

# FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION



## S.2658: SECTION-BY-SECTION ANALYSIS

### Sec. 1. Short Title; Table of Contents.

This section would provide the short title of this bill as the “Federal Aviation Administration Reauthorization Act of 2016.” This section would also provide a table of contents for the bill.

### Sec. 2. References to Title 49, United States Code.

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

### Sec. 3. Definition of Appropriate Committees of Congress.

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

### Sec. 4. Effective Date.

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

## TITLE I - AUTHORIZATIONS

### Subtitle A – Funding of FAA Programs

#### Sec. 1001. Airport Planning and Development and Noise Compatibility Planning and Programs.

This section would provide funding levels for the Airport Improvement Program (AIP) for fiscal years (FY) 2016 through 2017. In FY 2016, the level would be \$3.35 billion. FY 2017 would see a rise to \$3.75 billion, a \$400 million (or 12 percent) increase.

#### Sec. 1002. Air Navigation Facilities and Equipment.

This section would provide authorization of appropriations for the Federal Aviation Administration’s (FAA) Facilities and Equipment account of \$2,855,241,025 for FY 2016 and \$2,862,020,524 for FY 2017.

Sec. 1003. FAA Operations.

This section would provide authorization of appropriations for the FAA's operations account of \$9,910,009,314 for FY 2016 and \$10,025,361,111 for FY 2017.

Sec. 1004. FAA Research and Development.

This section would provide authorization of appropriations for the FAA's research and development account of \$166,000,000 for FY 2016 and \$169,000,000 for FY 2017.

Sec. 1005. Funding for Aviation Programs.

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

Sec. 1006. Extension of expiring authorities.

This section would extend the following: Airport Improvement Program (AIP) discretionary grant eligibility for the Marshall Islands, Micronesia, and Palau; eligibility of states and local governments for AIP grants for compatible land use planning; an annual report by the Department of Transportation's Inspector General (DOT IG) on the level and extent of participation in FAA-funded programs by Disadvantaged and Small Business Enterprise concerns; and a pilot program allowing AIP funds to be spent on certain airport property redevelopment projects.

## **Subtitle B - Airport Improvement Program Modifications**

Sec. 1201. Small Airport Regulation Relief.

This section would direct the FAA, for FY 2016 and FY 2017, to apportion AIP entitlement funds to certain small airports based on the number of passenger boardings during calendar year 2012 if the airport had scheduled air service and meets certain requirements.

Sec. 1202. Priority Review of Construction Projects in Cold Weather States.

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

Sec. 1203. State Block Grants Updates.

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

Sec. 1204. Contract Tower Program Updates.

This section would authorize appropriations for the Contract Air Traffic Control Tower Cost-Share Program and increase the cap on the federal share of contract tower construction projects. This section would also revise the methodology for determining benefit-to-cost ratios for contract tower airports. For

contract towers at non-cost-share airports, there would not be an annual benefit-to-cost ratio unless the traffic at the airport decreases by a certain amount. The FAA would establish procedures for participants in the Contract Tower Program to review and appeal determinations related to a benefit-to-cost ratio.

Sec. 1205. Approval of Certain Applications for the Contract Tower Program.

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

Sec. 1206. Remote Towers.

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

Sec. 1207. Midway Island Airport.

This section would extend the authorization for Midway Island Airport to receive AIP funds through FY 2017.

Sec. 1208. Airport Road Funding.

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

Sec. 1209. Repeal of Inherently Low-Emission Airport Vehicle Pilot Program.

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

Sec. 1210. Modification of Zero-Emission Airport Vehicles and Infrastructure Pilot Program.

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

Sec. 1211. Repeal of Airport Ground Support Equipment Emissions Retrofit Pilot Program.

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

Sec. 1212. Funding Eligibility for Airport Energy Efficiency Assessments.

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

Sec. 1213. Recycling Plans; Safety Projects at Unclassified Airports.

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

Sec. 1214. Transfers of Instrument Landing Systems.

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

Sec. 1215. Non-Movement Area Surveillance Pilot Program.

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

Sec. 1216. Amendments to Definitions.

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

Sec. 1217. Clarification of Noise Exposure Map Updates.

This section would clarify an existing statutory provision that deals with the submission of noise exposure maps from airport operators to the FAA. The Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176) required the FAA to "make noise exposure and land use information from noise exposure maps [prepared under 14 CFR part 150] available to the public via the Internet on its website in an appropriate format." This section would clarify when airports must supply certain revisions to the FAA.

Sec. 1218. Provision of Facilities.

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

Sec. 1219. Contract Weather Observers.

This section would mandate that the FAA issue a report outlining the safety risks, hazard effects, and operational effects that could result from the loss of the Contract Weather Observer service at airports with this service that are currently under review by the FAA. The FAA oversees 136 airports that utilize contract weather observers. In 2015, the FAA developed a plan to transition the duties of up to 57 Contract Weather Observer locations to Limited Aviation Weather Reporting Systems (LAWRS) Controllers. Under this provision, FAA would be prohibited from finalizing determinations under this plan until this report is issued.

This section would also require the National Oceanic and Atmospheric Administration (NOAA) and the FAA to issue a report on NOAA's Golden Triangle Initiative.

Sec. 1220. Federal Share Adjustment.

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

Sec. 1221. Miscellaneous Technical Amendments.

This section would provide miscellaneous technical amendments to ensure clarity in statutory aviation provisions.

Sec. 1222. Mothers' Rooms at Airports

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

Sec. 1223. Eligibility for Airport Development Grants of Airports that Enter into Certain Leases with Components of the Armed Forces.

This section would forbid the DOT from disapproving an AIP project grant solely because the airport renews a lease for the use, at a nominal rate, of airport property by a regular or reserve component of the Armed Forces, including the National Guard.

Sec. 1224. Clarification of Definition of Aviation-Related Activity for Hangar Use.

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

Sec. 1225. Use of Airport Improvement Program Funds for Runway Safety Repairs.

This section would allow DOT to approve the use of AIP funds at certain airports to repair the runway safety area of such airports damaged as a result of a natural disaster in order to maintain compliance with FAA regulations, if certain conditions are met.

### **Subtitle C—Passenger Facility Charges**

Sec. 1301. PFC Streamlining.

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

Sec. 1302. Intermodal Access Projects.

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

Sec. 1303. Use of Revenue at a Previously Associated Airport.

This section would allow the FAA to authorize a PFC to finance eligible airport related projects if the eligible airport meets certain requirements related to previous association and project agreements.

Sec. 1304. Future Aviation Infrastructure and Financing Study.

This section would require the DOT to engage the Transportation Research Board to conduct a study and make recommendations on actions needed to upgrade and restore the national aviation infrastructure system, including airport infrastructure needs and existing financial resources for commercial service airports.

## **TITLE II—SAFETY**

### **Subtitle A—Unmanned Aircraft Systems Reform**

Sec. 2001. Definitions.

This section would define certain terms used in this subtitle.

### **PART I—PRIVACY AND TRANSPARENCY**

Sec. 2101. Unmanned Aircraft Systems Privacy Policy.

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

Sec. 2102. Sense of Congress.

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

Sec. 2103. Federal Trade Commission Authority.

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

Sec. 2104. National Telecommunications and Information Administration Multi-Stakeholder Process.

This section would require the National Telecommunications and Information Administration to report to Congress no later than July 31, 2016, on the ongoing multi-stakeholder process related to privacy best practices and UAS use. This report would include legislative and regulatory policy recommendations.

Sec. 2105. Identification Standards.

This section would direct the National Institute of Standards and Technology (NIST), in collaboration with the FAA and others, to convene industry stakeholders to facilitate the development of consensus standards for remote identification of UAS and report to Congress. Not later than one year after the report has been submitted, the FAA would issue regulatory guidance implementing these standards.

Sec. 2106. Commercial and Governmental Operators.

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

Sec. 2107. Analysis of Current Remedies under Federal, State, Local Jurisdictions.

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

## PART II—UNMANNED AIRCRAFT SYSTEMS

Sec. 2121. Definitions.

This section would codify definitions related to UAS.

Sec. 2122. Utilization of Unmanned Aircraft System Test Sites.

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

Sec. 2123. Additional Research, Development, and Testing.

This section would require the FAA to work jointly with the UAS Executive Committee (including representatives from other relevant departments and agencies) to develop a research plan on the broad range of technical, procedural, and policy issues related to UAS integration.

This section would also provide the FAA the authority to use other transaction authority and enter into collaborative research and development agreements as a mechanism to direct research related to UAS, including at any UAS test site.

Sec. 2124. Safety Standards.

This section would direct NIST and the FAA, in consultation with other stakeholders, to develop risk-based, consensus industry standards on UAS aircraft safety. The FAA would also establish a process for the airworthiness approval of small UAS based on the consensus standards, in lieu of the more cumbersome certification process used for the approval of other aircraft. These standards, developed and approved in collaboration with the FAA, would ultimately improve safety by prescribing which safety technologies would be built into unmanned aircraft systems sold in the United States.

Sec. 2125. Unmanned Aircraft Systems in the Arctic.

This section would codify a provision enacted in the 2012 FAA reauthorization bill governing UAS operations in the Arctic.

Sec. 2126. Special Authority for Certain Unmanned Aircraft Systems.

This section would reauthorize and expand exemption authority, presently known as "section 333 exemptions", for FAA to authorize UAS operations in the national airspace system. This section would also make explicit the authority for the FAA to approve nighttime and beyond-line-of-sight operations.

Sec. 2127. Additional Rulemaking Authority.

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

Sec. 2128. Governmental Unmanned Aircraft Systems.

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

Sec. 2129. Special Rules for Model Aircraft.

This section would codify and amend the definition of "model aircraft," which are generally excluded from being the subject of new FAA rules. As modified, the Administrator may review operational parameters and modify, in collaboration with relevant stakeholders, as necessary to improve safety.



Sec. 2130. Unmanned Aircraft Systems Aeronautical Knowledge and Safety.

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

Sec. 2131. Safety Statements.

This section would require UAS manufacturers, consistent with current practice, to provide safety information in UAS product packaging. These statements would include information on laws and regulations applicable to UAS as well as UAS safety best practices.

Sec. 2132. Treatment of Unmanned Aircraft Operating Underground.

This section would make explicit that UAS operations underground are not subject to FAA regulation.

Sec. 2133. Enforcement.

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

Sec. 2134. Aviation Emergency Safety Public Services Disruption.

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

Sec. 2135. Pilot Project for Airport Safety and Airspace Hazard Mitigation.

This section would establish a pilot project for UAS hazard mitigation at public use airports and for critical infrastructure.

Sec. 2136. Contribution to Financing of Regulatory Functions.

This section would authorize the FAA to assess and collect regulatory and administrative fees to recover the costs of these activities from commercial operators, subject to a rulemaking. As part of that rulemaking, the FAA would need to ensure such fees would be cost-based relative to the regulatory activity, and would not be discriminatory or deter compliance.

Sec. 2137. Sense of Congress Regarding Small UAS Rulemaking.

This section would express the sense of the Senate that the small UAS rulemaking should be completed expeditiously.

Sec. 2138. Unmanned Aircraft System Traffic Management.

This section would authorize FAA, in coordination with the National Aeronautics and Space Administration, to develop a research plan and implement a pilot program for an unmanned aircraft system traffic management.

Sec. 2139. Emergency Exemption Process.

This section would require the FAA to set forth an exemption process for public and commercial operators to utilize for special authorization in emergency response efforts.

Sec. 2140. Public UAS Operations by Tribal Governments.

This section would amend the definition of "public aircraft" to include unmanned aircraft systems that are owned and operated by an Indian tribal government.

Sec. 2141. Carriage of Property by Small Unmanned Aircraft Systems for Compensation or Hire.

This section would require the DOT to issue a final rule authorizing the carriage of property by operators of small UAS for compensation or hire within the U.S. not later than 2 years after the date of enactment. This section would also require the creation of a small UAS air carrier certificate for persons that directly undertake the operation of small UAS to carry property in air transportation and the development of a classification system for persons issued small UAS air carrier certificates.

Sec. 2142. Collegiate Training Initiative Program for Unmanned Aircraft Systems.

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

### PART III – TRANSITION AND SAVINGS PROVISIONS

Sec. 2151. Senior Advisor for Unmanned Aircraft Systems Integration.

This section would authorize a specific leadership position for the UAS integration office, consistent with current practice.

Sec. 2152. Effect on Other Laws.

This section would establish a federal preemption for state and local laws relating to the design, manufacture, testing, licensing, registration, certification, operation, or maintenance of a UAS, including airspace, altitude, flight paths, equipment or technology requirements, purpose of operations, and pilot, operator, and observer qualifications, training, and certification. Laws (including common law causes of action) relating to nuisance, voyeurism, harassment, reckless endangerment, wrongful death, personal injury, property damage, or other illegal acts arising from the use of UAS would not be preempted if they are not specifically related to the use of a UAS.

Sec. 2153. Spectrum.

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

Sec. 2154. Applications for Designation.

This section would establish a process for the FAA to designate areas where UAS operations would be restricted or limited, including critical infrastructure, oil refineries, chemical facilities, amusement parks, and other locations that may benefit from such restrictions.

Sec. 2155. Use of Unmanned Aircraft Systems at Institutions of Higher Education.

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

Sec. 2156. Transition Language.

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

## **Subtitle B - FAA Safety Certification Reform**

### **PART I—GENERAL PROVISIONS**

Sec. 2211. Definitions.

This section would set forth definitions applicable to this subtitle.

Sec. 2212. Safety Oversight and Certification Advisory Committee.

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

### **PART II – AIRCRAFT CERTIFICATION REFORM**

Sec. 2221. Aircraft Certification Performance Objectives and Metrics.

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

Sec. 2222. Organization Designation Authorizations.

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

Sec. 2223. ODA Review.

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

convening, the panel would submit a report to the FAA and relevant congressional committees on the assessment and recommendations.

Sec. 2224. Type Certification Resolution Process.

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

Sec. 2225. Safety Enhancing Technologies for Small General Aviation Airplanes.

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

Sec. 2226. Streamlining Certification of Small General Aviation Airplanes.

This section would require the FAA to issue a final rule required by the Small Airplane Revitalization Act of 2013 by December 31, 2016.

### **PART III – FLIGHT STANDARDS REFORM**

Sec. 2231. Flight Standards Performance Objectives and Metrics.

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

Sec. 2232. FAA Task Force on Flight Standards Reform.

This section would direct the FAA to establish an FAA Task Force on Flight Standards Reform (Task Force). The Task Force would be composed of 20 industry experts and stakeholders, and be responsible for identifying best practices and providing recommendations for simplifying and streamlining flight standards processes, training for aviation safety inspectors, and achieving consistency in FAA regulatory interpretations and oversight.

Sec. 2233. Centralized Safety Guidance Database.

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

Sec. 2234. Regulatory Consistency Communications Board.

This section would require the FAA, within six months of enactment, to establish a Regulatory Consistency Communications Board that would be composed of FAA representatives from the Flight Standards Service, Aircraft Certification Service, and the Office of the Chief Counsel. The Board would be responsible for establishing a process by which FAA personnel and regulated entities may submit regulatory interpretation questions without fear of retaliation from the agency. The SOCAC would

recommend performance objectives and performance metrics for both the FAA and the aviation industry to track the progress of actions of the Board.

Sec. 2235. Flight Standards Service Realignment Feasibility Report.

This section would require the FAA, in consultation with the relevant industry stakeholders, to determine the feasibility of realigning flight standards service regional field offices into specialized areas of aviation safety oversight and technical expertise.

Sec. 2236. Additional Certification Resources.

This section would allow the FAA to enter into a reimbursable agreement with an applicant or certificate holder for reasonable travel expenses that are associated with expediting the acceptance or validation by a foreign authority of an FAA certificate or design approval.

## PART IV – SAFETY WORKFORCE

Sec. 2241. Safety Workforce Training Strategy.

This section would direct the FAA to review and revise its safety workforce training strategy that addresses a number of goals. These goals would include allowing employees participating in organization management teams or ODA program audits to complete appropriate training and seek knowledge-sharing opportunities between the FAA and aviation industry.

Sec. 2242. Workforce Study.

This section would direct the GAO to conduct a study to assess the workforce and training needs of the FAA's Office of Aviation Safety. This study would look at current hiring and training requirements for inspectors and engineers, and analyze the skills and qualifications of safety inspectors and engineers.

## PART V – INTERNATIONAL AVIATION

Sec. 2251. Promotion of United States Aerospace Standards, Products, and Services Abroad.

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

Sec. 2252. Bilateral Exchanges of Safety Oversight Responsibilities.

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

Sec. 2253. FAA Leadership Abroad.

This section would direct the FAA to promote U.S. aerospace safety standards abroad and to work with foreign governments to facilitate the acceptance of FAA approvals and standards internationally. The FAA would be directed to further assist American companies who have experienced significantly long foreign validation wait times and work with foreign governments to improve the timeliness of their acceptance of FAA validations and approvals. Lastly, the FAA would track and analyze the amount of time

it takes foreign authorities to validate U.S. type certificated aeronautical products and establish benchmarks and metrics to reduce the validation times.

Sec. 2254. Registration, Certification, and Related Fees.

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

### **Subtitle C - Airline Passenger Safety and Protections**

Sec. 2301. Pilot Records Database Deadline.

This section would require the FAA to establish and make available a pilots records database by April 30, 2017. During the investigation of the 2009 Colgan Air crash in New York, the National Transportation Safety Board (NTSB) noted that the carrier was unaware of the captain's previous flight check failures because they were not included in the standard pilot record review process. As a result, the Airline Safety and FAA Extension Act of 2010 (Pub. L. 111-216) mandated that the FAA create a pilot records database to ensure FAA and air carrier pilot records are retained for the life of the pilot and that air carriers review those records when making hiring decisions.

Sec. 2302. Access to Air Carrier Flight Decks.

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

Sec. 2303. Aircraft Tracking and Flight Data.

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

Sec. 2304. Automation Reliance Improvements.

This section would require the FAA to 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. As part of reviewing and updating this guidance, the FAA must consider certain factors and convene an expert panel to assist in updating the guidance. This section would also require the DOT IG to review the air carriers' implementation of the guidance and the ongoing work of the expert panel.

Sec. 2305. Enhanced Mental Health Screening for Pilots.

This section would require FAA to implement additional screening for mental health conditions as part of a comprehensive medical certification process for pilots with a first or second class medical certificate. Additionally, the FAA would be required to assess treatment that would address any risk associated with such mental health conditions.

Sec. 2306. Flight Attendant Duty Period Limitations and Rest Requirements.

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

Sec. 2307. Training Flight Attendants to Identify Human Trafficking.

This section would revise the training requirements that air carriers must provide to their flight attendants by adding a requirement that flight attendants must be trained in identifying and reporting to appropriate governmental personnel or a law enforcement officer regarding a potential victim or incidence of human trafficking.

Sec. 2308. Report on Obsolete Test Equipment.

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

Sec. 2309. Plan for Systems to Provide Direct Warnings of Potential Runway Incursions.

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

Sec. 2310. Laser Pointer Incidents.

This section would require the FAA, in coordination with the Federal Bureau of Investigation (FBI), to begin providing quarterly updates to Congress regarding the number of incidents involving the beam from a laser pointer being aimed at, or in the flight path of, an aircraft, the number of civil or criminal enforcement actions taken by FAA or the FBI with regard to these incidents, the resolution of any incidents that did not result in an enforcements or criminal action, and any action the FAA or FBI have taken on their own or in conjunction with other Federal agencies.

Sec. 2311. Helicopter Air Ambulance Operations Data and Reports.

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

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

Sec. 2312. Part 135 Accident and Incident Data.

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

Sec. 2313. Definition of Human Factors.

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

Sec. 2314. Sense of Congress; Pilot in Command Authority.

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

Sec. 2315. Enhancing ASIAs.

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

Sec. 2316. Improving Runway Safety.

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

Sec. 2317. Safe air transportation of lithium cells and batteries.

This section would require the FAA to update its rules to implement the revised standards issued by ICAO on February 22, 2016, prohibiting the bulk air transport of lithium ion batteries on passenger aircraft and cargo shipment of lithium batteries with an internal charge above 30 percent. DOT would be encouraged to work with ICAO, pilots, and industry stakeholders to facilitate continued shipments of medical device batteries consistent with high standards of safety. The DOT would be allowed to review existing rules regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

This section would also establish a lithium battery safety working group to research additional ways to decrease the risk of fires and explosions from lithium batteries and cells during bulk air transport; additional ways to ensure uniform transportation requirements for both bulk and individual batteries; and new or existing technologies and practices that could reduce the fire and explosion risk of lithium



batteries and cells. One year after it is established, the working group would report to Congress on its research.

Sec. 2318. Prohibition on Implementation of Policy Change to Permit Small, Non-Locking Knives on Aircraft.

This section would prohibit the Secretary of Homeland Security from implementing any change to the prohibited items list of the Transportation Security Administration (TSA) that would permit passengers to carry small, non-locking knives beyond passenger screening checkpoints at airports or on a passenger aircraft.

Sec. 2319. Aircraft Cabin Evacuation Procedures.

This section would require the FAA to review the evacuation certification of passenger jets with regard to emergency conditions, crew procedures used for evacuations under actual emergency conditions, any relevant changes to passenger demographics and legal requirements, and any relevant changes to passenger seating configurations, as well as review recent accidents and incidents in which passengers evacuated such aircraft. In conducting this review, the FAA would be required to consult with the NTSB, relevant aircraft manufacturers, air carriers, and other relevant experts and federal agencies, and would be required to review relevant data with respect to evacuation certification. In addition, this section would require the FAA to submit a report to Congress on the results of the review and any related recommendations not later than 1 year after the date of enactment of this Act.

### **Subtitle D - General Aviation Safety**

Sec. 2401. Automated Weather Observing Systems Policy.

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

Sec. 2402. Tower Marking.

This section would require the FAA to issue regulations to require the marking of certain towers that are between 50 and 200 feet tall ("covered towers") to promote safety for low-flying aircraft, particularly those involved in agricultural operations. Additionally, this section would require the FAA to develop a database, with appropriate protections of proprietary information, that contains the location and height of each covered tower.

Sec. 2403. Crash-Resistant Fuel Systems.

This section would require the FAA to evaluate and update, as necessary, the standards for crash-resistant fuel standards for civilian rotorcraft.

Sec. 2404. Requirement to Consult with Stakeholders in Defining Scope and Requirements for Future Flight Service Program.

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

### **Subtitle E – General Provisions**

Sec. 2501. Designated Agency Safety and Health Officer.

This section would create a new position within the FAA called the Designated Agency Safety and Health Officer (DASHO). This position would be a full-time, senior executive position, reporting directly to the Assistant Administrator for Human Resource Management. The duties of the DASHO would include responsibility and accountability for auditing occupational safety and health issues across the FAA, overseeing FAA-wide compliance with relevant federal occupational safety and health statutes and regulations, national industry and consensus standards, and FAA policies, and encouraging a culture of occupational safety and health to complement the FAA's existing safety culture.

Sec. 2502. Repair Stations Located Outside United States.

This section would require the FAA to take measures to ensure that the safety assessment system established for foreign repair stations places particular consideration on inspections of those stations that conduct scheduled heavy maintenance work on part 121 air carrier aircraft, and 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. Those measures would be taken in accordance with U.S. obligations under applicable international agreements, and in a manner consistent with the applicable laws of the country in which a repair station is located.

The FAA would also be required conduct a rulemaking regarding alcohol and drug testing for foreign repair station employees. This section would also require the FAA to ensure that each employee of a foreign repair station 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 acceptable by the FAA, consistent with the applicable laws of the country in which the repair station is located, and consistent with U.S. obligations under international agreements.

Sec. 2503. FAA Technical Training.

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

Sec. 2504. Safety Critical Staffing.

This section would instruct the DOT IG to conduct and complete an audit of the staffing model used by the FAA to determine the number of aviation safety inspectors that are needed to fulfill the mission of the FAA and adequately ensure aviation safety. At a minimum, the audit would include a review of the

current staffing model and an analysis of how consistently the staffing model is applied throughout the FAA, a review of the assumptions and methods used in devising and implementing the staffing model, and a determination as to whether the current staffing model considers the FAA's authority to fully utilize designees. Upon the completion of this audit, the IG would report to Congress with the results.

Sec. 2505. Approach Control Radar in All Air Traffic Control Towers.

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

## **Subtitle F - Third Class Medical Reform and General Aviation Pilot Protections**

Sec. 2601. Short Title.

This section would designate the short title of this subtitle as the "Pilot's Bill of Rights 2." This subtitle reflects the version of S. 571 as agreed to by the Senate on December 17, 2015.

Sec. 2602. Medical Certification of Certain Small Aircraft Pilots.

This section would create an exemption, under specified circumstances, to the FAA's current third-class airman medical certification requirements for general aviation (GA) pilots. This section would direct the FAA to issue or revise regulations to ensure that an individual may operate as a pilot of a "covered aircraft" if certain conditions are met. A pilot may not operate a flight under this exemption for compensation or hire. The FAA also would be required to implement procedures to streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and similar consultations would be required.

Sec. 2603. Expansion of Pilot's Bill of Rights.

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

This section would impose new requirements for notifications with respect to FAA investigations relating to airman certificates.

Sec. 2604. Limitations on Reexamination of Certificate Holders.

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

This section would prohibit the FAA from ordering certain certificate actions against a GA pilot, after a reexamination, unless the FAA determines that the pilot lacks the technical skills and competency, or

care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate, or fraudulently obtained it. This section also would set forth the standard of review for any such certificate actions.

Sec. 2605. Expediting Updates to NOTAM Program.

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

Sec. 2606. Accessibility of Certain Flight Data.

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

Sec. 2607. Authority for Legal Counsel to Issue Certain Notices.

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

## **TITLE III—AIR SERVICE IMPROVEMENTS**

Sec. 3001. Definitions.

This section would define terms used in this title.

### **Subtitle A - Passenger Air Service Improvements**

Sec. 3101. Causes of Airline Delays or Cancellations.

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

Sec. 3102. Involuntary Changes to Itineraries.

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

Sec. 3103. Additional Consumer Protections.

This section would require the DOT to issue a supplemental notice of proposed rulemaking to its notice of proposed rulemaking published on May 23, 2014, relating to the transparency of airline ancillary fees and other consumer protection issues. This supplemental notice of proposed rulemaking would consider requiring an air carrier to provide notification and refunds, or other consideration, to a consumer who is impacted by (1) delays or cancellations when an air carrier has a choice as to which flights to cancel or delay during a weather event, or (2) involuntary itinerary changes.

Sec. 3104. Addressing the Needs of Families of Passengers Involved in Aircraft Accidents.

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

Sec. 3105. Emergency Medical Kits.

This section would require the FAA to evaluate and revise, as appropriate, the regulations regarding the onboard emergency medical equipment requirements, including the contents of the first-aid kit. In conducting this evaluation, the FAA would be instructed to consider whether the minimum contents of approved emergency medical kits include appropriate medications and equipment to meet the emergency medical needs of children, including the consideration of an epinephrine auto-injector, as appropriate.

Sec. 3106. Travelers with Disabilities.

This section would instruct GAO to conduct a study of airport accessibility best practices for individuals with disabilities, limited mobility, or visual or hearing impairments, beyond those recommended under previous acts. The GAO would then be required to submit a report to Congress on its findings, conclusions, and recommendations.

Sec. 3107. Extension of Advisory Committee for Aviation Consumer Protection.

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

Sec. 3108. Extension of Competitive Access Reports.

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

Sec. 3109. Refunds for Delayed Baggage.

This section would instruct the DOT to promulgate regulations to require an airline to promptly provide an automatic refund to a passenger if the air carrier has charged the passenger an ancillary fee for checked baggage but the air carrier fails to deliver the checked baggage to the passenger within a specific timeframe.

Sec. 3110. Refunds for Other Fees that are Not Honored by a Covered Air Carrier.

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

Sec. 3111. Disclosure of Fees to Consumers.

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

Sec. 3112. Seat Assignments.

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

Sec. 3113. Child Seating.

This section would require DOT to require each air carrier and ticket agent to disclose whether adjoining seats are available at no additional cost at the time of purchase or, if such seats are not available, to disclose what the air carrier's policy is for accommodating adjoining seat requests prior to departure. This requirement would apply if a reservation includes a child under the age of 13 traveling with an accompanying passenger who is age 13 or older. This section would also outline how this information should be disclosed to the consumer if a ticket is bought online versus how it should be disclosed if the ticket is purchased over the telephone.

Sec. 3114. Consumer Complaint Process Improvement.

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

Sec. 3115. Online Access to Aviation Consumer Protection Information.

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

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

Sec. 3116. Study on in cabin wheelchair restraint systems.

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

Sec. 3117. Training policies regarding assistance for persons with disabilities.

This section would require the GAO to prepare a report for Congress on air carrier training policies related to assistance for persons with disabilities. The DOT would develop and disseminate to air carriers any best practices that stem from the report.

Sec. 3118. Advisory committee on the air travel needs of passengers with disabilities.

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

Sec. 3119. Report on Covered Air Carrier Change, Cancellation and Baggage Fees.

This section would require the GAO to conduct a study of existing airline industry change, cancellation, and bag fees and the current industry practice for handling changes to or cancellation of ticketed travel on covered air carriers.

Sec. 3120. Enforcement of Aviation Consumer Protection Rules.

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

Sec. 3121. Dimensions for Passenger Seats.

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

Sec. 3122. Cell Phone Voice Communication Ban.

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

Sec. 3123. Availability of Slots for New Entrant Air Carriers at Newark Liberty International Airport. This section would direct the DOT to annually make not less than 8 slots at Newark Liberty International Airport available to enable new entrant air carriers to provide air transportation. This statutory requirement would not apply in any year that new entrant air carriers operate 5 percent or more of the total number of slots at Newark Liberty International Airport or if DOT makes a determination that making slots available to new entrants at that airport is not in the public interest and would significantly increase operational delays. Additionally, this section would require the DOT to notify the appropriate committees of Congress not later than 14 calendar days after the date a determination is made that making slots available to new entrants is not in the interest of the public.

### **Subtitle B - Essential Air Service**

Sec. 3201. Essential Air Service Authorization Extension.

This section would reauthorize the Essential Air Service program at current authorized funding levels of \$155 million for each of FYs 2016 and FY 2017. This section would also adjust the federal share of certain costs related to community eligibility for subsidized air service. The DOT would be required to consider the flexibility of current operational dates and airport accessibility to meet local community needs when issuing requests for proposal for EAS service at seasonal airports.

Sec. 3202. Small Community Air Service Development Program.

This section would reauthorize the Small Community Air Service Development Program at \$10 million for each of FYs 2016 and FY 2017, an increase over the \$6 million currently authorized.

Sec. 3203. Small Community Program Amendments.

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

Sec. 3204. Waivers.

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

Sec. 3205. Working Group on improving air service to small communities.

This section would require DOT and FAA to establish a working group that identifies obstacles to attracting and maintaining air transportation service to and from small communities and would develop recommendations for maintaining and improving air transportation service to and from small communities.

## **TITLE IV - NEXTGEN AND FAA ORGANIZATION**

Sec. 4001. Definitions.

This section defines terms used in this title.



## Subtitle A – Next Generation Air Transportation System

### Sec. 4101. Return on Investment Assessment.

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

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

### Sec. 4102. Ensuring FAA Readiness to Use New Technology.

This section would require the FAA to take the necessary steps before 2018 to ensure that the agency has the capability to receive space-based Automatic Dependent Surveillance-Broadcast (ADS-B) data and that this data can be used to provide positive air traffic control, including separation of aircraft over the oceans and other specific regions not covered by radar, with the same reduced minimum separation capability as neighboring foreign air navigation services are providing.

This section would also require the FAA to begin submitting a biannual report to Congress six months after the date of enactment detailing the actions the FAA has taken to ensure 2018 readiness and usage, what actions remain to be taken, an updated timeline for expected completion of each outstanding action, and a detailed description of the FAA's investment decisions and requests for funding consistent with FAA's existing terrestrial ADS-B implementation to ensure a sustained program beyond 2018. This report is required until the capability of the FAA to receive space-based ADS-B data is complete.

### Sec. 4103. NextGen Annual Performance Goals.

This section would direct the FAA to establish annual NextGen performance goals in order to meet previously established performance metrics baselines and would add a requirement for the DOT to include, in a statutorily-required report to Congress, a description of the progress made on NextGen performance goals relative to the performance metrics established under section 214 of the FAA Modernization and Reform Act of 2012. Additionally, this section would require the FAA to consider the progress made toward meeting the NextGen performance goals when evaluating the performance of the Chief NextGen Officer for the purpose of awarding a bonus. Finally, this section would require the annual performance agreement made between the Administrator of the FAA and the Chief NextGen Officer to include quantifiable NextGen airspace performance objectives established by the NextGen Advisory Committee.

### Sec. 4104. Facility Outage Contingency Plans.

This section would require the FAA to update the agency's comprehensive contingency plan to address potential air traffic facility outages that could have a major impact on operation of the national airspace

system. This section is in response to the September 26, 2014, incident in which an FAA contract employee deliberately started a fire that destroyed critical equipment at the FAA's Chicago Air Route Traffic Control Center in Aurora, Illinois.

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

Sec. 4105. ADS-B Mandate Assessment.

This section would require the DOT IG to assess both the FAA's and industry's readiness to meet the ADS-B mandate, changes made to the ADS-B program since May 2010, and additional options to comply with the mandate and consequences for both individual system users and for the overall safety and efficiency of the national airspace system for noncompliance. The IG would then be required to submit a report to Congress on this assessment, including and recommendations regarding the effective delivery and performance of the ADS-B mandate.

Sec. 4106. NextGen Interoperability.

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

Sec. 4107. NextGen Transition Management.

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

Sec. 4108. Implementation of NextGen Operational Improvements.

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

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

Sec. 4109. Cybersecurity.

This section would instruct the FAA to identify and implement ways to better incorporate cybersecurity as a systems characteristic at all levels and phases of the architecture and design of air traffic control programs, including NextGen programs. The FAA would also be required to develop a threat model that will identify vulnerabilities to better focus resources to mitigate cybersecurity risks, develop an appropriate plan to mitigate cybersecurity risk, respond to an attack or intrusion and to adapt to evolving cybersecurity threats, and to foster a cybersecurity culture throughout the DOT, including in air traffic control programs and relevant contractors. The FAA would also be required to submit a report to Congress on the progress made toward implementing these requirements not later than one year after the date of enactment of this Act.

Sec. 4110. Defining NextGen.

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

Sec. 4111. Human Factors.

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

Sec. 4112. Major Acquisition Reports.

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

Sec. 4113. Equipage Mandates.

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

Sec. 4114. Workforce.

This section would require the FAA, within one year of the date of enactment of this Act, to identify and assess barriers to attracting, developing, training, and retaining a talented workforce in the areas of systems engineering, architecture, systems integration, digital communications, and cybersecurity. The

FAA would then also be required to develop a comprehensive plan to attract, develop, train, and retain talented individuals, and identify the resources needed to attract develop and retain this talent. Additionally, the FAA is required to submit a report to Congress on the progress made toward implementing these requirements.

Sec. 4115. Architectural Leadership.

This section would require the FAA to develop a plan which utilizes an architecture leadership community and an effective governance approach, enables effective management and communication, provides flexibility and the ability to evolve to ensure accommodation of future needs, and communicates changing circumstances in order to align agency and airspace user expectations.

This section would also authorize the FAA to determine the feasibility of conducting a small number of experiments among the FAA's system integration partners to prototype candidate solutions for establishing and managing an architectural community and to develop a method to initiate, grow, and engage a capable architecture community, from both within and outside of the FAA, that will expand the breadth and depth of expertise that is steering architectural changes.

Additionally, the FAA would be required to submit a report to Congress on the progress made toward implementing these requirements no later than one year after this Act is enacted.

Sec. 4116. Programmatic Risk Management.

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

Sec. 4117. NextGen Prioritization.

This section would expedite 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 safety of aviation operations.

## **Subtitle B – Administration Organization and Employees**

Sec. 4201. Cost-Saving Initiatives.

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

Sec. 4202. Treatment of Essential Employees during Furloughs.

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

Sec. 4203. Controller Candidate Interviews.

This section would instruct the FAA to require that an in-person interview be conducted with each individual applying for an air traffic control specialist position before that individual may be hired to fill that position and mandates that this be done not later than 60 days after this bill is enacted.

Additionally, this section would mandate that, not later than 30 days after the date of enactment of this Act, the FAA must establish guidelines regarding this in-person interview process.

Sec. 4204. Controller Hiring.

This section would modify the FAA's hiring process for air traffic controllers by creating a new hiring track that would ensure additional opportunities for Collegiate Training Initiative (CTI) graduates, maintaining an "experienced" track for candidates with prior air traffic control experience, and maintaining the "open source" track in which all U.S. citizens could apply for the job.

This section would remove the Biographical Questionnaire (BQ) requirement for various types of candidates, including CTI graduates and certain veterans. It would also allow candidates who were disqualified by the BQ utilized for candidates in 2014 to reapply. This section also would increase the maximum entry age for experienced controllers with a minimum of 52 weeks of experience as a civilian or military air traffic controller from age 31 to 35.

Sec. 4205. Computation of Basic Annuity for Certain Air Traffic Controllers.

This section would direct the Director of the Office of Personnel Management to recalculate and adjust applicable annuity payments for certain air traffic controllers that were excluded due to having supervisory status.

Sec. 4206. Air Traffic Services at Aviation Events.

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

Sec. 4207. Full Annuity Supplement for Certain Air Traffic Controllers.

This section would allow former air traffic controllers who are now employed as full-time air traffic control instructors under contract with the FAA to receive their full annuity supplement.

Sec. 4208. Inclusion of Disabled Veteran Leave in Federal Aviation Administration Personnel Management System.

This section would include disabled veteran leave in the FAA's personnel management system. This section also requires the FAA to publish a report not later than 1 year after the date of enactment and annually thereafter for 5 years highlighting the effect of carrying out this section on the workforce and the number of veterans benefitting from the implementation of this section.

## TITLE V - MISCELLANEOUS

Sec. 5001. National Transportation Safety Board Investigative Officers.

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

Sec. 5002. Performance-Based Navigation.

This section would require the FAA to consult with affected airports before taking certain actions related to airspace redesign. The FAA would also be required, if requested by the affected community, to review certain new airspace procedures to determine if implementation of the procedures had a significant effect on the human environment in the community in which the airport is located. If it is determined that there was such an impact, the FAA must consider the use of alternative flight paths that do not substantially degrade the efficiencies achieved by the implementation of the procedure being reviewed.

Sec. 5003. Overflights of National Parks.

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

Sec. 5004. Navigable Airspace Analysis for Commercial Space Launch Site Runways.

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

Sec. 5005. Survey and Report on Spaceport Development.

This section requires a GAO report to Congress on the existing system of FAA licensed spaceports. It also asks for recommendations on how the federal government could participate in the construction, improvement, development, or maintenance of FAA licensed spaceports in the United States, including identifying potential funding sources.

Section 5006. Aviation Fuel.

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

Sec. 5007. Comprehensive Aviation Preparedness Plan.

This section would require the Secretary of Transportation and Secretary of Health and Human Services, in coordination with the Secretaries of Homeland Security, Labor, State, and Defense, and

representatives of other federal departments and agencies, as necessary, to develop a comprehensive national aviation communicable disease preparedness plan.

Sec. 5008. Advanced Materials Center of Excellence.

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

Sec. 5009. Interference with Airline Employees.

This section would require the GAO to complete a study of crimes and violence against airline customer service representatives while they are performing their duties and on airport property and then submit a report to Congress.

Sec. 5010. Secondary Cockpit Barriers.

This section would direct the TSA, in collaboration with the FAA, to conduct a detailed risk assessment of the need for physical secondary barriers on passenger aircraft and, if needed, promulgate regulations for risk-based equipment of such aircraft.

Sec. 5011. GAO Evaluation and Audit.

This section would change the frequency of a mandated GAO evaluation and audit regarding the National Mediation Board to once every four years instead of once every two years.

Sec. 5012. Federal Aviation Administration Performance Measures and Targets.

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

Sec. 5013. Staffing of Certain Air Traffic Control Towers.

This section would ensure appropriate staffing at "Core 30" facilities. The appropriate staffing levels could not be below the average number of air traffic controllers between the "high" and "low" staffing ranges specified by the FAA document entitled, "A Plan for the Future: 10-Year Strategy for Air Traffic Control Workforce 2015-2024." This section would also require a review of strategies to improve retention of experienced controllers.

Sec. 5014. Critical Airfield Markings.

This section would require the FAA to study the durability of glass beads for reflectivity on airfield markings. The glass beads would specifically be Type III and Type I and applied to critical markings at no fewer than 2 primary airports in varying weather conditions over a 12-month period. An additional study of six months would be done at 2 other airports, testing Type III and Type I beads on opposite sides of the centerline of the runway, and would seek input from pilots through surveys.

Sec. 5015. Research and Deployment of Certain Airfield Pavement Technologies.

This section would require the FAA to conduct research and development for airfield pavement technologies through grants and cooperative agreements with institutions of higher-education and nonprofit organizations. The program would do the following: research concrete and asphalt airfield pavement technologies that extend the life of airfield pavements; develop and conduct training; provide

for demonstration projects; and promote airfield pavement technologies to aid in the development of safer, more cost effective, and more durable airfield pavements.

Sec. 5016. Report on General Aviation Flight Sharing.

This section would require the FAA to report on general aviation flight sharing feasibility. The report would include an assessment of regulations that may need to be updated to allow for safe and efficient flight sharing and regulations imposing limitations on the forms of communication that a private pilot may use.

Sec. 5017. Increase in Duration of General Aviation Aircraft Registration.

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

Sec. 5018. Modification of Limitation of Liability Relating to Aircraft.

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

Sec. 5019. Government Accountability Office Study of Illegal Drugs Seized at International Airports in the United States.

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

Sec. 5020. Sense of Congress on Preventing the Transportation of Disease-Carrying Mosquitoes and Other Insects on Commercial Aircraft.

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

Sec. 5021. Work Plan for the New York/New Jersey/Philadelphia Metroplex Program.

This section would require the FAA to develop and publish a work plan for the NY/NJ/PA metroplex program.

Sec. 5022. Report on Plans for Air Traffic Control Facilities in the New York City and Newark Region.

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

Sec. 5023. GAO Study of International Airline Alliances.

This section would require the GAO to conduct a study on international airline alliances between U.S. air carriers and non-U.S. air carriers. This study would assess the consequences of alliances including reduced competition, stifling new entrants, increasing prices in markets, and other adverse consequences. The study would also assess representations made by carriers for the necessity of antitrust exemptions, DOT expectations of public benefits from alliances, the adequacy of DOT approval



and monitoring of alliances, the sufficiency of transparency in the approval of alliances, competition among antitrust partners, and the effect on jobs in the U.S.

Sec. 5024. Treatment of Multi-Year Lessees of Large and Turbine-Powered Multi-engine Aircraft.

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

Sec. 5025. Evaluation of Emerging Technologies.

This section would require the FAA to conduct a study on potential impacts of emerging technologies on aircraft design, operations, maintenance and licensing. Emerging technologies would include but not be limited to electric propulsion and autonomous control, current state of aircraft design, operations, maintenance, and licensing.

Sec. 5026. Student Outreach Report.

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

Sec. 5027. Right to Privacy When Using Air Traffic Control System.

This section would require, upon request of an aircraft owner or operator, the FAA to block the registration number of an aircraft from any public dissemination or display, except in data made available to a government agency, for the noncommercial flights of the owner or operator.

Sec. 5028. Conduct of Security Screening by the Transportation Security Administration at Certain Airports.

This section would require TSA security screening at airports that lost commercial service due to the elimination of TSA screeners, if the airport requests screening and produces a written commitment from an air carrier that it will provide service.

Sec. 5029. Aviation Cybersecurity.

This section would require the FAA to support and develop a comprehensive framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aircraft, and agency information systems.

Sec. 5030. Prohibitions Against Smoking on Passenger Flights.

This section would extend the current prohibition on smoking on passenger aircraft to include the use of electronic cigarettes.

Sec. 5031. Technical and Conforming Amendments.

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