Warnock 3 (as modified)

AMENDMENT NO._____ Calendar No._____

Purpose: To require the Secretary of Transportation, the Administrator of the FAA, and the Secretary of Energy to exercise leadership in the creation of Federal and international policies relating to the safe and efficient use of hydrogen to encourage the use of hydrogen in the aviation sector.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1939

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WARNOCK

Viz:

At the appropriate place, insert the following:

SEC. _____. HYDROGEN AVIATION STRATEGY.

(a) FAA AND DEPARTMENT OF ENERGY LEADERSHIP ON USING HYDROGEN TO PROPEL COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—The Secretary, acting through the Administrator and jointly with the Secretary of Energy, shall exercise leadership in the creation of Federal and international policies, and shall

conduct research relating to the safe and efficient use and sourcing of hydrogen to propel commercial aircraft.

(2) EXERCISE OF LEADERSHIP.—In carrying out paragraph (1), the Secretary, the Administrator, and the Secretary of Energy shall—

(A) establish positions and goals for the use of hydrogen to propel commercial aircraft;

(B) through grant, contract, or interagency agreements, study the contribution the use of hydrogen would have on propelling commercial aircraft, including hydrogen as an input for conventional jet fuel, hydrogen fuel cells as a source of electric propulsion, sustainable aviation fuel, and power to liquids or synthetic fuel, and research ways of accelerating introduction of hydrogen-propelled aircraft;

(C) review grant eligibility requirements, loans, loan guarantees, and other policies and requirements of the FAA and the Department of Energy to identify ways to increase the safe and efficient use of hydrogen to propel commercial aircraft;

(D) consider the needs of the aerospace industry, aviation suppliers, hydrogen producers,

airlines, airport sponsors, fixed base operators, and other stakeholders when creating policies that enable the safe use of hydrogen to propel commercial aircraft;

(E) coordinate with the National Aeronautics and Space Administration, and obtain input from the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders regarding—

(i) the safe and efficient use of hydrogen to propel commercial aircraft within United States airspace, including—

(I) updating or modifying existing policies on such use;

(II) assessing barriers to, and benefits of, the introduction of aircraft propelled by hydrogen;

(III) the operational differences between aircraft propelled by hydrogen and aircraft propelled with other types of fuels; and

(IV) public, economic, and noise benefits of the operation of commercial aircraft propelled by hydrogen

and associated aerospace industry activity; and

(ii) other issues identified by the Secretary, the Administrator, the Secretary of Energy, or the advisory committee established under subparagraph (F) that must be addressed to enable the safe and efficient use of hydrogen to propel commercial aircraft; and

(F) establish an advisory committee composed of representatives of the National Aeronautics and Space Administration, the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders to advise the Secretary, the Administrator, and the Secretary of Energy on the activities carried out under this subsection and subsection (b).

(3) INTERNATIONAL LEADERSHIP.—The Secretary, the Administrator, and the Secretary of Energy, in the appropriate international forums, shall take actions that—

(A) demonstrate global leadership in carrying out the activities required by paragraphs (1) and (2);

(B) address the needs of the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders identified under paragraph (2);

(C) address the needs of fuel cell manufacturers; and

(D) advance the United States' competitiveness in hydrogen-propelled aircraft.

(4) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Secretary, acting primarily through the Administrator, and jointly with the Secretary of Energy, shall submit to the appropriate committees of Congress a report detailing—

(A) the Secretary's, Administrator's, and Secretary of Energy's actions to exercise leadership in the creation of Federal and international policies, and of research conducted, relating to the safe and efficient use of hydrogen to propel commercial aircraft;

(B) planned, proposed, and anticipated actions to update or modify existing policies related to the use of hydrogen to propel commercial aircraft, including those identified as a re-

sult of consultation with, and feedback from, the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders identified under paragraph (2); and

(C) a timeline for any actions pursuant to subparagraphs (A) and (B) to be taken to update or modify existing policies related to the safe and efficient use of hydrogen to propel commercial aircraft.

(b) FAA LEADERSHIP ON THE CERTIFICATION OF HYDROGEN-PROPELLED COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—The Administrator shall exercise leadership in the creation of Federal regulations, standards, and guidance relating to the safe and efficient certification of hydrogen-propelled commercial aircraft.

(2) EXERCISE OF LEADERSHIP.—In carrying out paragraph (1), the Administrator shall—

(A) establish a viable path for the certification of hydrogen-propelled aircraft that considers existing frameworks; modifying an existing framework; or developing a new framework as appropriate;

(B) review certification regulations, guidance, and other requirements of the FAA to identify ways to safely and efficiently certify hydrogen-propelled commercial aircraft;

(C) consider the needs of the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders when creating regulations and standards that enable the safe certification and deployment of hydrogen-propelled commercial aircraft in the national airspace system;

(D) obtain the input of the aerospace industry, aviation suppliers, hydrogen producers, airlines, airport sponsors, fixed base operators, and other stakeholders regarding—

(i) the appropriate regulatory framework and timeline for permitting the safe and efficient deployment and operation of hydrogen-propelled aircraft in the United States, including updating or modifying existing regulations;

(ii) how to accelerate the resolution of issues related to data and standards development and related regulations necessary

to facilitate the safe and efficient certification of hydrogen-propelled commercial aircraft; and

(iii) other issues identified by the Administrator or the advisory committee established under subsection (a)(2)(F) that must be addressed to enable the safe and efficient deployment and operation of hydrogen-propelled commercial aircraft.