment schedule, and
benefits anticipated in the most recent baseline.

(2) RETURN ON INVESTMENT.—The term “re-
turn on investment” means the cost associated with
technologies that are required by law or policy as
compared to the benefits derived from such tech-
nologies by a government or a user of airspace.

e) REPEAL OF NEXTGEN PRIORITIES.—The FAA
Modernization and Reform Act of 2012 is amended by
striking section 202 (Public Law 112–95; 49 U.S.C. 40101 note).

SEC. 4102. ENSURING FAA READINESS TO USE NEW TECHNOLOGY.

(a) IN GENERAL.—Not later than December 31, 2017, the Administrator shall—

(1) ensure the capability of the Administration to receive space-based ADS-B data; and

(2) use the data described under paragraph (1) to provide positive air traffic control, including separation of aircraft over the oceans and other specific regions not covered by radar.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, and biannually thereafter until the date that the Administrator certifies that the Administration has the capability to receive space-based ADS-B data, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) details the actions the Administrator has taken to ensure 2018 readiness and usage;

(2) details the actions that remain to be taken to implement such capability;

(3) includes a schedule for expected completion of each outstanding action described in paragraph (2); and
(4) includes a detailed description of the investment decisions and requests for funding made by the Administrator that are consistent with the terrestrial ADS-B implementation to ensure a sustained program beyond 2018.

SEC. 4103. NEXTGEN METRICS REPORT.

Section 710(e)(2) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note) is amended—

(1) in subparagraph (D), by striking “; and” and inserting a semicolon;

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

(3) by adding at the end the following:

“(F) a description of the progress made on NextGen performance goals relative to the performance metrics established under section 214 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).”.

SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.

(a) FINDINGS.—Congress makes the following findings:

(1) On September 26, 2014, an Administration contract employee deliberately started a fire that de-
destroyed critical equipment at the Administration’s Chicago Air Route Traffic Control Center (referred to in this section as the “Chicago Center”) in Aurora, Illinois.

(2) As a result of the damage, Chicago Center was unable to control air traffic for more than 2 weeks, thousands of flights were delayed or cancelled into and out of O’Hare International Airport and Midway Airport in Chicago, and aviation stakeholders and airlines reportedly lost over $350,000,000.

(3) According to the Office of the Inspector General of the Department of Transportation, the fire at Chicago Center demonstrated that the Administration’s contingency plans for the Chicago Center and the airspace it controls do not ensure redundancy and resiliency for sustained operations.

(4) Further, the Inspector General found that Chicago Center incident highlighted the limited flexibility and lack of resiliency in critical elements of the Administration’s current air traffic control infrastructure, including limited communication capacity and the inability to easily transfer control of airspace and flight plans.
(b) Comprehensive Contingency Plan.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall update the Administration’s comprehensive contingency plan to address potential air traffic facility outages that could have a major impact on operation of the national airspace system.

(c) Report.—Not later than 60 days after the date the plan is updated under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on the update, including any recommendations for ensuring air traffic facility outages do not have a major impact on operation of the national airspace system.

SEC. 4105. ADS-B Mandate Assessment.

(a) Findings.—Congress makes the following findings:

(1) The Administration’s ADS-B program is expected to be the centerpiece of the NextGen effort at the Administration, but the satellite-based system faces uncertainty and controversy.

(2) In May 2010, the Administration published a final rule that mandated airspace users be equipped with ADS-B Out avionics by January 1, 2020.
(3) Subsequently, in April 2015, the Administration announced completion of the ADS-B ground-based radio infrastructure. However, the ADS-B program faces considerable uncertainty and unanswered questions about whether or not the 2020 mandate is still meaningful.

(4) In 2014, the Office of the Inspector General 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.

(5) The Office of the Inspector General 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 see 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.”

(6) When this report was issued, commercial and general aviation 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.

(b) ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall assess—

(1) Administration and industry readiness to meet the ADS-B mandate by 2020;

(2) changes to ADS-B program since May 2010; and

(3) additional options to comply with the mandate and consequences, both for individual system users and for the overall safety and efficiency of the national airspace system, for noncompliance.

(c) REPORT.—Not later than 60 days after the date the assessment under subsection (b) is complete, the Inspector General of the Department of Transportation shall submit to the appropriate committees of Congress a report on the progress made toward meeting the ADS-B mandate by 2020, including any recommendations of the Inspector General to carry out such mandate.

SEC. 4106. NEXTGEN INTEROPERABILITY.

(a) IN GENERAL.—To implement a more effective international strategy for achieving NextGen interoperability with foreign countries, the Administrator shall take the following actions:
(1) Conduct a gap analysis to identify potential risks to NextGen interoperability with other Air Navigation Service Providers and establish a schedule for periodically reevaluating such risks.

(2) Develop a plan that identifies and documents actions the Administrator will undertake to mitigate such risks, using information from the gap analysis as a basis for making management decisions about how to allocate resources for such actions.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the analysis conducted under paragraph (1) of subsection (a) and on the actions the Administrator has taken under paragraph (2) of such subsection.

SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.

(a) IN GENERAL.—The Administrator shall—

(1) identify and analyze technical and operational maturity gaps in NextGen transition and implementation plans; and

(2) develop a plan to mitigate the gaps identified in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall sub-
mit to the appropriate committees of Congress a report on the actions taken to carry out the plan required by subsection (a)(2).

SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL IMPROVEMENTS.

(a) IN GENERAL.—To help ensure that NextGen operational improvements are fully implemented in the midterm, the Administrator shall—

(1) work with airlines and other users of the national airspace system (referred to in this section as “NAS”) to develop and implement a system to systematically track the use of existing performance based navigation (referred to in this section as “PBN”) procedures;

(2) 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;

(3) develop and implement guidelines for ensuring timely inclusion of appropriate stakeholders, including airport representatives, in the planning and implementation of NextGen improvement efforts; and
(4) assure that NextGen planning documents provide stakeholders information on how and when operational improvements are expected to achieve NextGen goals and targets.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements of subsection (a), and on the schedule and process that will be used to implement PBN at additional airports, including information on how the Administration will partner and coordinate with private industry to ensure expeditious implementation of performance based navigation.

SEC. 4109. CYBERSECURITY.

(a) IN GENERAL.—The Administrator shall—

(1) identify and implement ways to better incorporate cybersecurity measures as a systems characteristic at all levels and phases of the architecture and design of air traffic control programs, including NextGen programs;

(2) develop a threat model that will identify vulnerabilities to better focus resources to mitigate cybersecurity risks;

(3) develop an appropriate plan to mitigate cybersecurity risk, to respond to an attack, intru-
sion, or otherwise unauthorized access and to adapt
to evolving cybersecurity threats; and

(4) foster a cybersecurity culture throughout
the Administration, including air traffic control pro-
grams and relevant contractors.

(b) REPORT.—Not later than 1 year after the date
of the enactment of this Act, the Administrator shall sub-
mit to the appropriate committees of Congress a report
on the progress made toward implementing the require-
ments under subsection (a).

SEC. 4110. DEFINING NEXTGEN.

Not later than 1 year after the date of the enactment
of this Act, the Comptroller General of the United States
shall—

(1) assess how the line items included in the
Administration’s NextGen budget request relate to
the goals and expected outcomes of NextGen, includ-
ing how NextGen programs directly contribute to a
measurably safer and more efficient air traffic con-
trol system; and

(2) submit to the appropriate committees of
Congress a report on the results of the assessment
under paragraph (1), including any recommenda-
tions for the removal of line items that do not per-
tain to the overall vision for NextGen.
SEC. 4111. HUMAN FACTORS.

(a) IN GENERAL.—In order to avoid having to subsequen
tly modify products and services developed as a part
of NextGen, the Administrator shall—

(1) 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

(2) ensure that a human factors specialist, sep-

arate from the research and certification groups, is
directly involved with the NextGen approval process.

(b) REPORT.—Not later than 1 year after the date
of the enactment of this Act, the Administrator shall sub-
mit to the appropriate committees of Congress a report
on the progress made toward implementing the require-
ments under subsection (a).

SEC. 4112. MAJOR ACQUISITION REPORTS.

(a) IN GENERAL.—The Administrator shall evaluate
the current acquisition practices of the Administration to
ensure that such practices—

(1) identify the current estimated costs for each
acquisition system, including all segments;

(2) separately identify cumulative amounts for
acquisition costs, technical refresh, and other en-
hancements in order to identify the total baselined
and re-baselined costs for each system; and
(3) account for the way funds are being used when reporting to managers, Congress, and other stakeholders.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4113. EQUIPAGE MANDATES.

(a) IN GENERAL.—Before NextGen-related equipage mandates are imposed on users of the national airspace system, the Administrator, in collaboration with all relevant stakeholders, shall—

(1) provide a statement of estimated cost and benefits that is based upon mature and stable technical specifications; and

(2) create a schedule for Administration deliverables and investments by both users and the Administration, including for procedure and airspace design, infrastructure deployment, and training.

SEC. 4114. WORKFORCE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall—
(1) 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;

(2) develop a comprehensive plan to attract, develop, train, and retain talented individuals; and

(3) identify the resources needed to attract, develop, and retain this talent.

(b) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4115. ARCHITECTURAL LEADERSHIP.

(a) IN GENERAL.—In order to provide an adequate technical foundation for steering NextGen’s technical governance and managing inevitable changes in technology and operations, the Administrator shall—

(1) develop a plan that—

(A) uses an architecture leadership community and an effective governance approach to assure a proper balance between documents and artifacts and to provide high-level guidance;

(B) enables effective management and communication of dependencies;
(C) provides flexibility and the ability to evolve to ensure accommodation of future needs; and

(D) communicates changing circumstances in order to align agency and airspace user expectations;

(2) determine the feasibility of conducting a small number of experiments among the Administration’s system integration partners to prototype candidate solutions for establishing and managing a vibrant architectural community; and

(3) develop a method to initiate, grow, and engage a capable architecture community, from both within and outside of the Administration, who will expand the breadth and depth of expertise that is steering architectural changes.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4116. PROGRAMMATIC RISK MANAGEMENT.

(a) IN GENERAL.—To better inform the Administration’s decisions regarding the prioritization of efforts and
allocation of resources for NextGen, the Administrator shall—

(1) solicit input from specialists in probability and statistics to identify and prioritize the programmatic and implementation risks to NextGen; and

(2) develop a method to manage and mitigate the risks identified in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4117. NEXTGEN PRIORITIZATION.

The Administrator shall consider expediting NextGen modernization implementation projects at public use airports that share airspace with active military training ranges and do not have radar coverage where such implementation would improve the safety of aviation operations.

Subtitle B—Administration
Organization and Employees

SEC. 4121. COST-SAVING INITIATIVES.

(a) IN GENERAL.—To ensure that Administration initiatives are being implemented in a timely and fiscally responsible manner, the Administrator shall—
(1) identify and implement agencywide cost-saving initiatives; and

(2) develop appropriate schedules and metrics to measure whether the initiatives are successful in reducing costs.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the progress made toward implementing the requirements under subsection (a).

SEC. 4122. TREATMENT OF ESSENTIAL EMPLOYEES DURING FURLoughs.

(a) Definition of Essential Employee.—In this section, the term “essential employee” means an employee of the Administration who performs work involving the safety of human life or the protection of property, as determined by the Administrator.

(b) In General.—In implementing spending reductions under Federal law, the Administrator may furlough 1 or more employees of the Administration, except an essential employee, if the Administrator determines the furlough is necessary to achieve the required spending reductions.

(c) Transfer of Budgetary Resources.—The Administrator may transfer budgetary resources within
the Administration to carry out subsection (b), except that
the transfer may only be made to maintain essential em-
ployees.

SEC. 4123. CONTROLLER CANDIDATE INTERVIEWS.
(a) In General.—Not later than 60 days after the
date of the enactment of this Act, the Administrator shall
require that an in-person interview be conducted with each
individual applying for an air traffic control specialist po-
sition before that individual may be hired to fill that posi-
tion.

(b) Guidance.—Not later than 30 days after the
date of the enactment of this Act, the Administrator shall
establish guidelines regarding the in-person interview
process described in subsection (a).

SEC. 4124. HIRING OF AIR TRAFFIC CONTROLLERS.
(a) In General.—Section 44506 is amended by
adding at the end the following:
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consecutive weeks of air traffic control experi-
ence involving the full-time active separation of
air traffic after receipt of an air traffic certifi-
cation or air traffic control facility rating within
5 years of application while serving at—

“(i) a Federal Aviation Administra-
tion air traffic control facility;

“(ii) a civilian or military air traffic
control facility of the Department of De-
fense; or

“(iii) a tower operating under con-
tract with the Federal Aviation Adminis-
tration under section 47124 of this title.

“(B) CONSIDERATION OF ADDITIONAL AP-
PLICANTS.—The Administrator shall consider
additional applicants for the position of air traf-
cfic controller by referring an approximately
equal number of employees for appointment
among the 2 applicant pools. The number of
employees referred for consideration from each
group shall not differ by more than 10 percent.

“(i) POOL ONE.—Applicants who:

“(I) have successfully completed
air traffic controller training and
graduated from an institution partici-
pating in the Collegiate Training Initiative program maintained under subsection (c)(1) who have received
from the institution—

“(aa) an appropriate recommendation; or

“(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013,

for an appropriate recommendation;

“(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38, United States Code, and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

“(III) are eligible veterans (as defined in section 4211 of title 38, United States Code) maintaining aviation experience obtained in the course of the individual’s military experience; or
“(IV) are preference eligible veterans (as defined in section 2108 of title 5, United States Code).

“(ii) Pool Two.—Applicants who apply under a vacancy announcement recruiting from all United States citizens.

“(2) Use of Biographical Assessments.—

“(A) Biographical Assessments.—The Administration shall not use any biographical assessment when hiring under subparagraph (A) or subparagraph (B)(i) of paragraph (1).

“(B) Reconsideration of Applicants Disqualified on the Basis of Biographical Assessments.—

“(i) In General.—If an individual described in subparagraph (A) or subparagraph (B)(i) of paragraph (1) who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA-AMC-14-ALLSRCE-33537 (issued on February 10, 2014) and was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply as
soon as practicable for the position under the revised hiring practices.

“(ii) Waiver of Age Restriction.—
The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

“(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

“(II) met the maximum age requirement on the date of the individual’s previous application for the position during the interim hiring process.

“(3) Maximum Entry Age for Experienced Controllers.—Notwithstanding section 3307 of title 5, United States Code, the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.”.
(b) NOTIFICATION OF VACANCIES.—The Administrator shall consider directly notifying secondary schools and institutes of higher learning, including Historically Black Colleges and Universities, Hispanic-serving institutions, Minority Institutions, and Tribal Colleges and Universities, of the vacancy announcement under section 44506(f)(1)(B)(ii) of title 49, United States Code.

SEC. 4125. COMPUTATION OF BASIC ANNUITY FOR CERTAIN AIR TRAFFIC CONTROLLERS.

(a) IN GENERAL.—Section 8415(f) of title 5, United States Code, is amended to read as follows:

“(f) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has at least 5 years of service in any combination as:

“(1) an air traffic controller as defined by section 2109(1)(A)(i);

“(2) a first level supervisor of an air traffic controller as defined by section 2109(1)(A)(i); or

“(3) a second level supervisor of an air traffic controller as defined by section 2109(1)(A)(i);

so much of the annuity as is computed with respect to such type of service shall be computed by multiplying 1 7/10 percent of the individual’s average pay by the years of such service.”.
(b) **Effective Date.**—The amendment made by subsection (a) shall be deemed to be effective on December 12, 2003.

(c) **Procedures Required.**—The Director of the Office of Personnel Management shall establish such procedures as are necessary to provide for—

1. notification to each annuitant affected by the amendments made by this section;

2. recalculation of the benefits of affected annuitants;

3. an adjustment to applicable monthly benefit amounts pursuant to such recalculation, to begin as soon as is practicable; and

4. a lump sum payment to each affected annuitant equal to the additional total benefit amount that such annuitant would have received had the amendment made by subsection (a) been in effect on December 12, 2003.

**TITLE V—MISCELLANEOUS**

**SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD INVESTIGATIVE OFFICERS.**

Section 1113 is amended by striking subsection (h).
SEC. 5002. PERFORMANCE-BASED NAVIGATION.

Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

“(3) NOTIFICATIONS AND CONSULTATIONS.—
Not later than 90 days before applying a categorical exclusion under this subsection to a new procedure at an OEP airport, the Administrator shall—

“(A) notify and consult with the operator of the airport at which the procedure would be implemented; and

“(B) consider consultations or other engagement with the community in the which the airport is located to inform the public of the procedure.

“(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

“(A) IN GENERAL.—The Administrator shall review any decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an OEP airport that was a material change from procedures previously in effect at the airport to determine if the imple-
mentation of the procedure had a significant effect on the human environment in the community in which the airport is located if the operator of that airport—

“(i) requests such a review; and

“(ii) demonstrates that there is good cause to believe that the implementation of the procedure had such an effect.

“(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an OEP airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

“(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

“(ii) in conducting such consultations, consider the use of alternative flight paths that do not substantially degrade the effi-
ciencies achieved by the implementation of
the procedure being reviewed.

“(C) HUMAN ENVIRONMENT DEFINED.—
In this paragraph, the term ‘human environ-
ment’ has the meaning given such term in sec-
tion 1508.14 of title 40, Code of Federal Regu-
lations (as in effect on the day before the date
of the enactment of this paragraph).”.

SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.
Section 40128 is amended—
(1) in subsection (a)(3), by striking “the” be-
fore “title 14”; and
(2) by amending subsection (f) to read as fol-
lows:
“(f) TRANSPORTATION ROUTES.—
“(1) IN GENERAL.—This section shall not apply
to any air tour operator while flying over or near
any Federal land managed by the Director of the
National Park Service, including Lake Mead Na-
tional Recreation Area, solely as a transportation
route, to conduct an air tour over the Grand Canyon
National Park.
“(2) EN ROUTE.—For purposes of this sub-
section, an air tour operator flying over the Hoover
Dam in the Lake Mead National Recreation Area en
route to the Grand Canyon National Park shall be
deemed to be flying solely as a transportation
route.”.

SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMERCIAL SPACE LAUNCH SITE RUNWAYS.

(a) In General.—Section 44718(b)(1) is amended—

(1) by striking “air navigation facilities and
equipment” and inserting “air or space navigation
facilities and equipment”;

(2) in subparagraph (D), by striking “; and”
and inserting a semicolon;

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

(4) by adding at the end the following:

“(F) the impact on launch and reentry for
launch and reentry vehicles arriving or depart-
ing from a launch site or reentry site licensed
by the Secretary.”.

(b) Rulemaking.—Not later than 18 months after
the date of enactment of this Act, the Administrator of
the Federal Aviation Administration shall initiate a rule-
making to implement the amendments made by subsection
(a).
SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOPMENT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the existing system of spaceports licensed by the Federal Aviation Administration that includes recommendations regarding—

(1) the extent to which, and the manner in which, the Federal Government could participate in the construction, improvement, development, or maintenance of such spaceports; and

(2) potential funding sources.

SEC. 5006. AVIATION FUEL.

(a) USE OF UNLEADED AVIATION GASOLINE.—The Administrator of the Federal Aviation Administration shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and
(3) adopts a process (other than the traditional means of certification) to allow eligible aircraft and engines to operate using qualified replacement unleaded gasoline in a manner that ensures safety.

(b) TIMING.—The Administrator shall adopt the process described in subsection (a)(3) not later than 180 days after the later of—

(1) the date on which the Administration completes the Piston Aviation Fuels Initiative; or

(2) the date on which the American Society for Testing and Materials publishes a production specification for an unleaded aviation gasoline.

SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS PLAN.

(a) IN GENERAL.—No later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, the Secretary of Labor, the Secretary of State, the Secretary of Defense, and representatives of other Federal departments and agencies, as necessary, shall develop a comprehensive national aviation communicable disease preparedness plan.

(b) MINIMUM COMPONENTS.—The plan developed under subsection (a) shall—
(1) be developed in consultation with other relevant stakeholders, including State, local, tribal, and territorial governments, air carriers, first responders, and the general public;

(2) provide for the development of a communications system or protocols for providing comprehensive, appropriate, and up to date information regarding communicable disease threats and preparedness between all relevant stakeholders;

(3) document the roles and responsibilities of relevant Federal department and agencies, including coordination requirements;

(4) provide guidance to air carriers, airports, and other appropriate aviation stakeholders on how to develop comprehensive communicable disease preparedness plans for their respective organizations, in accordance with the plan to be developed under subsection (a);

(5) be scalable and adaptable so that the plan can be used to address the full range of communicable disease threats and incidents;

(6) provide information on communicable threats and response training resources for all relevant stakeholders, including Federal, State, local, tribal, and territorial government employees, airport
officials, aviation industry employees and contractors, first responders, and health officials;

(7) develop protocols for the dissemination of comprehensive, up to date, and appropriate information to the traveling public concerning communicable disease threats and preparedness;

(8) be updated periodically to incorporate lessons learned with supplemental information; and

(9) be provided in writing, electronically, and accessible via the Internet.

(c) INTERAGENCY FRAMEWORK.—The plan developed under subsection (a) shall—

(1) be conducted under the existing interagency framework for national level all hazards emergency preparedness planning or another appropriate framework; and

(2) be consistent with the obligations of the United States under international agreements.

SEC. 5008. ADVANCED MATERIALS CENTER OF EXCELLENCE.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

“§ 44518. Advanced Materials Center of Excellence

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop an Advanced
Materials Center of Excellence (referred to in this section as the ‘Center’), which shall focus on applied research and training on the durability and maintainability of advanced materials in transport airframe structures.

“(b) RESPONSIBILITIES.—The Center shall—

“(1) promote and facilitate collaboration among academia, the Transportation Division of the Federal Aviation Administration, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

“(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $500,000 for each of the fiscal years 2016 to 2017 to carry out this section.”.

(b) TABLE OF CONTENTS.—The table of contents for chapter 445 is amended by adding at the end the following:

“44518. Advanced Materials Center of Excellence.”.

SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—
(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and

(2) submit the findings of the study, including any recommendations, to Congress.

(b) GAP ANALYSIS.—The study shall include a gap analysis to determine if State and local laws and resources are adequate to deter or otherwise address the crimes of violence described in subsection (a) and recommendations on how to address any identified gaps.

SEC. 5010. SECONDARY COCKPIT BARRIERS.

(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in collaboration with the Administrator of the Federal Aviation Administration, shall complete a detailed risk assessment of the need for physical secondary barriers on aircraft flown by air carriers operating under part 121 of title 14, Code of Federal Regulations, for passenger operations.

(b) DETERMINATION AND RULEMAKING.—If the Administrator of the Transportation Security Administration determines that there is a threat based on the threat assessment under subsection (a), then not later than 18
months after the date of that determination, the Administrator of the Federal Aviation Administration may promulgate regulations for the risk-based equipage of air carriers operating under part 121 of title 14, Code of Federal Regulations, for passenger operations, as appropriate.

SEC. 5011. GAO EVALUATION AND AUDIT.

Section 15(a)(1) of the Railway Labor Act (45 U.S.C. 165(a)(1)) is amended by striking “2 years” and inserting “4 years”.

SEC. 5012. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Airport Capacity Enhancement Projects at Congested Airports.—Section 40104(c) is amended by striking “47176” and inserting “47175”.

(b) Consultation on Carrier Response Not Covered by Plan.—Section 41313(c)(16) is amended by striking “the foreign air carrier will consult” and inserting “will consult”.

(c) Weighing Mail.—Section 41907 is amended by striking “and –administrative” and inserting “and administrative”.

(d) Flight Attendant Certification.—Section 44728 is amended—

(1) in subsection (c), by striking “chapter” and inserting “title”; and
(2) in subsection (d)(3), by striking “is” and inserting “be”.

(c) SCHEDULE OF FEES.—Section 45301(a)(1) is amended by striking “United States government” and inserting “United States Government”.

(f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A) is amended by striking “(18 U.S.C. App.)” and inserting “(18 U.S.C. App.)”.

(g) ALLOWABLE COST STANDARDS.—Section 47110(b)(2) is amended—

(1) in subparagraph (B), by striking “compativity” and inserting “compatibility”; and

(2) in subparagraph (D)(i), by striking “climactic” and inserting “climatic”.

(h) DEFINITION OF QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—Section 47113(a)(3) is amended by striking “(15 U.S.C. 632(o))” and inserting “(15 U.S.C. 632(p))”.

(i) DISCRETIONARY FUND.—Section 47115 is amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).
(j) Special Apportionment Categories.—Section 47117(e)(1)(B) is amended by striking “at least” and inserting “At least”.

(k) Solicitation and Consideration of Comments.—Section 47171(l) is amended by striking “4371” and inserting “4321”.

(l) Operations and Maintenance.—Section 48104 is amended by striking “(a) Authorization of Appropriations.—the” and inserting “The”.

(m) Expenditures From Airport and Airway Trust Fund.—Section 9502(d)(2) of the Internal Revenue Code of 1986 is amended by striking “farms” and inserting “farms).”