



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 1405

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the

5 “Federal Aviation Administration Reauthorization Act of

6 2017”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of

8 this Act is as follows:

Sec. 1. Short title; table of contents.

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

Sec. 3. Definition of appropriate committees of Congress.

Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

Subtitle B—Airport Improvement Program Modifications

- Sec. 1201. Small airport regulation relief.
- Sec. 1202. Priority review of construction projects in cold weather States.
- Sec. 1203. State block grants updates.
- Sec. 1204. Contract Tower Program updates.
- Sec. 1205. Approval of certain applications for the contract tower program.
- Sec. 1206. Remote towers.
- Sec. 1207. Midway island airport.
- Sec. 1208. Airport road funding.
- Sec. 1209. Repeal of inherently low-emission airport vehicle pilot program.
- Sec. 1210. Modification of zero-emission airport vehicles and infrastructure pilot program.
- Sec. 1211. Repeal of airport ground support equipment emissions retrofit pilot program.
- Sec. 1212. Funding eligibility for airport energy efficiency assessments.
- Sec. 1213. Recycling plans; safety projects at unclassified airports.
- Sec. 1214. Transfers of instrument landing systems.
- Sec. 1215. Non-movement area surveillance pilot program.
- Sec. 1216. Amendments to definitions.
- Sec. 1217. Clarification of noise exposure map updates.
- Sec. 1218. Provision of facilities.
- Sec. 1219. Moratorium on changes to the Contract Weather Observer Program.
- Sec. 1220. Federal share adjustment.
- Sec. 1221. Miscellaneous technical amendments.
- Sec. 1222. Mothers' rooms at airports.
- Sec. 1223. Definition of small business concern.
- Sec. 1224. State standards for airport pavements.

Subtitle C—FLIGHT Act of 2017

- Sec. 1301. Short title.
- Sec. 1302. General aviation airport entitlement reform.
- Sec. 1303. Extending aviation development streamlining.
- Sec. 1304. Establishment of public private-partnership program at general aviation airports.
- Sec. 1305. Disaster relief airports.
- Sec. 1306. Airport development relating to disaster relief.
- Sec. 1307. Inclusion of covered aircraft construction in definition of aeronautical activity for purposes of airport improvement grants.

Subtitle D—Passenger Facility Charges

- Sec. 1401. PFC streamlining.
- Sec. 1402. Intermodal access projects.
- Sec. 1403. Future aviation infrastructure and financing study.
- Sec. 1404. Airport vehicle emissions.

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

Sec. 2001. Definitions.

PART I—PRIVACY AND TRANSPARENCY

Sec. 2101. Unmanned aircraft systems privacy policy.

Sec. 2102. Sense of Congress.

Sec. 2103. Federal Trade Commission authority.

Sec. 2104. Commercial and governmental operators.

Sec. 2105. Analysis of current remedies under federal, state, and local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

Sec. 2121. Definitions.

Sec. 2122. Utilization of unmanned aircraft system test sites.

Sec. 2123. Small unmanned aircraft safety standards.

Sec. 2124. Small unmanned aircraft in the Arctic.

Sec. 2125. Special authority for certain unmanned aircraft systems.

Sec. 2126. Additional rulemaking authority.

Sec. 2127. Governmental unmanned aircraft systems.

Sec. 2128. Special rules for model aircraft.

Sec. 2129. Authority.

Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.

Sec. 2131. Treatment of unmanned aircraft operating underground.

Sec. 2132. Enforcement.

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

Sec. 2134. Aviation emergency safety public services disruption.

Sec. 2135. Public UAS operations by tribal governments.

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

Sec. 2137. Collegiate training initiative program for unmanned aircraft systems.

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

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

Sec. 2140. Part 107 implementation improvements.

Sec. 2141. Redesignation.

PART III—OTHER MATTERS

Sec. 2151. Federal and local authorities.

Sec. 2152. Spectrum.

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

Sec. 2154. Transition language.

PART IV—OPERATOR SAFETY

Sec. 2161. Short title.

Sec. 2162. Findings; sense of Congress.

Sec. 2163. Unsafe operation of unmanned aircraft.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.
- Sec. 2212. Safety Oversight and Certification Advisory Committee.

PART II—AIRCRAFT CERTIFICATION REFORM

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

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.
- Sec. 2232. FAA task force on flight standards reform.
- Sec. 2233. Centralized safety guidance database.
- Sec. 2234. Regulatory Consistency Communication Board.

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.

PART V—INTERNATIONAL AVIATION

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

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Access to air carrier flight decks.
- Sec. 2302. Aircraft tracking and flight data.
- Sec. 2303. Flight attendant duty period limitations and rest requirements.
- Sec. 2304. Report on obsolete test equipment.
- Sec. 2305. Plan for systems to provide direct warnings of potential runway incursions.
- Sec. 2306. Helicopter air ambulance operations data and reports.
- Sec. 2307. Part 135 accident and incident data.
- Sec. 2308. Definition of human factors.
- Sec. 2309. Sense of Congress; pilot in command authority.
- Sec. 2310. Enhancing ASIAs.
- Sec. 2311. Improving runway safety.
- Sec. 2312. Safe air transportation of lithium cells and batteries.
- Sec. 2313. Aircraft cabin evacuation procedures.
- Sec. 2314. Annual safety incident report.

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.
- Sec. 2402. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.
- Sec. 2403. Aviation fuel.
- Sec. 2404. Applicability of medical certification standards to operators of air balloons.

Sec. 2405. Technical corrections.

Subtitle E—General Provisions

Sec. 2501. FAA technical training.

Sec. 2502. Safety critical staffing.

Sec. 2503. Approach control radar.

Sec. 2504. Airspace management advisory committee.

Subtitle F—General Aviation Pilot Protections

Sec. 2601. Short title.

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

Sec. 2603. Limitations on reexamination of certificate holders.

Sec. 2604. Expediting updates to NOTAM Program.

Sec. 2605. Accessibility of certain flight data.

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

TITLE III—AIR SERVICE IMPROVEMENTS

Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

Sec. 3101. Causes of airline delays or cancellations.

Sec. 3102. Involuntary changes to itineraries.

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

Sec. 3104. Travelers with disabilities.

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

Sec. 3106. Extension of competitive access reports.

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

Sec. 3108. Disclosure of fees to consumers.

Sec. 3109. Seat assignments.

Sec. 3110. Advance boarding during pregnancy.

Sec. 3111. Consumer complaint process improvement.

Sec. 3112. Online access to aviation consumer protection information.

Sec. 3113. Study on in cabin wheelchair restraint systems.

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

Sec. 3115. Enforcement of aviation consumer protection rules.

Sec. 3116. Dimensions for passenger seats.

Sec. 3117. Cell phone voice communications.

Sec. 3118. TICKETS Act.

Sec. 3119. Transparency for disabled passengers.

Subtitle B—Essential Air Service

Sec. 3201. Essential air service.

Sec. 3202. Small community air service development program.

Sec. 3203. Small community program amendments.

Sec. 3204. Waivers.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

Sec. 4001. Definitions.

Subtitle A—NextGen Air Transportation System

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- Sec. 4101. Return on investment report.
- Sec. 4102. Ensuring FAA readiness to provide seamless oceanic operations.
- Sec. 4103. Annual NextGen performance goals.
- Sec. 4104. Air traffic control operational contingency plans.
- Sec. 4105. 2020 ADS-B Out mandate plan.
- Sec. 4106. NextGen interoperability.
- Sec. 4107. NextGen transition management.
- Sec. 4108. Implementation of NextGen operational improvements.
- Sec. 4109. Securing aircraft avionics systems.
- Sec. 4110. Defining NextGen.
- Sec. 4111. Human factors.
- Sec. 4112. Major acquisition reports.
- Sec. 4113. Equipage mandates.
- Sec. 4114. Workforce.
- Sec. 4115. Programmatic risk management.
- Sec. 4116. Program management.
- Sec. 4117. System-wide improvements.
- Sec. 4118. NextGen research.

Subtitle B—Administration Organization and Employees

- Sec. 4201. Cost-saving initiatives.
- Sec. 4202. Federal Aviation Administration performance measures and targets.
- Sec. 4203. Treatment of essential employees during furloughs.
- Sec. 4204. Controller candidate interviews.
- Sec. 4205. Report on plans for air traffic control facilities in the New York City and Newark region.
- Sec. 4206. Work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.
- Sec. 4207. Air traffic services at aviation events.
- Sec. 4208. Annual report on inclusion of disabled veteran leave in personnel management system.

TITLE V—MISCELLANEOUS

- Sec. 5001. National Transportation Safety Board investigative officers.
- Sec. 5002. Overflights of national parks.
- Sec. 5003. Aeronautical studies for commercial space launch site runways.
- Sec. 5004. Comprehensive aviation preparedness plan.
- Sec. 5005. Advanced Materials Center of Excellence.
- Sec. 5006. Interference with airline employees.
- Sec. 5007. Secondary cockpit barriers.
- Sec. 5008. Research and deployment of certain airfield pavement technologies.
- Sec. 5009. Increase in duration of general aviation aircraft registration.
- Sec. 5010. Modification of limitation of liability relating to aircraft.
- Sec. 5011. Government Accountability Office study of illegal drugs seized at international airports in the United States.
- Sec. 5012. Government Accountability Office review of unmanned aircraft systems.
- Sec. 5013. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
- Sec. 5014. Treatment of multi-year lessees of large and turbine-powered multi-engine aircraft.
- Sec. 5015. Student outreach report.
- Sec. 5016. Authorization of certain flights by stage 2 aircraft.
- Sec. 5017. Supersonic aircraft.

Sec. 5018. Terminal aerodrome forecast.

Sec. 5019. Technical and conforming amendments.

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

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

7 **SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF**
8 **CONGRESS.**

9 In this Act, the term “appropriate committees of
10 Congress” means the Committee on Commerce, Science,
11 and Transportation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of Rep-
13 resentatives.

14 **SEC. 4. EFFECTIVE DATE.**

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

1 **TITLE I—AUTHORIZATIONS**
2 **Subtitle A—Funding of FAA**
3 **Programs**

4 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
5 **NOISE COMPATIBILITY PLANNING AND PRO-**
6 **GRAMS.**

7 (a) **AUTHORIZATION.**—Section 48103(a) is amended
8 by striking “section 47505(a)(2), and carrying out noise
9 compatibility programs under section 47504(c)
10 \$3,350,000,000 for each of fiscal years 2012 through
11 2017” and inserting “section 47505(a)(2), carrying out
12 noise compatibility programs under section 47504(c), an
13 airport cooperative research program under section 44511,
14 Airports Technology-Safety research, and Airports Tech-
15 nology-Efficiency research \$3,350,000,000 for fiscal year
16 2018 and \$3,750,000,000 for each of fiscal years 2019
17 through 2021.”.

18 (b) **OBLIGATIONAL AUTHORITY.**—Section 47104(c)
19 is amended in the matter preceding paragraph (1) by
20 striking “September 30, 2017” and inserting “September
21 30, 2021”.

22 **SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

23 Section 48101(a) is amended by striking paragraphs
24 (1) through (5) and inserting the following:

25 “(1) \$2,877,365,122 for fiscal year 2018.

1 “(2) \$2,889,379,240 for fiscal year 2019.

2 “(3) \$2,906,007,932 for fiscal year 2020.

3 “(4) \$2,921,493,286 for fiscal year 2021.”.

4 **SEC. 1003. FAA OPERATIONS.**

5 (a) IN GENERAL.—Section 106(k)(1) is amended by
6 striking subparagraphs (A) through (E) and inserting the
7 following:

8 “(A) \$10,123,257,311 for fiscal year 2018;

9 “(B) \$10,233,107,832 for fiscal year 2019;

10 “(C) \$10,341,034,956 for fiscal year 2020;

11 and

12 “(D) \$10,453,299,174 for fiscal year
13 2021.”.

14 (b) AUTHORIZED EXPENDITURES.—Section
15 106(k)(2) is amended by striking “for fiscal years 2012
16 through 2015” each place it appears and inserting “for
17 fiscal years 2018 through 2021”.

18 (c) AUTHORITY TO TRANSFER FUNDS.—Section
19 106(k)(3) is amended by striking “2012 through 2017”
20 and inserting “2018 through 2021”.

21 **SEC. 1004. FAA RESEARCH AND DEVELOPMENT.**

22 Section 48102 is amended—

23 (1) in subsection (a)—

24 (A) in the matter preceding paragraph

25 (1)—

1 (i) by striking “44511–44513” and
2 inserting “44512–44513”; and

3 (ii) by striking “and, for each of fiscal
4 years 2012 through 2015, under sub-
5 section (g)” and

6 (B) by striking paragraphs (1) through (9)
7 and inserting the following:

8 “(1) \$175,000,000 for fiscal year 2018.

9 “(2) \$175,000,000 for fiscal year 2019.

10 “(3) \$175,000,000 for fiscal year 2020.

11 “(4) \$175,000,000 for fiscal year 2021.”; and

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

13 **SEC. 1005. FUNDING FOR AVIATION PROGRAMS.**

14 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
15 ANTEE.—Section 48114(a)(1)(A) is amended to read as
16 follows:

17 “(A) IN GENERAL.—The total budget re-
18 sources made available from the Airport and
19 Airway Trust Fund each fiscal year under sec-
20 tions 48101, 48102, 48103, and 106(k)—

21 “(i) shall, in each of fiscal years 2018
22 through 2021, be equal to—

23 “(I) the sum of—

24 “(aa) 90 percent of the esti-
25 mated level of receipts plus inter-

1 est credited to the Airport and
2 Airway Trust Fund for that fis-
3 cal year; and

4 “(bb) the actual level of re-
5 cepts plus interest credited to
6 the Airport and Airway Trust
7 Fund for the second preceding
8 fiscal year minus the total
9 amount made available for obli-
10 gation from the Airport and Air-
11 way Trust Fund for the second
12 preceding fiscal year; and

13 “(II) less the amount calculated
14 under subclause (I)(bb) for the fourth
15 preceding year; and

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

19 (b) ENFORCEMENT OF GUARANTEES.—Section
20 48114(c)(2) is amended by striking “2017” and inserting
21 “2021”.

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

23 (a) MARSHALL ISLANDS, MICRONESIA, AND
24 PALAU.—Section 47115(j) is amended by striking “2017”
25 and inserting “2021”.

1 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
2 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
3 MENTS.—Section 47141(f) is amended by striking “Sep-
4 tember 30, 2017” and inserting “September 30, 2021”.

5 (c) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
6 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
7 the FAA Modernization and Reform Act of 2012 (49
8 U.S.C. 47141 note) is amended by striking “September
9 30, 2017” and inserting “September 30, 2021”.

10 **Subtitle B—Airport Improvement** 11 **Program Modifications**

12 **SEC. 1201. SMALL AIRPORT REGULATION RELIEF.**

13 Section 47114(e)(1) is amended by striking subpara-
14 graph (F) and inserting the following:

15 “(F) SPECIAL RULE FOR FISCAL YEARS
16 2017 THROUGH 2021.—Notwithstanding sub-
17 paragraph (A) and subject to subparagraph
18 (G), the Secretary shall apportion to a sponsor
19 of an airport under that subparagraph for each
20 of fiscal years 2017 through 2021 an amount
21 based on the number of passenger boardings at
22 the airport during calendar year 2012 if the
23 airport—

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

1 “(ii) had fewer than 10,000 passenger
2 boardings during the calendar year used to
3 calculate the apportionment for fiscal year
4 2017, 2018, 2019, 2020, or 2021, as ap-
5 plicable, under subparagraph (A); and

6 “(iii) had scheduled air service at any
7 point in the calendar year used to calculate
8 the apportionment.

9 “(G) LIMITATIONS AND WAIVERS.—The
10 authority to make apportionments in the man-
11 ner prescribed in subparagraph (F) may be uti-
12 lized no more than 3 years in a row. The Sec-
13 retary may waive this limitation if the Secretary
14 determines that an airport’s enplanements are
15 substantially close to 10,000 enplanements and
16 the airport sponsor or affected communities are
17 taking reasonable steps to restore enplanements
18 above 10,000.

19 “(H) MINIMUM APPORTIONMENT FOR
20 COMMERCIAL SERVICE AIRPORTS WITH MORE
21 THAN 8,000 PASSENGER BOARDINGS IN A CAL-
22 ENDAR YEAR.—Not less than \$600,000 may be
23 apportioned under subparagraph (A) for each
24 fiscal year to each sponsor of a commercial
25 service airport that had fewer than 10,000 pas-

1 senger boardings, but at least 8,000 passenger
2 boardings, during the prior calendar year.”.

3 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
4 **PROJECTS IN COLD WEATHER STATES.**

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

12 (b) REPORT.—The Administrator shall update the
13 appropriate committees of Congress annually on the effec-
14 tiveness of the review and prioritization.

15 **SEC. 1203. STATE BLOCK GRANTS UPDATES.**

16 Section 47128(a) is amended by striking “9 qualified
17 States for fiscal years 2000 and 2001 and 10 qualified
18 States for each fiscal year thereafter” and inserting “15
19 qualified States for fiscal year 2018 and each fiscal year
20 thereafter”.

21 **SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.**

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

1 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-
2 SHARE PROGRAM; FUNDING.—Section 47124(b)(3)(E) is
3 amended to read as follows:

4 “(E) FUNDING.—Of the amounts appro-
5 priated under section 106(k)(1), such sums as
6 may be necessary may be used to carry out this
7 paragraph.”.

8 (c) CAP ON FEDERAL SHARE OF COST OF CON-
9 STRUCTION.—Section 47124(b)(4)(C) is amended by
10 striking “\$2,000,000” and inserting “\$4,000,000”.

11 (d) COST BENEFIT RATIO REVISION.—Section
12 47124 is amended by adding at the end the following:

13 “(d) COST BENEFIT RATIOS.—

14 “(1) CONTRACT AIR TRAFFIC CONTROL TOWER
15 PROGRAM AT COST-SHARE AIRPORTS.—Beginning on
16 the date of enactment of the Federal Aviation Ad-
17 ministration Reauthorization Act of 2017, if an air
18 traffic control tower is operating under the Cost-
19 share Program, the Secretary shall annually cal-
20 culate a new benefit-to-cost ratio for the tower.

21 “(2) CONTRACT TOWER PROGRAM AT NON-
22 COST-SHARE AIRPORTS.—Beginning on the date of
23 enactment of the Federal Aviation Administration
24 Reauthorization Act of 2017, if a tower is operating
25 under the Contract Tower Program and continued

1 under subsection (b)(1), the Secretary shall not cal-
2 culate a new benefit-to-cost ratio for the tower un-
3 less the annual aircraft traffic at the airport where
4 the tower is located decreases by more than 25 per-
5 cent from the previous year or by more than 60 per-
6 cent over a 3-year period.

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

11 “(A) The Federal Aviation Administra-
12 tion’s actual cost of wages and benefits of per-
13 sonnel working at the tower.

14 “(B) The Federal Aviation Administra-
15 tion’s actual telecommunications costs of the
16 tower.

17 “(C) Relocation and replacement costs of
18 equipment of the Federal Aviation Administra-
19 tion associated with the tower, if paid for by
20 the Federal Aviation Administration.

21 “(D) Logistics, such as direct costs associ-
22 ated with establishing or updating the tower’s
23 interface with other systems and equipment of
24 the Federal Aviation Administration, if paid for
25 by the Federal Aviation Administration.

1 “(4) EXCLUSIONS.—In establishing a benefit-
2 to-cost ratio under paragraph (1) or paragraph (2),
3 the Secretary may not consider the following costs:

4 “(A) Airway facilities costs, including labor
5 and other costs associated with maintaining and
6 repairing the systems and equipment of the
7 Federal Aviation Administration.

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

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

13 “(D) Costs for utilities, janitorial, and
14 other services paid for or provided by the air-
15 port or the State or political subdivision of a
16 State having jurisdiction over the airport where
17 the tower is located.

18 “(E) The cost of new or replacement
19 equipment, or construction of a new or replace-
20 ment tower, if the costs incurred were incurred
21 by the airport or the State or political subdivi-
22 sion of a State having jurisdiction over the air-
23 port where the tower is or will be located.

1 “(F) Other expenses of the Federal Avia-
2 tion Administration not directly associated with
3 the actual operation of the tower.

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

10 “(6) PROCEDURES.—The Secretary shall estab-
11 lish procedures—

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

18 “(i) to request the Secretary recon-
19 sider that determination; and

20 “(ii) to submit updated or additional
21 data to the Secretary in support of the re-
22 consideration;

23 “(B) to allow the Secretary not more than
24 90 days to review the data submitted under

1 subparagraph (A)(ii) and respond to the re-
2 quest under subparagraph (A)(i);

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

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

17 “(e) DEFINITIONS.—In this section:

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

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

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

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

6 (2) in paragraph (3)—

7 (A) in the heading, by striking “CONTRACT
8 AIR TRAFFIC CONTROL TOWER PROGRAM” and
9 inserting “COST-SHARE PROGRAM”;

10 (B) in subparagraph (A), by striking “con-
11 tract tower program established under sub-
12 section (a) and continued under paragraph (1)
13 (in this paragraph referred to as the ‘Contract
14 Tower Program’)” and inserting “Contract
15 Tower Program”;

16 (C) in subparagraph (B), by striking “In
17 carrying out the program” and inserting “In
18 carrying out the Cost-share Program”;

19 (D) in subparagraph (C), by striking “par-
20 ticipate in the program” and inserting “partici-
21 pate in the Cost-share Program”;

22 (E) in subparagraph (D), by striking
23 “under the program” and inserting “under the
24 Cost-share Program”; and

1 (F) in subparagraph (F), by striking “the
2 program continued under paragraph (1)” and
3 inserting “the Contract Tower Program”; and
4 (3) in paragraph (4)(B)(i)(I), by striking “con-
5 tract tower program established under subsection (a)
6 and continued under paragraph (1) or the pilot pro-
7 gram established under paragraph (3)” and insert-
8 ing “Contract Tower Program or the Cost-share
9 Program”.

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

16 (g) SAVINGS PROVISION.—Notwithstanding the
17 amendments made by this section, the towers for which
18 assistance is being provided under section 41724 of title
19 49, United States Code, on the day before the date of en-
20 actment of this Act may continue to be provided such as-
21 sistance under the terms of that section as in effect on
22 that day.

1 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR THE**
2 **CONTRACT TOWER PROGRAM.**

3 (a) IN GENERAL.—If the Administrator of the Fed-
4 eral Aviation Administration has not implemented a re-
5 vised cost-benefit methodology for purposes of determining
6 eligibility for the Contract Tower Program before the date
7 that is 30 days after the date of enactment of this Act,
8 any air traffic control tower with an application for par-
9 ticipation in the Contract Tower Program pending as of
10 January 1, 2017, shall be approved for participation in
11 the Contract Tower Program if the Administrator deter-
12 mines the tower is eligible under the criteria set forth in
13 the Federal Aviation Administration report entitled, “Es-
14 tablishment and Discontinuance Criteria for Airport Traf-
15 fic Control Towers”, and dated August 1990 (FAA–APO–
16 90–7).

17 (b) REQUESTS FOR ADDITIONAL AUTHORITY.—The
18 Administrator shall respond not later than 30 days after
19 the date the Administrator receives a formal request from
20 an airport and air traffic control contractor for additional
21 authority to expand contract tower operational hours and
22 staff to accommodate flight traffic outside of current
23 tower operational hours.

24 (c) DEFINITION OF CONTRACT TOWER PROGRAM.—
25 In this section, the term “Contract Tower Program” has
26 the meaning given the term in section 47124(e) of title

1 49, United States Code, as added by section 1204 of this
2 Act.

3 **SEC. 1206. REMOTE TOWERS.**

4 (a) PILOT PROGRAM.—

5 (1) ESTABLISHMENT.—The Administrator of
6 the Federal Aviation Administration shall estab-
7 lish—

8 (A) in consultation with airport operators
9 and general aviation users, a pilot program at
10 public-use airports to construct and operate re-
11 mote towers;

12 (B) a selection process for participation in
13 the pilot program; and

14 (C) a clear process for the safety and oper-
15 ational certification of the remote towers.

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

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

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

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

8 (C) clearly identify the analysis relating to
9 the feasibility, safety, cost, and benefits of re-
10 mote towers that will be addressed at each air-
11 port.

12 (4) SELECTION CRITERIA.—In selecting an air-
13 port for participation in the pilot program, the Ad-
14 ministrator shall consider—

15 (A) how inclusion of that airport will add
16 value to assist the Administrator in evaluating
17 the feasibility, safety, costs, and benefits of re-
18 mote towers;

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

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

23 (5) DATA.—The Administrator shall clearly
24 identify and collect air traffic control information
25 and data from participating airports that will assist

1 the Administrator in evaluating the feasibility, safe-
2 ty, costs, and benefits of remote towers.

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

7 (A) detailing any benefits, costs, or safety
8 improvements associated with the use of the re-
9 mote towers; and

10 (B) evaluating the feasibility of using re-
11 mote towers, particularly in the Contract Tower
12 Program, for airports without an air traffic
13 control tower, or to improve safety at airports
14 with towers.

15 (7) DEADLINE.—Not later than 1 year after
16 the date of enactment of this Act, the Administrator
17 shall select airports for participation in the pilot pro-
18 gram.

19 (8) DEFINITIONS.—In this subsection:

20 (A) CONTRACT TOWER PROGRAM.—The
21 term “Contract Tower Program” has the mean-
22 ing given the term in section 47124(e) of title
23 49, United States Code, as added by section
24 1204 of this Act.

1 (B) REMOTE TOWER.—The term “remote
2 tower” means a remotely operated air naviga-
3 tion facility, including all necessary system com-
4 ponents, that provides the functions and capa-
5 bilities of an air traffic control tower whereby
6 air traffic services are provided to operators at
7 an airport from a location that may not be on
8 or near the airport.

9 (b) REMOTE TOWER PROGRAM.—Not later than 30
10 days after the date on which the first remote tower is com-
11 missioned to operate under this section, the Administrator
12 shall establish a process to authorize the construction and
13 commissioning operation of additional remote towers, that
14 are certificated under subsection (a)(1)(C), at other air-
15 ports.

16 (c) AIP FUNDING ELIGIBILITY.—For purposes of the
17 pilot program under subsection (a), and after certificated
18 remote towers are available under subsection (b), con-
19 structing a remote tower or acquiring and installing air
20 traffic control, communications, or related equipment for
21 a remote tower shall be considered airport development (as
22 defined in section 47102 of title 49, United States Code)
23 for purposes of subchapter I of chapter 471 of that title
24 if components are installed and used at the airport, except,

1 as needed, for off-airport sensors installed on leased tow-
2 ers.

3 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

4 Section 186(d) of the Vision 100—Century of Avia-
5 tion Reauthorization Act (Public Law 108–176; 117 Stat.
6 2518) is amended by striking “and for the period begin-
7 ning on October 1, 2015, and ending on September 30,
8 2017,” and inserting “and for fiscal years 2018 through
9 2021”.

10 **SEC. 1208. AIRPORT ROAD FUNDING.**

11 (a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—
12 Section 47107(b) is amended by adding at the end the
13 following:

14 “(4) This subsection does not prevent the use
15 of airport revenue for the maintenance and improve-
16 ment of the on-airport portion of a surface transpor-
17 tation facility providing access to an airport and
18 non-airport locations if the surface transportation
19 facility is owned or operated by the airport owner or
20 operator and the use of airport revenue is prorated
21 to airport use and limited to portions of the facility
22 located on the airport. The Secretary shall determine
23 the maximum percentage contribution of airport rev-
24 enue toward surface transportation facility mainte-
25 nance or improvement, taking into consideration the

1 current and projected use of the surface transpor-
2 tation facility located on the airport for airport and
3 non-airport purposes. The de minimus use, as deter-
4 mined by the Secretary, of a surface transportation
5 facility for non-airport purposes shall not require
6 prorating.”.

7 (b) RESTRICTIONS ON THE USE OF AIRPORT REV-
8 ENUE.—Section 47133(c) is amended—

9 (1) by inserting “(1)” before “Nothing” and in-
10 denting appropriately; and

11 (2) by adding at the end the following:

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

17 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
18 **PORT VEHICLE PILOT PROGRAM.**

19 (a) REPEAL.—Section 47136 is repealed.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 The table of contents for chapter 471 is amended by strik-
22 ing the item relating to section 47136 and inserting the
23 following:

“47136. [Reserved].”.

1 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
2 **HICLES AND INFRASTRUCTURE PILOT PRO-**
3 **GRAM.**

4 Section 47136a is amended—

5 (1) in subsection (a), by striking “, including”
6 and inserting “used exclusively for transporting pas-
7 sengers on-airport or for employee shuttle buses
8 within the airport, including”; and

9 (2) in subsection (f), by inserting “, as in effect
10 on the day before the date of enactment of the Fed-
11 eral Aviation Administration Reauthorization Act of
12 2017,” after “section 47136”.

13 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
14 **MENT EMISSIONS RETROFIT PILOT PRO-**
15 **GRAM.**

16 (a) REPEAL.—Section 47140 is repealed.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
18 The table of contents for chapter 471 is amended by strik-
19 ing the item relating to section 47140 and inserting the
20 following:

“47140. [Reserved].”.

21 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
22 **EFFICIENCY ASSESSMENTS.**

23 (a) COST REIMBURSEMENTS.—Section 47140a(a) is
24 amended by striking “airport.” and inserting “airport,

1 and to reimburse the airport sponsor for the costs incurred
2 in conducting the assessment.”.

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

7 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
8 **CLASSIFIED AIRPORTS.**

9 Section 47106(a) is amended—

10 (1) in paragraph (5), by striking “; and” and
11 inserting a semicolon;

12 (2) in paragraph (6)—

13 (A) in the matter preceding subparagraph
14 (A), by striking “for an airport that has an air-
15 port master plan, the master plan addresses”
16 and inserting “a master plan project, it will ad-
17 dress”; and

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

20 (3) by adding at the end the following:

21 “(7) if the project is at an unclassified airport,
22 the project will be funded with an amount appor-
23 tioned under section 47114(d)(3)(B) and is—

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

1 “(B) for obstruction removal for the pri-
2 mary runway;

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

5 “(D) a project that the Secretary considers
6 necessary for the safe operation of the air-
7 port.”.

8 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYS-**
9 **TEMS.**

10 Section 44502(e) is amended by striking the first sen-
11 tence and inserting “An airport may transfer, without con-
12 sideration, to the Administrator of the Federal Aviation
13 Administration an instrument landing system consisting
14 of a glide slope and localizer that conforms to performance
15 specifications of the Administrator if an airport improve-
16 ment project grant was used to assist in purchasing the
17 system, and if the Federal Aviation Administration has
18 determined that a satellite navigation system cannot pro-
19 vide a suitable approach.”.

20 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
21 **PROGRAM.**

22 (a) IN GENERAL.—Subchapter I of chapter 471 is
23 amended by inserting after section 47142 the following:

1 **“§ 47143. Non-movement area surveillance surface**
2 **display systems pilot program**

3 “(a) IN GENERAL.—The Administrator of the Fed-
4 eral Aviation Administration may carry out a pilot pro-
5 gram to support non-Federal acquisition and installation
6 of qualifying non-movement area surveillance surface dis-
7 play systems and sensors if—

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

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

18 “(b) PROJECT GRANTS.—

19 “(1) IN GENERAL.—For purposes of carrying
20 out the pilot program, the Administrator may make
21 a project grant out of funds apportioned under para-
22 graph (1) or paragraph (2) of section 47114(c) to
23 not more than 5 eligible sponsors to acquire and in-
24 stall qualifying non-movement area surveillance sur-
25 face display systems and sensors. The Administrator
26 may distribute not more than \$2,000,000 per spon-

1 sor from the discretionary fund. The airports se-
2 lected to participate in the pilot program shall have
3 existing Federal Aviation Administration movement
4 area systems and airlines that are participants in
5 Federal Aviation Administration’s Airport Collabo-
6 rative Decision Making process.

7 “(2) PROCEDURES.—In accordance with the au-
8 thority under section 106, the Administrator may es-
9 tablish procurement procedures applicable to grants
10 issued under this subsection. The procedures may
11 permit the sponsor to carry out the project with ven-
12 dors that have been accepted in the procurement
13 procedure or using Federal Aviation Administration
14 contracts. The procedures may provide for the direct
15 reimbursement (including administrative costs) of
16 the Administrator by the sponsor using grant funds
17 under this subsection, for the ordering of system-re-
18 lated equipment and its installation, or for the direct
19 ordering of system-related equipment and its instal-
20 lation by the sponsor, using such grant funds, from
21 the suppliers with which the Administrator has con-
22 tracted.

23 “(3) DATA EXCHANGE PROCESSES.—The Ad-
24 ministrator may establish data exchange processes to
25 allow airport participation in the Federal Aviation

1 Administration’s Airport Collaborative Decision
2 Making process and fusion of the non-movement
3 surveillance data with the Administration’s move-
4 ment area systems.

5 “(c) DEFINITIONS.—In this section:

6 “(1) NON-MOVEMENT AREA.—The term ‘non-
7 movement area’ is the portion of the airfield surface
8 that is not under the control of air traffic control.

9 “(2) NON-MOVEMENT AREA SURVEILLANCE
10 SURFACE DISPLAY SYSTEM AND SENSORS.—The
11 term ‘non-movement area surveillance surface dis-
12 play system and sensors’ is a non-Federal surveil-
13 lance system that uses on-airport sensors that track
14 vehicles or aircraft that are equipped with tran-
15 sponders in the non-movement area.

16 “(3) QUALIFYING NON-MOVEMENT AREA SUR-
17 VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-
18 SORS.—The term ‘qualifying non-movement area
19 surveillance surface display system and sensors’ is a
20 non-movement area surveillance surface display sys-
21 tem that—

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

1 “(B) is on-airport; and

2 “(C) is airport operated.”.

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

4 The table of contents of chapter 471 is amended by insert-
5 ing after the item relating to section 47142 the following:

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

6 **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

7 Section 47102 is amended—

8 (1) by redesignating paragraphs (10) through
9 (28) as paragraphs (12) through (30), respectively;

10 (2) by redesignating paragraphs (7) through
11 (9) as paragraphs (8) through (10), respectively;

12 (3) in paragraph (3)—

13 (A) in subparagraph (B)—

14 (i) by redesignating clauses (iii)
15 through (x) as clauses (iv) through (xi), re-
16 spectively; and

17 (ii) by striking clause (ii) and insert-
18 ing the following:

19 “(ii) security equipment owned and
20 operated by the airport, including explosive
21 detection devices, universal access control
22 systems, perimeter fencing, and emergency
23 call boxes, which the Secretary may require
24 by regulation for, or approve as contrib-

1 uting significantly to, the security of indi-
2 viduals and property at the airport;

3 “(iii) safety apparatus owned and op-
4 erated by the airport, which the Secretary
5 may require by regulation for, or approve
6 as contributing significantly to, the safety
7 of individuals and property at the airport,
8 and integrated in-pavement lighting sys-
9 tems for runways and taxiways and other
10 runway and taxiway incursion prevention
11 devices;”;

12 (B) in subparagraph (K), by striking
13 “7505a) and if such project will result in an
14 airport receiving appropriate” and inserting
15 “7505a)) and if the airport would be able to re-
16 ceive”; and

17 (C) in subparagraph (L)—

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

23 (ii) by striking “airport, to” and in-
24 serting “airport and equipped with”; and

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

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

7 (5) by inserting after paragraph (6) the fol-
8 lowing:

9 “(7) ‘categorized airport’ means a nonprimary
10 airport that has an identified role in the most re-
11 cently published National Plan of Integrated Airport
12 Systems (NPIAS) report.”;

13 (6) in paragraph (9), as redesignated, by strik-
14 ing “public” and inserting “public-use”;

15 (7) by inserting after paragraph (10), as redesi-
16 gnated, the following:

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

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

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

1 “(I) 100 based aircraft that are
2 currently registered with the Federal
3 Aviation Administration under chap-
4 ter 445 of this title; and

5 “(II) 1 based jet aircraft that is
6 currently registered with the Federal
7 Aviation Administration where, for
8 the purposes of this clause, ‘based’
9 means the aircraft or jet aircraft over-
10 nights at the airport for the greater
11 part of the year; or”; and

12 (9) by adding at the end the following:

13 “(31) ‘unclassified airport’ means a nonprimary
14 airport that is included in the most recently pub-
15 lished National Plan of Integrated Airport Systems
16 (NPIAS) report that is not categorized by the Ad-
17 ministrator of the Federal Aviation Administration
18 in the most current report entitled General Aviation
19 Airports: A National Asset.”.

20 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**
21 **DATES.**

22 Section 47503(b) is amended—

23 (1) by striking “a change in the operation of
24 the airport would establish” and inserting “there is

1 a change in the operation of the airport that would
2 establish”; and

3 (2) by inserting after “reduction” the following:

4 “if the change has occurred during the longer of—

5 “(1) the noise exposure map period forecast by
6 the airport operator under subsection (a); or

7 “(2) the implementation timeframe of the oper-
8 ator’s noise compatibility program”.

9 **SEC. 1218. PROVISION OF FACILITIES.**

10 Section 44502 is amended by adding at the end the
11 following:

12 “(f) AIRPORT SPACE.—

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

17 “(A) Building construction, maintenance,
18 utilities, or expenses for services relating to air
19 traffic control, air navigation, or weather re-
20 porting.

21 “(B) Space in a facility owned by the air-
22 port owner or sponsor for services relating to
23 air traffic control, air navigation, or weather re-
24 porting.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this subsection may be construed to affect—

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

9 “(B) any grant assurance that requires an
10 airport owner or sponsor to provide land to the
11 Administration without cost for an air traffic
12 control facility.”.

13 **SEC. 1219. MORATORIUM ON CHANGES TO THE CONTRACT**
14 **WEATHER OBSERVER PROGRAM.**

15 The Administrator may not discontinue the Contract
16 Weather Observer Program at any airport until October
17 1, 2021.

18 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

19 Section 47109(a)(5) is amended to read as follows:

20 “(5) 95 percent for a project at an airport for
21 which the United States Government’s share would
22 otherwise be capped at 90 percent under paragraph
23 (2) or paragraph (3) if the Administrator determines
24 that the project is a successive phase of a multi-

1 phased construction project for which the sponsor
2 received a grant in fiscal year 2011 or earlier.”.

3 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

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

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

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

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

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

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

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

19 **SEC. 1222. MOTHERS’ ROOMS AT AIRPORTS.**

20 (a) LACTATION AREA DEFINED.—Section 47102, as
21 amended by section 1216 of this Act, is further amend-
22 ed—
23 ed—
24

1 (1) by redesignating paragraphs (12) through
2 (31) as paragraphs (13) through (32), respectively;
3 and

4 (2) by inserting after paragraph (11) the fol-
5 lowing:

6 “(12) ‘lactation area’ means a room or similar
7 accommodation that—

8 “(A) provides a location for an individual
9 to express breast milk that is shielded from
10 view and free from intrusion;

11 “(B) has a door that can be locked by the
12 individual;

13 “(C) includes a place to sit, a table or
14 other flat surface, and an electrical outlet;

15 “(D) is readily accessible to and usable by
16 individuals with disabilities, including individ-
17 uals who use wheelchairs; and

18 “(E) is not located in a restroom.”.

19 (b) PROJECT GRANTS WRITTEN ASSURANCES FOR
20 LARGE AND MEDIUM HUB AIRPORTS.—

21 (1) IN GENERAL.—Section 47107(a) is amend-
22 ed—

23 (A) in paragraph (20), by striking “and”
24 at the end;

1 (B) in paragraph (21), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(22) with respect to a medium hub airport or
5 large hub airport, the airport owner or operator will
6 maintain a lactation area in each passenger terminal
7 building of the commercial service airport in the
8 sterile area (as defined in section 1540.5 of title 49,
9 Code of Federal Regulations) of the building.”.

10 (2) APPLICABILITY.—

11 (A) IN GENERAL.—The amendment made
12 by paragraph (1) shall apply to a project grant
13 application submitted for a fiscal year begin-
14 ning on or after the date that is 2 years after
15 the date of enactment of this Act.

16 (B) SPECIAL RULE.—The requirement in
17 the amendments made by paragraph (1) that a
18 lactation area be located in the sterile area of
19 a passenger terminal building shall not apply
20 with respect to a project grant application for
21 a period of time, determined by the Secretary
22 of Transportation, if the Secretary determines
23 that construction or maintenance activities
24 make it impracticable or unsafe for the lacta-

1 tion area to be located in the sterile area of the
2 building.

3 (c) **TERMINAL DEVELOPMENT COSTS.**—Section
4 47119(a) is amended by adding at the end the following:

5 “(3) **LACTATION AREAS.**—In addition to the
6 projects described in paragraph (1), the Secretary
7 may approve a project for terminal development for
8 the construction or installation of a lactation area in
9 1 or more passenger terminal buildings at a com-
10 mercial service airport.”.

11 (d) **PRE-EXISTING FACILITIES.**—On application by
12 an airport sponsor, the Secretary of Transportation may
13 determine that a lactation area in existence on the date
14 of enactment of this Act complies with the requirement
15 of section 47107(a)(22) of title 49, United States Code,
16 as added by subsection (b), notwithstanding the absence
17 of one of the facilities or characteristics referred to in the
18 definition of the term “lactation area” in section 47102
19 of that title, as added by subsection (a).

20 **SEC. 1223. DEFINITION OF SMALL BUSINESS CONCERN.**

21 Section 47113(a)(1) is amended to read as follows:

22 “(1) ‘small business concern’—

23 “(A) has the meaning given the term in
24 section 3 of the Small Business Act (15 U.S.C.
25 632); but

1 “(B) in the case of a concern in the con-
2 struction industry, a concern shall be consid-
3 ered a small business concern if the concern
4 meets the size standard for the North American
5 Industry Classification System Code 237310, as
6 adjusted by the Small Business Administra-
7 tion;”.

8 **SEC. 1224. STATE STANDARDS FOR AIRPORT PAVEMENTS.**

9 Section 47105(c) is amended—

10 (1) by inserting “(1) IN GENERAL.—” before
11 “‘The Secretary’” the first place it appears; and

12 (2) by adding at the end the following:

13 “(2) PAVEMENT STANDARDS.—

14 “(A) TECHNICAL ASSISTANCE.—At the re-
15 quest of a State, the Secretary shall, not later
16 than 30 days after the date of the request, pro-
17 vide technical assistance to the State in devel-
18 oping standards, acceptable to the Secretary
19 under subparagraph (B), for pavement on non-
20 primary public-use airports in the State.

21 “(B) REQUIREMENTS.—The Secretary
22 shall—

23 “(i) continue to provide technical as-
24 sistance under subparagraph (A) until the

1 standards are approved under paragraph
2 (1); and

3 “(ii) clearly indicate to the State the
4 standards that are acceptable to the Sec-
5 retary, considering, at a minimum, local
6 conditions and locally available materials.”.

7 **Subtitle C—FLIGHT Act of 2017**

8 **SEC. 1301. SHORT TITLE.**

9 (a) SHORT TITLE.—This subtitle may be cited as the
10 “Forward Looking Investment in General Aviation, Hang-
11 ars, and Tarmaes Act of 2017” or the “FLIGHT Act of
12 2017”.

13 **SEC. 1302. GENERAL AVIATION AIRPORT ENTITLEMENT RE-** 14 **FORM.**

15 (a) APPORTIONMENT.—Section 47114(d)(3) is
16 amended—

17 (1) by redesignating subparagraphs (A) and
18 (B) as subparagraphs (B) and (C), respectively;

19 (2) by inserting before subparagraph (B), as re-
20 designated, the following:

21 “(A) Not less than \$25,000,000 to airports
22 designated as disaster relief airports under sec-
23 tion 47132 to enhance the ability of such air-
24 ports to aid in disaster relief, including through

1 funding for airport development described in
2 section 47102(3)(P).”; and

3 (3) in subparagraph (B), as redesignated, by
4 striking “To each airport” and inserting “Subject to
5 subparagraph (A), to each airport”.

6 (b) PERIOD OF AVAILABILITY.—Section 47117(b) is
7 amended by striking “3” and inserting “4”.

8 (c) UNITED STATES SHARE OF PROJECT COSTS.—
9 Section 47109 is amended by adding at the end the fol-
10 lowing:

11 “(g) COST SHARE.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Government’s share of allowable project costs
14 may be increased by the Administrator to 95 percent
15 for a project at an airport that is categorized as a
16 basic or unclassified airport in the most recently
17 published National Plan of Integrated Airport Sys-
18 tems (NPIAS) report.

19 “(2) MULTI-YEAR PROJECTS.—If an airport
20 sponsor has an approved multi-year project, ap-
21 proved by the Administrator, and the airport is re-
22 categorized above basic category, the cost share for
23 that project shall remain at the cost share specified
24 in paragraph (1) for the duration of the project.”.

1 (d) USE OF APPORTIONED AMOUNTS.—Section
2 47117(e)(1) is amended by adding at the end the fol-
3 lowing:

4 “(D) All amounts subject to apportionment
5 for a fiscal year that are not apportioned under
6 section 47114(d), for grants to sponsors of gen-
7 eral aviation airports, reliever airports, or non-
8 primary commercial service airports.”.

9 **SEC. 1303. EXTENDING AVIATION DEVELOPMENT STREAM-**
10 **LINING.**

11 (a) IN GENERAL.—Section 47171 is amended—

12 (1) in subsection (a), in the matter preceding
13 paragraph (1), by inserting “general aviation airport
14 construction or improvement projects,” after “con-
15 gested airports,”;

16 (2) in subsection (b)—

17 (A) by redesignating paragraph (2) as
18 paragraph (3); and

19 (B) by inserting after paragraph (1) the
20 following:

21 “(2) GENERAL AVIATION AIRPORT CONSTRUC-
22 TION OR IMPROVEMENT PROJECT.—A general avia-
23 tion airport construction or improvement project
24 shall be subject to the coordinated and expedited en-

1 vironmental review process requirements set forth in
2 this section.”;

3 (3) in subsection (c)(1), by striking “(b)(2)”
4 and inserting “(b)(3)”;

5 (4) in subsection (d), by striking “(b)(2)” and
6 inserting “(b)(3)”;

7 (5) in subsection (h), by striking “(b)(2)” and
8 inserting “(b)(3)”;

9 (6) in subsection (k), by striking “(b)(2)” and
10 inserting “(b)(3)”.

11 (b) DEFINITIONS.—Section 47175 is amended—

12 (1) by redesignating paragraphs (1), (2), (3),
13 (4), and (5) as paragraphs (2), (5), (1), (3), and
14 (4), respectively, and by rearranging such para-
15 graphs so that they appear in numerical order;

16 (2) by redesignating paragraph (7) as para-
17 graph (8); and

18 (3) by inserting after paragraph (6) the fol-
19 lowing:

20 “(7) GENERAL AVIATION AIRPORT CONSTRUC-
21 TION OR IMPROVEMENT PROJECT.—The term ‘gen-
22 eral aviation airport construction or improvement
23 project’ means—

24 “(A) a project for the construction or ex-
25 tension of a runway, including any land acquisi-

1 tion, taxiway, safety area, apron, or naviga-
2 tional aids associated with the runway or run-
3 way extension, at a general aviation airport, a
4 reliever airport, or a commercial service airport
5 that is not a primary airport (as such terms are
6 defined in section 47102); and

7 “(B) any other airport development project
8 that the Secretary designates as facilitating
9 aviation capacity building projects at a general
10 aviation airport.”.

11 **SEC. 1304. ESTABLISHMENT OF PUBLIC PRIVATE-PARTNER-**
12 **SHIP PROGRAM AT GENERAL AVIATION AIR-**
13 **PORTS.**

14 (a) IN GENERAL.—Chapter 481 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 48115. General aviation public-private partnership**
18 **program**

19 “(a) SMALL AIRPORT PUBLIC-PRIVATE PARTNER-
20 SHIP PROGRAM.—The Secretary of Transportation shall
21 establish a program that meets the requirements under
22 this section for improving facilities at—

23 “(1) general aviation airports; and

1 “(2) privately owned airports used or intended
2 to be used for public purposes that do not have
3 scheduled air service.

4 “(b) APPLICATION REQUIRED.—The operator or
5 sponsor of an airport, or the community in which an air-
6 port is located, seeking, on behalf of the airport, to partici-
7 pate in the program established under subsection (a) shall
8 submit an application to the Secretary in such form, at
9 such time, and containing such information as the Sec-
10 retary may require, including—

11 “(1) an assessment of the needs of the airport
12 for additional or improved hangars, airport busi-
13 nesses, or other facilities;

14 “(2) the ability of the airport to leverage pri-
15 vate sector investments on the airport or develop
16 public-private partnerships to build or improve facili-
17 ties at the airport; and

18 “(3) if the application is submitted by a com-
19 munity, evidence that the airport supports the appli-
20 cation.

21 “(c) LIMITATION.—

22 “(1) STATE LIMIT.—Not more than 4 airports
23 in the same State may be selected to participate in
24 the program established under subsection (a) in any
25 fiscal year.

1 “(2) DOLLAR AMOUNT LIMIT.—Not more than
2 \$500,000 shall be made available for any one-time
3 grant to an airport in any fiscal year under the pro-
4 gram established under subsection (a).

5 “(d) PRIORITIES.—In selecting airports for participa-
6 tion in the program established under subsection (a), the
7 Secretary shall give priority to airports at which—

8 “(1) the operator or sponsor of the airport, or
9 the community in which the airport is located—

10 “(A) will provide a portion of the cost of
11 the project for which assistance is sought under
12 the program from local sources;

13 “(B) will employ best business practices in
14 developing or implementing a public-private
15 partnership; or

16 “(C) has established, or will establish, a
17 public-private partnership to build or improve
18 facilities at the airport; or

19 “(2) the assistance will be used in a timely
20 fashion.

21 “(e) TYPES OF ASSISTANCE.—The Secretary may
22 use amounts made available under this section—

23 “(1) to provide assistance to market an airport
24 to private entities or individuals in order to leverage
25 private sector investments or develop public-private

1 partnerships for the purposes of building or improv-
2 ing hangars, businesses, or other facilities at the air-
3 port;

4 “(2) to fund studies that consider what meas-
5 ures an airport should take to attract private sector
6 investment at the airport; or

7 “(3) to participate in a partnership described in
8 paragraph (1) or an investment described in para-
9 graph (2).

10 “(f) AUTHORITY TO MAKE AGREEMENTS.—The Sec-
11 retary may enter into agreements with airports and enti-
12 ties entering into partnerships with airports under this
13 section to provide assistance under this section.

14 “(g) AVAILABILITY OF AMOUNTS FROM AIRPORT
15 AND AIRWAY TRUST FUND.—

16 “(1) IN GENERAL.—There is authorized to be
17 appropriated, out of the Airport and Airway Trust
18 Fund established under section 9502 of the Internal
19 Revenue Code of 1986, \$5,000,000 for each of the
20 fiscal years 2018 through 2021 to carry out this sec-
21 tion. Amounts appropriated pursuant to this para-
22 graph shall remain available until expended.

23 “(2) AVAILABILITY.—Amounts appropriated
24 pursuant to paragraph (1)—

1 “(A) shall remain available until expended;

2 and

3 “(B) shall be in addition to any amounts

4 made available pursuant to section 48103.”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 chapter 481 is amended by adding at the end the fol-
7 lowing:

 “48115. General aviation public-private partnership program.”.

8 **SEC. 1305. DISASTER RELIEF AIRPORTS.**

9 (a) DESIGNATION OF DISASTER RELIEF AIR-
10 PORTS.—

11 (1) IN GENERAL.—Subchapter I of chapter 471
12 is amended by inserting after section 47131 the fol-
13 lowing:

14 **“§ 47132. Disaster relief airports**

15 “(a) DESIGNATION.—

16 “(1) IN GENERAL.—The Secretary of Transpor-
17 tation shall designate as a disaster relief airport an
18 airport that—

19 “(A) is categorized as a regional reliever
20 airport in the most recently published National
21 Plan of Integrated Airport Systems (NPIAS)
22 report;

23 “(B) is within a reasonable distance, as de-
24 termined by the Secretary, of a hospital or
25 transplant or trauma center;

1 “(C) is in a region that the Secretary de-
2 termines under subsection (b) is prone to nat-
3 ural disasters;

4 “(D) has at least 1 paved runway with not
5 less than 3,400 feet of useable length capable of
6 supporting aircraft up to 12,500 pounds;

7 “(E) has aircraft maintenance or servicing
8 facilities at the airport able to provide aircraft
9 fueling and light maintenance services; and

10 “(F) has adequate taxiway and ramp space
11 to accommodate single engine or light multi-en-
12 gine aircraft simultaneously for loading and un-
13 loading of supplies.

14 “(2) DESIGNATION IN STATES WITHOUT QUALI-
15 FYING AIRPORTS.—If fewer than 3 airports de-
16 scribed in paragraph (1) are located in a State, the
17 Secretary, in consultation with aviation officials of
18 that State, shall designate not more than 3 general
19 aviation airports in that State as a disaster relief
20 airport under this section.

21 “(b) PRONE TO NATURAL DISASTERS.—

22 “(1) IN GENERAL.—For the purposes of sub-
23 section (a)(1)(C), a region is prone to natural disas-
24 ters if—

1 “(A) in the case of earthquakes, there is
2 not less than a 50 percent probability that an
3 earthquake of magnitude 6 or above will occur
4 in the region within 30 years, according to the
5 United States Geological Survey; or

6 “(B) in the case of other types of natural
7 disasters, the President has declared more than
8 5 major disasters in the region under section
9 401 of the Robert T. Stafford Disaster Relief
10 and Emergency Assistance Act (42 U.S.C.
11 5170), according to the most recent map of the
12 Federal Emergency Management Agency.

13 “(2) NATURAL DISASTER DEFINED.—For the
14 purposes of this section, the term ‘natural disaster’
15 includes a hurricane, tornado, severe storm, high
16 water, wind-driven water, tidal wave, tsunami, earth-
17 quake, volcanic eruption, landslide, mudslide, snow-
18 storm, drought, or wildfire.

19 “(c) REQUIREMENTS.—

20 “(1) OPERATION AND MAINTENANCE.—

21 “(A) IN GENERAL.—A disaster relief air-
22 port and the facilities and fixed-based operators
23 on or connected with the airport shall be oper-
24 ated and maintained in a manner the Secretary
25 consider suitable for disaster relief.

1 “(B) EXCLUSION.—A disaster relief air-
2 port shall not be considered to be in violation
3 of subparagraph (A) if a runway is unuseable
4 because the runway is under scheduled mainte-
5 nance or is in need of necessary repairs.

6 “(2) COMPLIANCE WITH ASSURANCES ON AIR-
7 PORT OPERATIONS.—A disaster relief airport shall
8 comply with the provisions of section 47107 without
9 regard whether the airport has received a project
10 grant under this subchapter.

11 “(3) NATURAL DISASTER MANAGEMENT
12 PLAN.—A disaster relief airport shall develop an
13 emergency natural disaster management plan in co-
14 ordination with local emergency response teams and
15 first responders.

16 “(d) CIVIL PENALTY.—A public agency that know-
17 ingly violates this section shall be liable to the United
18 States Government for a civil penalty of not more than
19 \$10,000 for each day of the violation.

20 “(e) CONSIDERATION FOR PROJECT GRANTS.—The
21 Secretary shall give consideration to the role an airport
22 plays in disaster relief when determining whether to pro-
23 vide a grant for the airport under this subchapter.

1 “(f) APPLICABILITY OF OTHER LAWS.—This section
2 shall apply notwithstanding any other law, including regu-
3 lations and agreements.”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 chapter 471 is amended by inserting after the item relat-
6 ing to section 47131 the following:

“47132. Disaster relief airports.”.

7 **SEC. 1306. AIRPORT DEVELOPMENT RELATING TO DIS-**
8 **ASTER RELIEF.**

9 Section 47102(3), as amended by sections 1216 and
10 1222, is further amended by adding at the end the fol-
11 lowing:

12 “(P) planning, acquiring, or constructing
13 at an airport designated as a disaster relief air-
14 port under section 47132, including—

15 “(i) planning for disaster prepared-
16 ness associated with maintaining airport
17 operations during a natural disaster;

18 “(ii) airport communication equip-
19 ment and fixed emergency generators that
20 are not able to be acquired by programs
21 funded under the Department of Home-
22 land Security; and

23 “(iii) constructing, expanding, and im-
24 proving airfield infrastructure to include
25 aprons and terminal buildings the Sec-

1 retary determines will facilitate disaster re-
2 sponse at the airport.”.

3 **SEC. 1307. INCLUSION OF COVERED AIRCRAFT CONSTRUC-**
4 **TION IN DEFINITION OF AERONAUTICAL AC-**
5 **TIVITY FOR PURPOSES OF AIRPORT IM-**
6 **PROVEMENT GRANTS.**

7 Section 47107 is amended by adding at the end the
8 following:

9 “(u) CONSTRUCTION, REPAIR, AND RESTORATION OF
10 RECREATIONAL AIRCRAFT.—

11 “(1) IN GENERAL.—The construction of a cov-
12 ered aircraft shall be treated as an aeronautical ac-
13 tivity for purposes of—

14 “(A) determining an airport sponsor’s
15 compliance with a grant assurance made under
16 this section or any other provision of law; and

17 “(B) the receipt of Federal financial assist-
18 ance for airport development.

19 “(2) COVERED AIRCRAFT DEFINED.—In this
20 subsection, the term ‘covered aircraft’ means an air-
21 craft—

22 “(A) used or intended to be used exclu-
23 sively for recreational purposes to be operated
24 under appropriate regulations under title 14 of
25 the Code of Federal Regulations; and

1 “(B) constructed or under construction, re-
2 pair, or restoration by a private individual at a
3 general aviation airport.”.

4 **Subtitle D—Passenger Facility**
5 **Charges**

6 **SEC. 1401. PFC STREAMLINING.**

7 (a) PASSENGER FACILITY CHARGES; GENERAL AU-
8 THORITY.—Section 40117(b)(4) is amended—

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

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

13 (b) PILOT PROGRAM FOR PASSENGER FACILITY
14 CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Sec-
15 tion 40117(l) is amended—

16 (1) in the heading by striking “NONHUB” and
17 inserting “CERTAIN”;

18 (2) in paragraph (1), by striking “nonhub” and
19 inserting “nonhub, small hub, medium hub, and
20 large hub”; and

21 (3) in paragraph (6), by striking “Not later
22 than 180 days after the date of enactment of this
23 subsection, the” and inserting “The”.

1 **SEC. 1402. INTERMODAL ACCESS PROJECTS.**

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

4 “(n) PFC ELIGIBILITY FOR INTERMODAL GROUND
5 ACCESS PROJECTS.—

6 “(1) IN GENERAL.—The Secretary may author-
7 ize a passenger facility charge imposed under sub-
8 section (b)(1) to be used to finance the eligible cap-
9 ital costs of an intermodal ground access project.

10 “(2) DEFINITION OF INTERMODAL GROUND AC-
11 CESS PROJECT.—In this subsection, the term ‘inter-
12 modal ground access project’ means a project for
13 constructing a local facility owned or operated by an
14 eligible agency that—

15 “(A) is located on airport property; and

16 “(B) is directly and substantially related to
17 the movement of passengers or property trav-
18 eling in air transportation.

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

22 “(A) the total capital cost of the project
23 multiplied by the ratio that the number of indi-
24 viduals projected to use the project to gain ac-
25 cess to or depart from the airport bears to the

1 total number of individuals projected to use the
2 local facility; or

3 “(B) the total cost of the capital improve-
4 ments that are located on airport property.

5 “(4) DETERMINATIONS.—The Secretary shall
6 determine the projected use and cost of a project for
7 purposes of paragraph (3) at the time the project is
8 approved under this subsection, except that, in the
9 case of a project to be financed in part using funds
10 administered by the Federal Transit Administration,
11 the Secretary shall use the travel forecasting model
12 for the project at the time the project is approved
13 by the Federal Transit Administration to enter pre-
14 liminary engineering to determine the projected use
15 and cost of the project for purposes of paragraph
16 (3).

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

1 **SEC. 1403. FUTURE AVIATION INFRASTRUCTURE AND FI-**
2 **NANCING STUDY.**

3 (a) FUTURE AVIATION INFRASTRUCTURE AND FI-
4 NANCING STUDY.—Not later than 60 days after the date
5 of enactment of this Act, the Secretary of Transportation
6 shall enter into an agreement with qualified organization
7 to conduct a study and make recommendations on the ac-
8 tions needed to upgrade and restore the national aviation
9 infrastructure system to its role as a premier system that
10 meets the growing and shifting demands of the 21st cen-
11 tury, including airport infrastructure needs and existing
12 financial resources for commercial service airports.

13 (b) CONSULTATION.—In carrying out the study, the
14 qualified organization shall convene and consult with a
15 panel of national experts, including representatives of—

- 16 (1) nonhub airports;
- 17 (2) small hub airports;
- 18 (3) medium hub airports;
- 19 (4) large hub airports;
- 20 (5) airports with international service;
- 21 (6) non-primary airports;
- 22 (7) local elected officials;
- 23 (8) relevant labor organizations;
- 24 (9) passengers;
- 25 (10) air carriers; and
- 26 (11) the tourism industry.

1 (c) CONSIDERATIONS.—In carrying out the study, the
2 qualified organization shall consider—

3 (1) the ability of airport infrastructure to meet
4 current and projected passenger volumes;

5 (2) the available financial tools and resources
6 for airports of different sizes;

7 (3) the current debt held by airports, and its
8 impact on future construction and capacity needs;

9 (4) the impact of capacity constraints on pas-
10 sengers and ticket prices;

11 (5) the purchasing power of the passenger facil-
12 ity charge from the last increase in 2000 to the year
13 of enactment of this Act;

14 (6) the impact to passengers and airports of in-
15 dexing the passenger facility charge for inflation;

16 (7) how long airports are constrained with cur-
17 rent passenger facility charge collections;

18 (8) the impact of passenger facility charges on
19 promoting competition;

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

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

1 (11) the gap between the cost of projects eligi-
2 ble for the airport improvement program and the an-
3 nual Federal funding provided;

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

6 (13) airline competition;

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

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

12 (d) REPORT.—Not later than 15 months after the
13 date of enactment of this Act, the qualified organization
14 shall submit to the Secretary and the appropriate commit-
15 tees of Congress a report on its findings and recommenda-
16 tions.

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

20 (f) DEFINITION OF QUALIFIED ORGANIZATION.—In
21 this section, the term “qualified organization” means an
22 independent nonprofit organization that recommends solu-
23 tions to public policy challenges through objective research
24 and analysis.

1 **SEC. 1404. AIRPORT VEHICLE EMISSIONS.**

2 Section 40117(a)(3)(G) is amended to read as fol-
3 lows:

4 “(G) A project to reduce emissions under
5 subchapter I of chapter 471 or to use cleaner
6 burning conventional fuels, or for acquiring for
7 use at a commercial service airport vehicles or
8 ground support equipment that include low-
9 emission technology or to use cleaner burning
10 fuels, or if the airport is located in an air qual-
11 ity nonattainment area (as defined in section
12 171(2) of the Clean Air Act (42 U.S.C.
13 7501(2))) or a maintenance area referred to in
14 section 175A of such Act (42 U.S.C. 7505a), a
15 project to retrofit any such vehicles or equip-
16 ment that are powered by a diesel or gasoline
17 engine with emission control technologies cer-
18 tified or verified by the Environmental Protec-
19 tion Agency to reduce emissions, if such project
20 would be able to receive emission credits for the
21 project from the governing State or Federal en-
22 vironmental agency as described in section
23 47139.”.

1 **TITLE II—SAFETY**
2 **Subtitle A—Unmanned Aircraft**
3 **Systems Reform**

4 **SEC. 2001. DEFINITIONS.**

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

9 (b) DEFINITION OF CIVIL AIRCRAFT.—The term
10 “civil aircraft” has the meaning given the term in section
11 40102 of title 49, United States Code.

12 **PART I—PRIVACY AND TRANSPARENCY**

13 **SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**
14 **ICY.**

15 It is the policy of the United States that the operation
16 of any unmanned aircraft or unmanned aircraft system
17 shall be carried out in a manner that respects and protects
18 personal privacy consistent with the United States Con-
19 stitution and Federal, State, and local law.

20 **SEC. 2102. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) each person that uses an unmanned aircraft
23 system for compensation or hire, or in the further-
24 ance of a business enterprise, except for news gather-
25 ing, should have a written privacy policy consistent

1 with section 2101 that is appropriate to the nature
2 and scope of the activities regarding the collection,
3 use, retention, dissemination, and deletion of any
4 data collected during the operation of an unmanned
5 aircraft system;

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

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

11 **SEC. 2103. FEDERAL TRADE COMMISSION AUTHORITY.**

12 A violation of a privacy policy by a person that uses
13 an unmanned aircraft system for compensation or hire,
14 or in the furtherance of a business enterprise, in the na-
15 tional airspace system shall be an unfair and deceptive
16 practice in violation of section 5(a) of the Federal Trade
17 Commission Act (15 U.S.C. 45(a)).

18 **SEC. 2104. COMMERCIAL AND GOVERNMENTAL OPERA-**
19 **TORS.**

20 (a) IN GENERAL.—Except for model aircraft under
21 section 44808 of title 49, United States Code, in author-
22 izing the operation of any public unmanned aircraft sys-
23 tem or the operation of any unmanned aircraft system by
24 a person conducting civil aircraft operations, the Adminis-
25 trator of the Federal Aviation Administration, to the ex-

1 tent practicable and consistent with applicable law and
2 without compromising national security, homeland de-
3 fense, or law enforcement, shall make the identifying in-
4 formation in subsection (b) available to the public via an
5 easily searchable online database. The Administrator shall
6 place a clear and conspicuous link to the database on the
7 home page of the Federal Aviation Administration's
8 website.

9 (b) CONTENTS.—The database described in sub-
10 section (a) shall contain the following:

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

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

17 (3) The expiration date of any authorization re-
18 lated to a person identified in paragraph (1) or
19 paragraph (2).

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

24 (5) The tail number or specific identification
25 number of all unmanned aircraft authorized for use

1 that links each unmanned aircraft to the owner of
2 that aircraft.

3 (6) For any unmanned aircraft system, except
4 those operated for news gathering activities pro-
5 tected by the First Amendment to the Constitution
6 of the United States, that will collect personally
7 identifiable information about individuals, including
8 the use of facial recognition—

9 (A) the circumstance under which the sys-
10 tem will be used;

11 (B) the specific kinds of personally identi-
12 fiable information that the system will collect
13 about individuals; and

14 (C) how the information referred to in sub-
15 paragraph (B), and the conclusions drawn from
16 such information, will be used, disclosed, and
17 otherwise handled, including—

18 (i) how the collection or retention of
19 such information that is unrelated to the
20 specific use will be minimized;

21 (ii) under what circumstances such in-
22 formation might be sold, leased, or other-
23 wise provided to third parties;

24 (iii) the period during which such in-
25 formation will be retained;

1 (iv) when and how such information,
2 including information no longer relevant to
3 the specified use, will be destroyed; and

4 (v) steps that will be used to protect
5 against the unauthorized disclosure of any
6 information or data, such as the use of
7 encryption methods and other security fea-
8 tures.

9 (7) With respect to public unmanned aircraft
10 systems—

11 (A) the locations where the unmanned air-
12 craft system will operate;

13 (B) the time during which the unmanned
14 aircraft system will operate;

15 (C) the general purpose of the flight; and

16 (D) the technical capabilities that the un-
17 manned aircraft system possesses.

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

1 (d) DEADLINE.—The Administrator shall make the
2 database available not later than 1 year after the date of
3 enactment of this Act.

4 (e) TERMINATION.—The Administrator may cease
5 the operation of such database on the earlier of—

6 (1) the date of publication of a final rule or
7 guidance regarding identification standards under
8 section 2202 of the FAA Extension Safety and Se-
9 curity Act of 2016 (Public Law 114-190; 130 Stat.
10 615); or

11 (2) September 30, 2021.

12 **SEC. 2105. ANALYSIS OF CURRENT REMEDIES UNDER FED-**
13 **ERAL, STATE, AND LOCAL JURISDICTIONS.**

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

20 (1) examines and identifies the existing Fed-
21 eral, State, or local laws, including constitutional
22 law, that address an individual's personal privacy;

23 (2) identifies specific issues and concerns that
24 may limit the availability of existing civil or criminal
25 legal remedies regarding inappropriate operation of

1 unmanned aircraft systems in the national airspace
2 system;

3 (3) identifies any deficiencies in current Fed-
4 eral, State, or local privacy protections; and

5 (4) recommends legislative or other actions to
6 address the limitations and deficiencies identified in
7 paragraphs (2) and (3).

8 **PART II—UNMANNED AIRCRAFT SYSTEMS**

9 **SEC. 2121. DEFINITIONS.**

10 (a) IN GENERAL.—Part A of subtitle VII is amended
11 by inserting after chapter 447 the following:

12 **“CHAPTER 448—UNMANNED AIRCRAFT**
13 **SYSTEMS**

“Sec.

“44801. Definitions.

14 **“§ 44801. Definitions**

15 “In this chapter—

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

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

1 “(3) ‘certificate of waiver’ and ‘certificate of au-
2 thorization’ mean a Federal Aviation Administration
3 grant of approval for a specific flight operation.

4 “(4) ‘permanent areas’ means areas on land or
5 water that provide for launch, recovery, and oper-
6 ation of small unmanned aircraft.

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

11 “(6) ‘sense and avoid capability’ means the ca-
12 pability of an unmanned aircraft to remain a safe
13 distance from and to avoid collisions with other air-
14 borne aircraft.

15 “(7) ‘small unmanned aircraft’ means an un-
16 manned aircraft weighing less than 55 pounds, in-
17 cluding the weight of anything attached to or carried
18 by the aircraft.

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

23 “(9) ‘test site’ means any of the 6 test ranges
24 established by the Administrator of the Federal
25 Aviation Administration under section 332(c) of the

1 **“§ 44802. Unmanned aircraft system test sites**

2 “(a)(1) IN GENERAL.—The Administrator of the
3 Federal Aviation Administration shall establish and up-
4 date, as appropriate, a program for the use of the test
5 sites to facilitate the safe integration of unmanned aircraft
6 systems into the national airspace system.

7 “(2) TERMINATION.—The program shall termi-
8 nate on September 30, 2021.

9 “(b) PROGRAM REQUIREMENTS.—In establishing the
10 program under subsection (a), the Administrator shall—

11 “(1) designate airspace for safely testing the in-
12 tegration of unmanned flight operations in the na-
13 tional airspace system;

14 “(2) develop operational standards and air traf-
15 fic requirements for unmanned flight operations at
16 test sites, including test ranges;

17 “(3) coordinate with and leverage the resources
18 of the National Aeronautics and Space Administra-
19 tion and the Department of Defense;

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

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

25 “(6) provide for verification of the safety of un-
26 manned aircraft systems and related navigation pro-

1 cedures as it relates to continued development of
2 standards for integration into the national airspace
3 system;

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

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

13 “(B) classifications of airspace where man-
14 ufacturers must prevent flight of an unmanned
15 aircraft system;

16 “(C) classifications of airspace where man-
17 ufacturers of unmanned aircraft systems must
18 alert the operator to hazards or limitations on
19 flight;

20 “(D) sense and avoid capabilities;

21 “(E) beyond visual line of sight operations,
22 nighttime operations, operations over people,
23 and unmanned aircraft systems traffic manage-
24 ment, or other critical research priorities; and

1 “(F) improving privacy protections
2 through the use of advances in unmanned air-
3 craft systems technology;

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

10 “(9) allow a test site to develop multiple test
11 ranges within the test site;

12 “(10) streamline the approval process for test
13 sites when processing unmanned aircraft certificates
14 of waiver or authorization for operations at the test
15 sites;

16 “(11) require each test site operator to protect
17 proprietary technology, sensitive data, or sensitive
18 research of any civil or private entity when using
19 that test site without the need to obtain an experi-
20 mental or special airworthiness certificate;

21 “(12) evaluate options for the operation of 1 or
22 more small unmanned aircraft systems beyond the
23 visual line of sight of the operator, or at night, for
24 testing under controlled conditions that ensure the

1 safety of persons and property, including on the
2 ground; and

3 “(13) allow test site operators to receive Fed-
4 eral funding, other than from the Federal Aviation
5 Administration, including in-kind contributions,
6 from test site participants in the furtherance of re-
7 search, development, and testing objectives.

8 “(c) TEST SITE LOCATIONS.—In determining the lo-
9 cation of a test site under subsection (a), the Adminis-
10 trator shall—

11 “(1) take into consideration geographic and cli-
12 matic diversity;

13 “(2) take into consideration the location of
14 ground infrastructure and research needs; and

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

18 “(d) REPORT TO CONGRESS.—

19 “(1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of the Federal Aviation Ad-
21 ministration Reauthorization Act of 2017, the Ad-
22 ministrator shall submit to the appropriate commit-
23 tees of Congress a report on the establishment and
24 implementation of the program under subsection (a).

1 “(2) BRIEFINGS.—Beginning 180 days after
2 the date of enactment of the Federal Aviation Ad-
3 ministration Reauthorization Act of 2017, and every
4 180 days thereafter until September 30, 2021, the
5 Administrator shall provide to the appropriate com-
6 mittees of Congress a briefing that includes—

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

10 “(B) a description of all of the data gen-
11 erated from the operations described in sub-
12 paragraph (A), and shared with the Federal
13 Aviation Administration through a cooperative
14 research and development agreement authorized
15 in subsection (g), that relate to unmanned air-
16 craft systems research priorities, including be-
17 yond visual line of sight operations, nighttime
18 operations, operations over people, sense and
19 avoid technology, and unmanned aircraft sys-
20 tems traffic management;

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

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

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

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

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

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

17 “(e) REVIEW OF OPERATIONS BY TEST SITE OPERA-
18 TIONS.—The operator of each test site under subsection (a)
19 shall—

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

22 “(A) ongoing or completed research; and

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

1 “(2) submit to the Administrator, in such form
2 and manner as specified by the Administrator, the
3 results of the review, including recommendations to
4 further enable private research and development op-
5 erations at the test sites that contribute to the Fed-
6 eral Aviation Administration’s safe integration of
7 unmanned aircraft systems into the national air-
8 space system, on a quarterly basis until the program
9 terminates.

10 “(f) TESTING.—The Secretary may authorize an op-
11 erator of a test site described in subsection (a) to admin-
12 ister testing requirements established by the Adminis-
13 trator for unmanned aircraft systems operations.

14 “(g) COLLABORATIVE RESEARCH AND DEVELOP-
15 MENT AGREEMENTS.—The Administrator may use the
16 other transaction authority under section 106(l)(6) and
17 enter into collaborative research and development agree-
18 ments, to direct research related to unmanned aircraft
19 systems, including at any test site under subsection (a),
20 and in coordination with the Center of Excellence for Un-
21 manned Aircraft Systems.

22 “(h) USE OF CENTER OF EXCELLENCE FOR UN-
23 MANNED AIRCRAFT SYSTEMS.—The Administrator, in
24 carrying out research necessary to establish the consensus
25 safety standards requirements in section 44803 shall, to

1 the maximum extent practicable, leverage the research and
2 testing capacity and capabilities of the Center of Excel-
3 lence for Unmanned Aircraft Systems and the test sites.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) TABLE OF CONTENTS.—The table of con-
6 tents for chapter 448, as added by section 2121 of
7 this Act, is further amended by inserting after the
8 item relating to section 44801 the following:

“44802. Unmanned aircraft system test sites.”.

9 (2) PILOT PROJECTS.—Section 332 of the FAA
10 Modernization and Reform Act of 2012 (49 U.S.C.
11 40101 note) is amended by striking subsection (c).

12 **SEC. 2123. SMALL UNMANNED AIRCRAFT SAFETY STAND-**
13 **ARDS.**

14 (a) IN GENERAL.—Chapter 448, as amended by sec-
15 tion 2122 of this Act, is further amended by inserting
16 after section 44802 the following:

17 **“§ 44803. Small unmanned aircraft safety standards**

18 **“(a) CONSENSUS SAFETY STANDARDS.—**

19 **“(1) IN GENERAL.—**Not later than 60 days
20 after the date of enactment of the Federal Aviation
21 Administration Reauthorization Act of 2017, the
22 Administrator of the Federal Aviation Administra-
23 tion shall charter an aviation rulemaking advisory
24 committee to develop recommendations for the fol-
25 lowing:

1 “(A) Risk-based, consensus safety stand-
2 ards related to the safe integration of small un-
3 manned aircraft systems into the national air-
4 space system (referred to in this section as
5 ‘consensus safety standards’) that can evolve or
6 be updated as appropriate.

7 “(B) A Federal Aviation Administration
8 process for permitting, authorizing, or approv-
9 ing small unmanned aircraft systems and their
10 operations based on the safety standards to be
11 accepted by the Administrator under this sec-
12 tion.

13 “(2) FACA.—The Federal Advisory Committee
14 Act (5 U.S.C. App.) shall not apply to an aviation
15 rulemaking advisory committee chartered under this
16 subsection.

17 “(b) CONSIDERATIONS.—In developing recommended
18 consensus safety standards under subsection (a) the mem-
19 bers of the aviation rulemaking advisory committee shall
20 consider the following:

21 “(1) Technologies or standards related to geo-
22 graphic limitations, altitude limitations, and sense
23 and avoid capabilities.

24 “(2) Using performance-based standards.

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

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

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

13 “(6) Consensus identification standards under
14 section 2202 of the FAA Extension Safety and Se-
15 curity Act of 2016 (Public Law 114–190; 130 Stat.
16 615), including for model aircraft operations author-
17 ized under section 44808.

18 “(7) Cost-benefit and risk analyses regarding
19 updates to or modifications of small unmanned air-
20 craft systems that were commercially distributed
21 prior to the development of the consensus safety
22 standards so that, to the greatest extent practicable,
23 such systems meet consensus safety standards that
24 may be accepted pursuant to subsection (d).

1 “(8) Cost-benefit and risk analyses of consensus
2 safety standards that may be accepted pursuant to
3 subsection (d) for newly designed small unmanned
4 aircraft systems.

5 “(9) Applicability of consensus safety standards
6 to small unmanned aircraft systems that are not
7 commercially distributed, including home-built small
8 unmanned aircraft systems.

9 “(10) Any technology or standard related to
10 small unmanned aircraft systems that promotes
11 aviation safety.

12 “(11) Any category of unmanned aircraft sys-
13 tems that should be exempt from the consensus safe-
14 ty standards based on risk factors.

15 “(c) CONSULTATION.—In developing recommenda-
16 tions for consensus safety standards under subsection (a),
17 the Aviation Rulemaking Committee shall consult with—

18 “(1) unmanned aircraft systems stakeholders,
19 including manufacturers of varying sizes of un-
20 manned aircraft;

21 “(2) community-based aviation organizations;

22 “(3) the Center of Excellence for Unmanned
23 Aircraft Systems;

24 “(4) each operator of a test site under section
25 44802;

1 “(5) the Administrator of the National Aero-
2 nautics and Space Administration;

3 “(6) the Secretary of Defense; and

4 “(7) the leaders of appropriate standards devel-
5 opment organizations, including the President of
6 RTCA, Inc. and the Director of the National Insti-
7 tute for Standards and Technology.

8 “(d) FAA PROCESS FOR ACCEPTANCE AND AUTHOR-
9 IZATION.—Not later than 180 days after the date of re-
10 ceipt of the recommendations under subsection (a)(2), the
11 Administrator of the Federal Aviation Administration
12 shall establish a process based on those recommendations
13 for—

14 “(1) the acceptance by the Federal Aviation
15 Administration of consensus safety standards rec-
16 ommended under subsection (a)(1);

17 “(2) permitting, authorizing, or the approving
18 small unmanned aircraft systems makes and models
19 based upon the consensus safety standards accepted
20 under paragraph (1);

21 “(3) the certification of a manufacturer of
22 small unmanned aircraft systems that has dem-
23 onstrated compliance with consensus safety stand-
24 ards accepted under subsection (d)(1), which shall
25 allow the Administrator to enable the self-certifi-

1 cation by a manufacturer of small unmanned air-
2 craft systems to the standards; and

3 “(4) the certification of a manufacturer of
4 small unmanned aircraft systems, or an employee of
5 such manufacturer, that has demonstrated compli-
6 ance with the consensus safety standards developed
7 under subsection (a) and accepted under subsection
8 (d)(1) and met any other qualifying criteria, as de-
9 termined by the Administrator, to alternatively sat-
10 isfy the requirements of paragraph (2).

11 “(e) NONAPPLICABILITY OF OTHER LAWS.—The
12 process for permitting, authorizing, or approving the oper-
13 ation of small unmanned aircraft systems under sub-
14 section (d) shall allow for operation of any applicable small
15 unmanned aircraft systems within the national airspace
16 system without requiring—

17 “(1) airworthiness certification requirements
18 under section 44704 of this title; and

19 “(2) type certification under parts 21 or 23 of
20 title 14, Code of Federal Regulations.

21 “(f) MODEL AIRCRAFT.—The standards accepted
22 under subsection (d) shall be applicable to model aircraft
23 operations authorized under section 44808.

24 “(g) REVOCATION.—The Administrator may revoke
25 the permission, authorization, or approval in subsection

1 (d) if the Administrator determines that the manufacturer
2 is no longer in compliance with the standards accepted by
3 the Administrator under subsection (d)(1).

4 “(h) REQUIREMENTS.—With regard to a permit, au-
5 thorization, or approval under the process in subsection
6 (d), the Administrator may require a manufacturer of
7 small unmanned aircraft systems to provide the FAA with
8 the following:

9 “(1) The aircraft system’s operating instruc-
10 tions.

11 “(2) The aircraft system’s recommended main-
12 tenance and inspection procedures.

13 “(3) The manufacturer’s statement of compli-
14 ance described in subsection (i).

15 “(4) Upon request, a sample aircraft to be in-
16 spected by the Federal Aviation Administration to
17 ensure compliance with the consensus safety stand-
18 ards accepted by the Administrator under subsection
19 (d).

20 “(i) MANUFACTURER’S STATEMENT OF COMPLIANCE
21 FOR SMALL UAS.—A manufacturer’s statement of com-
22 pliance shall—

23 “(1) identify the aircraft make and model, and
24 any applicable consensus safety standards used;

1 “(2) state that the aircraft make and model
2 meets the provisions of the consensus safety stand-
3 ards identified in paragraph (1);

4 “(3) state that the aircraft make and model
5 conforms to the manufacturer’s design data and is
6 manufactured in a way that ensures consistency
7 across units in the production process in order to
8 meet the applicable consensus safety standards ac-
9 cepted by the Administrator;

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

12 “(A) the aircraft’s operating instructions,
13 that meet the consensus safety standards iden-
14 tified in paragraph (1); and

15 “(B) the aircraft’s recommended mainte-
16 nance and inspection procedures, that meet the
17 consensus safety standards identified in para-
18 graph (1);

19 “(5) state that the manufacturer will monitor
20 safety-of-flight issues to ensure it meets the con-
21 sensus safety standards identified in paragraph (1);

22 “(6) state that at the request of the Adminis-
23 trator, the manufacturer will provide reasonable ac-
24 cess for the Administrator to its facilities for the

1 purposes of overseeing compliance with this section;
2 and

3 “(7) state that the manufacturer, in accordance
4 with testing requirements identified by the Federal
5 Aviation Administration, has—

6 “(A) ground and flight tested random sam-
7 ples of the aircraft;

8 “(B) found the sample aircraft perform-
9 ance acceptable; and

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

12 “(j) PROHIBITIONS.—

13 “(1) FALSE STATEMENTS OF COMPLIANCE.—It
14 shall be unlawful for any person to knowingly submit
15 a statement of compliance described in subsection (i)
16 that is materially false.

17 “(2) INTRODUCTION INTO INTERSTATE COM-
18 MERCE.—It shall be unlawful for any person to
19 knowingly introduce or deliver for introduction into
20 interstate commerce any small unmanned aircraft
21 system for which standards developed under sub-
22 section (d) are accepted and are applicable, and are
23 manufactured after the date that the Administrator
24 accepts any applicable safety standards under this
25 section unless—

1 “(A) the make and model has been per-
2 mitted, authorized, or approved for operation
3 under subsection (d); or

4 “(B) the aircraft has alternatively received
5 type, design, and production approval issued by
6 the Federal Aviation Administration.

7 “(k) EXCLUSIONS.—The Administrator shall exempt
8 from the requirements of this section small unmanned air-
9 craft systems that are not capable of navigating beyond
10 the visual line of sight of the operator through advanced
11 flight systems and technology, if the Administrator deter-
12 mines that such an exemption does not pose a risk to the
13 safety of the national airspace system.”.

14 (b) UNMANNED AIRCRAFT SYSTEMS RESEARCH FA-
15 CILITY.—The Center of Excellence for Unmanned Aircraft
16 Systems is authorized to establish an unmanned aircraft
17 systems research facility to study appropriate safety
18 standards for unmanned aircraft systems and to validate
19 such standards, as directed by the Administrator of the
20 Federal Aviation Administration, consistent with section
21 44803 of title 49, United States Code, as added by this
22 section.

23 (c) TABLE OF CONTENTS.—The table of contents for
24 chapter 448, as amended by section 2122 of this Act, is

1 further amended by inserting after the item relating to
2 section 44802 the following:

“44803. Small unmanned aircraft safety standards.”.

3 **SEC. 2124. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.**

4 (a) IN GENERAL.—Chapter 448, as amended by sec-
5 tion 2123 of this Act, is further amended by inserting
6 after section 44803 the following:

7 **“§ 44804. Small unmanned aircraft in the Arctic**

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

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

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

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

1 “(e) AIRCRAFT APPROVAL.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 not later than 1 year after the entry into force of
4 an agreement necessary to effectuate the purposes of
5 this section, the Secretary shall work with relevant
6 national and international communities to establish
7 and implement a process for approving the use of a
8 small unmanned aircraft in the designated perma-
9 nent areas in the Arctic without regard to whether
10 the small unmanned aircraft is used as a public air-
11 craft, a civil aircraft, or a model aircraft.

12 “(2) EXISTING PROCESS.—The Secretary may
13 implement an existing process to meet the require-
14 ments under paragraph (1).”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF CONTENTS.—The table of con-
17 tents for chapter 448, as amended by section 2123
18 of this Act, is further amended by inserting after the
19 item relating to section 44803 the following:

“44804. Small unmanned aircraft in the Arctic.”.

20 (2) EXPANDING USE OF UNMANNED AIRCRAFT
21 SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-
22 ernization and Reform Act of 2012 (49 U.S.C.
23 40101 note) is amended by striking subsection (d).

1 **SEC. 2125. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
2 **AIRCRAFT SYSTEMS.**

3 (a) IN GENERAL.—Chapter 448, as amended by sec-
4 tion 2124 of this Act, is further amended by inserting
5 after section 44804 the following:

6 **“§ 44805. Special authority for certain unmanned air-**
7 **craft systems**

8 “(a) IN GENERAL.—Notwithstanding any other re-
9 quirement of this chapter, the Secretary of Transportation
10 shall use a risk-based approach to determine if certain un-
11 manned aircraft systems may operate safely in the na-
12 tional airspace system notwithstanding completion of the
13 comprehensive plan and rulemaking required by section
14 332 of the FAA Modernization and Reform Act of 2012
15 (49 U.S.C. 40101 note) or the guidance required by sec-
16 tion 44807.

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

20 “(1) which types of unmanned aircraft systems,
21 if any, as a result of their size, weight, speed, oper-
22 ational capability, proximity to airports and popu-
23 lated areas, operation over people, and operation
24 within or beyond the visual line of sight, or oper-
25 ation during the day or night, do not create a haz-

1 ard to users of the national airspace system or the
2 public; and

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

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

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

24 “(e) SUNSET.—The authority under this section for
25 the Secretary to determine if certain unmanned aircraft

1 systems may operate safely in the national airspace system
2 terminates effective September 30, 2021.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF CONTENTS.—The table of con-
5 tents for chapter 448, as amended by section 2124
6 of this Act, is further amended by inserting after the
7 item relating to section 44804 the following:

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

8 (2) SPECIAL RULES FOR CERTAIN UNMANNED
9 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
10 ernization and Reform Act of 2012 (49 U.S.C.
11 40101 note) and the item relating to that section in
12 the table of contents under section 1(b) of that Act
13 (126 Stat. 13) are repealed.

14 **SEC. 2126. ADDITIONAL RULEMAKING AUTHORITY.**

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

17 (1) beyond visual line of sight operations, night-
18 time operations, and operations over people of un-
19 manned aircraft systems have tremendous poten-
20 tial—

21 (A) to enhance both commercial and aca-
22 demic use;

23 (B) to spur economic growth and develop-
24 ment through innovative applications of this
25 emerging technology; and

1 (C) to improve emergency response efforts
2 as it relates to assessing damage to critical in-
3 frastructure such as roads, bridges, and utili-
4 ties, including water and power, ultimately
5 speeding response time;

6 (2) advancements in miniaturization of safety
7 technologies, including for aircraft weighing under
8 4.4 pounds, have increased economic opportunities
9 for using unmanned aircraft systems while reducing
10 kinetic energy and risk compared to unmanned air-
11 craft that may weigh 4.4 pounds or more, but less
12 than 55 pounds;

13 (3) advancements in unmanned technology will
14 have the capacity to ultimately improve manned air-
15 craft safety; and

16 (4) integrating unmanned aircraft systems safe-
17 ly into the national airspace, including beyond visual
18 line of sight operations, nighttime operations on a
19 routine basis, and operations over people should re-
20 main a top priority for the Federal Aviation Admin-
21 istration as it pursues additional rulemakings under
22 the amendments made by this section.

23 (b) IN GENERAL.—Chapter 448, as amended by sec-
24 tion 2125 of this Act, is further amended by inserting
25 after section 44805 the following:

1 **“§ 44806. Additional rulemaking authority**

2 “(a) IN GENERAL.—Notwithstanding the rulemaking
3 required by section 332 of the FAA Modernization and
4 Reform Act of 2012 (49 U.S.C. 40101 note) or the guid-
5 ance required by section 44807 of this title and subject
6 to subsection (b)(2) of this section and section 44808, the
7 Administrator may issue regulations under which a person
8 may operate certain unmanned aircraft systems (as deter-
9 mined by the Administrator) in the United States—

10 “(1) without an airman certificate;

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

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

15 “(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-
16 ATIONAL RULES.—

17 “(1) IN GENERAL.—Notwithstanding the rule-
18 making required by section 332 of the FAA Mod-
19 ernization and Reform Act of 2012 (49 U.S.C.
20 40101 note), the Administrator shall issue regula-
21 tions not later than 270 days after the date of en-
22 actment of the Federal Aviation Administration Re-
23 authorization Act of 2017 under which any person
24 may operate a micro unmanned aircraft system clas-
25 sification of unmanned aircraft systems, the aircraft
26 component of which weighs 4.4 pounds or less, in-

1 cluding payload, without the person operating the
2 system being required to pass any airman certifi-
3 cation requirement, including any requirements
4 under section 44703 of this title, part 61 of title 14,
5 Code of Federal Regulations, or any other rule or
6 regulation relating to airman certification.

7 “(2) OPERATIONAL RULES.—The rulemaking
8 required by paragraph (1) relating to micro un-
9 manned aircraft systems shall consider the following
10 rules, or any appropriate modifications thereof con-
11 cerning altitude, airspeed, geographic location, and
12 time of day as the Administrator considers appro-
13 priate, for operation of such systems:

14 “(A) Operation at an altitude of less than
15 400 feet above ground level.

16 “(B) Operation with an airspeed of not
17 greater than 40 knots.

18 “(C) Operation within the visual line of
19 sight of the operator.

20 “(D) Operation during the hours between
21 sunrise and sunset.

22 “(E) Operation not less than 5 statute
23 miles from the geographic center of an airport
24 with an operational air traffic control tower or
25 an airport denoted on a current aeronautical

1 chart published by the Federal Aviation Admin-
2 istration, except that a micro unmanned air-
3 craft system may be operated within 5 statute
4 miles of such an airport if the operator of the
5 system—

6 “(i) provides notice to the airport op-
7 erator; and

8 “(ii) in the case of an airport with an
9 operational air traffic control tower, re-
10 ceives approval from the air traffic control
11 tower.

12 “(c) SCOPE OF REGULATIONS.—

13 “(1) IN GENERAL.—In determining whether a
14 person may operate an unmanned aircraft system
15 under 1 or more of the circumstances described
16 under paragraphs (1) through (3) of subsection (a),
17 the Administrator shall use a risk-based approach
18 and consider, at a minimum, the physical and func-
19 tional characteristics of the micro unmanned aircraft
20 system.

21 “(2) LIMITATION.—The Administrator may
22 only issue regulations under this section for micro
23 unmanned aircraft systems that the Administrator
24 determines may be operated safely in the national
25 airspace system.

1 “(d) RULES OF CONSTRUCTION.—Nothing in this
2 section may be construed—

3 “(1) to prohibit a person from operating a
4 micro unmanned aircraft system under a cir-
5 cumstance described under paragraphs (1) through
6 (3) of subsection (a) if—

7 “(A) the circumstance is allowed by regula-
8 tions issued under this section; and

9 “(B) the person operates the micro un-
10 manned aircraft system in a manner prescribed
11 by the regulations; and

12 “(2) to limit or affect in any way the Adminis-
13 trator’s authority to conduct a rulemaking, make a
14 determination, or carry out any activity related to
15 unmanned aircraft or unmanned aircraft systems
16 under any other provision of law.”.

17 “(e) TABLE OF CONTENTS.—The table of contents for
18 chapter 448, as amended by section 2125 of this Act, is
19 further amended by inserting after the item relating to
20 section 44805 the following:

“44806. Additional rulemaking authority.”.

21 **SEC. 2127. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
22 **TEMS.**

23 “(a) IN GENERAL.—Chapter 448, as amended by sec-
24 tion 2126 of this Act, is further amended by inserting
25 after section 44806 the following:

1 **“§ 44807. Public unmanned aircraft systems**

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

5 “(1) to streamline the process for the issuance
6 of a certificate of authorization or a certificate of
7 waiver;

8 “(2) to provide for a collaborative process with
9 public agencies to allow for an incremental expansion
10 of access to the national airspace system as
11 technology matures and the necessary safety analyses
12 and data become available, and until standards
13 are completed and technology issues are resolved;

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

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

23 “(b) STANDARDS FOR OPERATION AND CERTIFICATION.—The Administrator of the Federal Aviation Ad-
24 ministration shall develop and implement an operations
25

1 and certification program for the operators of public un-
2 manned aircraft systems in the national airspace system.

3 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
4 CIES.—

5 “(1) IN GENERAL.—The Secretary shall enter
6 into an agreement with each appropriate public
7 agency to simplify the process for issuing a certifi-
8 cate of waiver or a certificate of authorization with
9 respect to an application for authorization to operate
10 a public unmanned aircraft system in the national
11 airspace system.

12 “(2) CONTENTS.—An agreement under para-
13 graph (1) shall—

14 “(A) with respect to an application de-
15 scribed in paragraph (1)—

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

18 “(ii) require a decision by the Admin-
19 istrator on approval or disapproval not
20 later than 60 business days after the date
21 of submission of the application;

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

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

4 “(B) allow for a one-time approval of simi-
5 lar operations carried out during a fixed period
6 of time; and

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

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

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

15 “(iii) during daylight conditions;

16 “(iv) within Class G airspace; and

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

21 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
22 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
23 180 days after the date of enactment of the Federal Avia-
24 tion Administration Reauthorization Act of 2017 each
25 Federal agency authorized by the Secretary to operate an

1 unmanned aircraft system shall develop and update a data
2 minimization policy that requires, at a minimum, that—

3 “(1) prior to the deployment of any new un-
4 manned aircraft system technology, and at least
5 every 3 years, existing policies and procedures relat-
6 ing to the collection, use, retention, and dissemina-
7 tion of information obtained by an unmanned air-
8 craft system must be examined to ensure that pri-
9 vacy, civil rights, and civil liberties are protected;

10 “(2) if the unmanned aircraft system is the
11 platform for information collection, information
12 must be collected, used, retained, and disseminated
13 consistent with the Constitution, Federal law, and
14 other applicable regulations and policies, such as
15 section 552a of title 5 (commonly known as the Pri-
16 vacy Act of 1974);

17 “(3) the Federal agency, or person operating on
18 its behalf, only collect information using the un-
19 manned aircraft system, or use unmanned aircraft
20 system-collected information, to the extent that the
21 collection or use is consistent with and relevant to
22 an authorized purpose as determined by the head of
23 the Federal agency and consistent with the law;

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

1 that may contain personal information will not be
2 retained by any Federal agency for more than 180
3 days after the date of collection unless—

4 “(A) the head of the Federal agency deter-
5 mines that retention of the information is di-
6 rectly relevant and necessary to accomplish the
7 specific purpose for which the Federal agency
8 used the unmanned aircraft system;

9 “(B) that Federal agency maintains the in-
10 formation in a system of records under section
11 552a of title 5; or

12 “(C) the information is required to be re-
13 tained for a longer period under other applica-
14 ble law, including regulations;

15 “(5) any information collected, using an un-
16 manned aircraft or unmanned aircraft system, that
17 is not maintained in a system of records under sec-
18 tion 552a of title 5, will not be disseminated outside
19 of that Federal agency unless—

20 “(A) dissemination is required by law; or

21 “(B) dissemination satisfies an authorized
22 purpose and complies with that Federal agen-
23 cy’s disclosure requirements;

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

4 “(A) provide notice to the public regarding
5 where in the national airspace system the Fed-
6 eral agency is authorized to operate the un-
7 manned aircraft system;

8 “(B) keep the public informed about the
9 Federal agency’s unmanned aircraft system
10 program, including any changes to that pro-
11 gram that would significantly affect privacy,
12 civil rights, or civil liberties;

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

17 “(i) a brief description of types or cat-
18 egories of missions flown; and

19 “(ii) the number of times the Federal
20 agency provided assistance to other agen-
21 cies or to State, local, tribal, or territorial
22 governments; and

23 “(D) make available on a public and
24 searchable Internet website the data minimiza-
25 tion policy of the Federal agency;

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

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

6 “(B) the verification of the existence of
7 rules of conduct and training for Federal Gov-
8 ernment personnel and contractors who work on
9 programs, and procedures for reporting sus-
10 pected cases of misuse or abuse of unmanned
11 aircraft system technologies;

12 “(C) the establishment of policies and pro-
13 cedures, or confirmation that policies and pro-
14 cedures are in place, that provide meaningful
15 oversight of individuals who have access to sen-
16 sitive information, including personal informa-
17 tion, collected using an unmanned aircraft sys-
18 tem;

19 “(D) ensuring that any data-sharing
20 agreements or policies, data use policies, and
21 record management policies applicable to an un-
22 manned aircraft system conform to applicable
23 laws, including regulations and policies;

24 “(E) the establishment of policies and pro-
25 cedures, or confirmation that policies and pro-

1 cedures exist, to authorize the use of an un-
2 manned aircraft system in response to a request
3 for unmanned aircraft system assistance in sup-
4 port of Federal, State, local, tribal, or terri-
5 torial government operations; and

6 “(F) a requirement that State, local, trib-
7 al, and territorial government recipients of Fed-
8 eral grant funding for the purchase or use of
9 unmanned aircraft systems for their own oper-
10 ations have in place policies and procedures to
11 safeguard individuals’ privacy, civil rights, and
12 civil liberties prior to expending such funds; and

13 “(8) ensures the protection of civil rights and
14 civil liberties, including—

15 “(A) ensuring that policies are in place to
16 prohibit the collection, use, retention, or dis-
17 semination of data in any manner that would
18 violate the First Amendment or in any manner
19 that would discriminate against persons based
20 upon their ethnicity, race, gender, national ori-
21 gin, religion, sexual orientation, or gender iden-
22 tity, in violation of law;

23 “(B) ensuring that unmanned aircraft sys-
24 tem activities are performed in a manner con-
25 sistent with the Constitution and applicable

1 laws, including Executive orders and other
2 Presidential directives; and

3 “(C) ensuring that adequate procedures
4 are in place to receive, investigate, and address,
5 as appropriate, privacy, civil rights, and civil
6 liberties complaints.

7 “(e) FEDERAL AGENCY COORDINATION TO ENHANCE
8 THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF
9 PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Adminis-
10 trator shall assist and enable, without undue interference,
11 Federal civilian government agencies that operate un-
12 manned aircraft systems within civil-controlled airspace,
13 in operationally deploying and integrating sense and avoid
14 capabilities, as necessary to operate unmanned aircraft
15 systems safely and effectively within the National Air
16 Space.

17 “(f) LAW ENFORCEMENT AND NATIONAL SECUR-
18 RITY.—Each Federal agency shall effectuate a require-
19 ment under subsection (d) only to the extent it does not
20 compromise law enforcement or national security.

21 “(g) DEFINITION OF FEDERAL AGENCY.—In sub-
22 sections (e) and (g), the term ‘Federal agency’ has the
23 meaning given the term ‘agency’ in section 552(f) of title
24 5.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TABLE OF CONTENTS.—The table of con-
2 tents for chapter 448, as amended by section 2126
3 of this Act, is further amended by inserting after the
4 item relating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

5 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—
6 Section 334 of the FAA Modernization and reform
7 Act of 2012 (49 U.S.C. 40101 note) and the item
8 relating to that section in the table of contents
9 under section 1(b) of that Act (126 Stat. 13) are re-
10 pealed.

11 (3) FACILITATING INTERAGENCY COOPERATION
12 FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUP-
13 PORT OF FIREFIGHTING OPERATIONS AND UTILITY
14 RESTORATION.—Section 2204(a) of the FAA Exten-
15 sion Safety and Security Act of 2016 (Public Law
16 114-190; 130 Stat. 615) is amended by striking
17 “section 334(c) of the FAA Modernization and Re-
18 form Act of 2012 (49 U.S.C. 40101 note)” and in-
19 serting “section 44807”.

20 **SEC. 2128. SPECIAL RULES FOR MODEL AIRCRAFT.**

21 (a) IN GENERAL.—Chapter 448, as amended by sec-
22 tion 2127 of this Act, is further amended by inserting
23 after section 44807 the following:

1 **“§ 44808. Special rules for model aircraft**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (d), and notwithstanding any other provision of law relat-
4 ing to the incorporation of unmanned aircraft systems into
5 Federal Aviation Administration plans and policies, in-
6 cluding this chapter, the Administrator of the Federal
7 Aviation Administration may not promulgate any new rule
8 or regulation regarding an unmanned aircraft operating
9 as a model aircraft or an unmanned aircraft being devel-
10 oped as a model aircraft if—

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

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

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

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

23 “(5) when flown within 5 miles of an airport,
24 the operator of the aircraft provides the airport op-
25 erator, where applicable, and the airport air traffic
26 control tower (when an air traffic facility is located

1 at the airport) with prior notice of the operation
2 (model aircraft operators flying from a permanent
3 location within 5 miles of an airport should establish
4 a mutually agreed upon operating procedure with
5 the airport operator and the airport air traffic con-
6 trol tower (when an air traffic facility is located at
7 the airport)), unless the Administrator determines
8 approval should be required;

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

13 “(7) the operator has passed an aeronautical
14 knowledge and safety test administered by the Fed-
15 eral Aviation Administration online for the operation
16 of unmanned aircraft systems subject to the require-
17 ments of section 44809 or developed and adminis-
18 tered by the community-based organization and
19 maintains proof of test passage to be made available
20 to the Administrator or law enforcement upon re-
21 quest.

22 “(b) UPDATES.—

23 “(1) IN GENERAL.—The Administrator, in col-
24 laboration with government and industry stake-
25 holders, including nationwide community-based orga-

1 nizations, shall initiate a process to update the oper-
2 ational parameters under subsection (a), as appro-
3 priate.

4 “(2) CONSIDERATIONS.—In updating an oper-
5 ational parameter under paragraph (1), the Admin-
6 istrator shall consider—

7 “(A) appropriate operational limitations to
8 mitigate aviation safety risk and risk to the un-
9 involved public;

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

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

16 “(D) trends in use, enforcement, or inci-
17 dents involving unmanned aircraft systems; and

18 “(E) ensuring, to the greatest extent prac-
19 ticable, that updates to the operational param-
20 eters correspond to, and leverage, advances in
21 technology.

22 “(3) SAVINGS CLAUSE.—Nothing in this sub-
23 section shall be construed as expanding the author-
24 ity of the Administrator to require operators of
25 model aircraft under the exemption of this sub-

1 section to be required to seek permissive authority of
2 the Administrator prior to operation in the national
3 airspace system.

4 “(c) STATUTORY CONSTRUCTION.—Nothing in this
5 section shall be construed to limit the authority of the Ad-
6 ministrator to pursue enforcement action against persons
7 operating model aircraft.

8 “(d) EXCEPTIONS.—The Administrator may promul-
9 gate rules relating to the registration and marking of
10 model aircraft.

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

14 “(1) is capable of sustained flight in the atmos-
15 phere; and

16 “(2) is limited to weighing less than 55 pounds,
17 including the weight of anything attached to or car-
18 ried by the aircraft, unless otherwise approved
19 through a design, construction, inspection, flight
20 test, and operational safety program administered by
21 a community-based organization.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF CONTENTS.—The table of con-
24 tents for chapter 448, as amended by section 2127

1 of this Act, is further amended by inserting after the
2 item relating to section 44807 the following:

“44808. Special rules for model aircraft.”.

3 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—
4 Section 336 of the FAA Modernization and Reform
5 Act of 2012 (49 U.S.C. 40101 note) and the item
6 relating to that section in the table of contents
7 under section 1(b) of that Act (126 Stat. 13) are re-
8 pealed.

9 **SEC. 2129. AUTHORITY.**

10 The rules adopted by the Administrator of the Fed-
11 eral Aviation Administration in the matter of registration
12 and marking requirements for small unmanned aircraft
13 (FAA–2015–7396; published on December 16, 2015) that
14 were vacated by the United States Court of Appeals for
15 the District of Columbia Circuit in Taylor v. Huerta (No.
16 15–1495; decided on May 19, 2017) shall be restored to
17 effect on the date of enactment of this Act.

18 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
19 **KNOWLEDGE AND SAFETY.**

20 (a) IN GENERAL.—Chapter 448, as amended by sec-
21 tion 2128 of this Act, is further amended by inserting
22 after section 44808 the following:

23 **“§ 44809. Aeronautical knowledge and safety test**

24 “(a) IN GENERAL.—An individual may not operate
25 an unmanned aircraft system unless—

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

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

6 “(3) the individual is a holder of an airmen cer-
7 tificate issued under section 44703; or

8 “(4) the individual is operating a model aircraft
9 or an unmanned aircraft being developed as a model
10 aircraft under section 44808 and has successfully
11 completed an aeronautical knowledge and safety test
12 in accordance with the community-based organiza-
13 tions safety program described in that section.

14 “(b) EXCEPTION.—This section shall not apply to the
15 operation of an unmanned aircraft system that has been
16 authorized by the Federal Aviation Administration under
17 section 44802, 44805, 44806, or 44807. The Adminis-
18 trator may waive the requirements of this section for oper-
19 ators of aircraft weighing less than 0.55 pounds or for
20 operators under the age of 13 operating the unmanned
21 aircraft system under the supervision of an adult as deter-
22 mined by the Administrator.

23 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
24 TEST.—Not later than 180 days after the date of enact-
25 ment of the Federal Aviation Administration Reauthoriza-

1 tion Act of 2017, the Administrator of the Federal Avia-
2 tion Administration, in consultation with manufacturers
3 of unmanned aircraft systems, other industry stake-
4 holders, and community-based aviation organizations,
5 shall develop an aeronautical knowledge and safety test
6 that can be administered electronically.

7 “(d) REQUIREMENTS.—The Administrator shall en-
8 sure that the aeronautical knowledge and safety test is de-
9 signed to adequately demonstrate an operator’s—

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

12 “(2) knowledge of Federal Aviation Administra-
13 tion regulations and requirements pertaining to the
14 operation of an unmanned aircraft system in the na-
15 tional airspace system.

16 “(e) RECORD OF COMPLIANCE.—

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

23 “(A) an identification number, issued by
24 the Federal Aviation Administration certifying

1 passage of the aeronautical knowledge and safe-
2 ty test;

3 “(B) if the individual has authority to op-
4 erate an unmanned aircraft system under other
5 Federal law, the requisite proof of authority
6 under that law; or

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

9 “(2) COORDINATION.—The Administrator may
10 coordinate the identification number under para-
11 graph (1)(A) with an operator’s registration number
12 to the extent practicable.

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

19 (b) TABLE OF CONTENTS.—The table of contents for
20 chapter 448, as amended by section 2128 of this Act, is
21 further amended by inserting after the item relating to
22 section 44808 the following:

“44809. Aeronautical knowledge and safety test.”.

1 **SEC. 2131. TREATMENT OF UNMANNED AIRCRAFT OPER-**
2 **ATING UNDERGROUND.**

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

7 **SEC. 2132. ENFORCEMENT.**

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

15 (b) CIVIL PENALTIES.—

16 (1) IN GENERAL.—Section 46301 is amended—

17 (A) in subsection (a)(1)(A), by inserting
18 “chapter 448,” after “chapter 447 (except sec-
19 tions 44717 and 44719–44723),”;

20 (B) in subsection (a)(5), by inserting
21 “chapter 448,” after “chapter 447 (except sec-
22 tions 44717–44723),”;

23 (C) in subsection (d)(2), by inserting
24 “chapter 448,” after “chapter 447 (except sec-
25 tions 44717 and 44719–44723),”;

1 (D) in subsection (f), by inserting “chapter
2 448,” after “chapter 447 (except 44717 and
3 44719–44723),”.

4 (2) RULE OF CONSTRUCTION.—Nothing in this
5 subsection shall be construed to limit the authority
6 of the Administrator to pursue an enforcement ac-
7 tion for a violation of this Act, a regulation pre-
8 scribed or order or authority issued under this Act,
9 or any other applicable provision of aviation safety
10 law or regulation.

11 (c) REPORTING.—As part of the program, the Ad-
12 ministrator shall establish and publicize a mechanism for
13 the public and Federal, State, and local law enforcement
14 to report a suspected abuse or a violation of chapter 448
15 of title 49, United States Code, for enforcement action.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there is authorized to be appropriated
18 \$5,000,000 for each of the fiscal years 2018 through
19 2021.

20 **SEC. 2133. AIRPORT SAFETY AND AIRSPACE HAZARD MITI-**
21 **GATION AND ENFORCEMENT.**

22 (a) IN GENERAL.—Chapter 448, as amended by sec-
23 tion 2130 of this Act, is further amended by inserting
24 after section 44809 the following:

1 **“§ 44810. Airport safety and airspace hazard mitiga-**
2 **tion and enforcement**

3 “(a) **AUTHORITY.**—The Administrator of the Federal
4 Aviation Administration shall work with the Secretary of
5 Defense, the Secretary of Homeland Security, and the
6 heads of other relevant Federal departments and agencies
7 for the purpose of ensuring that technologies or systems
8 that are developed, tested, or deployed by Federal depart-
9 ments and agencies to detect and mitigate potential
10 threats posed by errant or hostile unmanned aircraft sys-
11 tem operations do not adversely impact or interfere with
12 safe airport operations, navigation, air traffic services, or
13 the safe and efficient operation of the national airspace
14 system.

15 “(b) **PLAN.**—

16 “(1) **IN GENERAL.**—Not later than 180 days
17 after the date of enactment of the Federal Aviation
18 Administration Reauthorization Act of 2017, the
19 Administrator shall develop a plan for the certifi-
20 cation, permitting, authorizing, or allowing of the
21 deployment of technologies or systems for the detec-
22 tion and mitigation of unmanned aircraft systems.

23 “(2) **CONTENTS.**—The plan shall include the
24 development of policies, procedures, or protocols that
25 will allow appropriate officials of Federal, State, or
26 local agencies requesting to utilize such technologies

1 or systems to take steps to detect and mitigate po-
2 tential airspace safety threats posed by unmanned
3 aircraft system operations.

4 “(3) AVIATION RULEMAKING ADVISORY COM-
5 MITTEE.—The Administrator may charter an avia-
6 tion rulemaking advisory committee to make rec-
7 ommendations for such a plan and any standards
8 that the Administrator determines may need to be
9 developed with respect to such technologies or sys-
10 tems. The Federal Advisory Committee Act (5
11 U.S.C. App.) shall not apply to an aviation rule-
12 making advisory committee chartered under this
13 paragraph.

14 “(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In
15 order to test and evaluate technologies or systems to de-
16 tect and mitigate potential airspace safety threats posed
17 by unmanned aircraft system operations, the Adminis-
18 trator shall deploy such technologies or systems at 5 air-
19 ports.

20 “(d) AUTHORITY.—Under the testing and evaluation
21 in subsection (c), the Administrator may use unmanned
22 aircraft detection and mitigation systems to detect and
23 mitigate the unauthorized operation of an unmanned air-
24 craft that poses a risk to airspace safety. Utilization of
25 such technologies or systems, and the communications

1 sent using such technologies and systems to unmanned
2 aircraft systems, shall be regarded as equivalent to separa-
3 tion instructions to pilots of manned aircraft.

4 “(e) AIP FUNDING ELIGIBILITY.—Upon the certifi-
5 cation, permitting, authorizing, or allowing of such tech-
6 nologies and systems that have been successfully tested
7 under this section, an airport sponsor may apply for a
8 grant under subchapter I of chapter 471 to purchase an
9 unmanned aircraft detection and mitigation system. For
10 purposes of this subsection, purchasing an unmanned air-
11 craft detection and mitigation system shall be considered
12 airport development (as defined in section 47102).

13 “(f) REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of the Federal Aviation Ad-
16 ministration Reauthorization Act of 2017, and annu-
17 ally thereafter, the Administrator shall submit to the
18 appropriate committees of Congress a report on the
19 implementation of this section, including the testing
20 and evaluation of detection and mitigation systems
21 under this section.

22 “(2) CONTENTS.—The report under paragraph
23 (1) shall include the following:

1 “(A) The number of unauthorized un-
2 manned aircraft operations detected, together
3 with a description of such operations.

4 “(B) The number of instances in which
5 unauthorized unmanned aircraft were miti-
6 gated, together with a description of such in-
7 stances.

8 “(C) The number of enforcement cases
9 brought by the Federal Aviation Administration
10 for unauthorized operation of unmanned air-
11 craft detected through the program, together
12 with a description of such cases.

13 “(D) The number of any technical failures
14 in the program, together with a description of
15 such failures.

16 “(E) Recommendations for safety and
17 operational standards for unmanned aircraft
18 detection and mitigation systems.

19 “(3) FORMAT.—To the extent practicable, the
20 report prepared under paragraph (1) shall be sub-
21 mitted in a classified format. If appropriate, the re-
22 port may include an unclassified summary.

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated from the Airport and Air-
25 way Trust Fund to carry out this section \$6,000,000 for

1 each of fiscal years 2018 through 2021, to remain avail-
2 able until expended.

3 “(h) APPLICABILITY OF OTHER LAWS.—Section 32
4 of title 18, United States Code (commonly known as the
5 Aircraft Sabotage Act), section 1031 of title 18, United
6 States Code (commonly known as the Computer Fraud
7 and Abuse Act of 1986), sections 2510–2522 of title 18,
8 United States Code (commonly known as the Wiretap
9 Act), and sections 3121–3127 of title 18, United States
10 Code (commonly known as the Pen/Trap Statute), shall
11 not apply to any activity authorized by the Administrator
12 pursuant to this section.

13 “(i) SUNSET.—This section ceases to be effective
14 September 30, 2021.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF CONTENTS.—The table of con-
17 tents for chapter 448, as amended by section 2130
18 of this Act, is further amended by inserting after the
19 item relating to section 44809 the following:

“44810. Airport safety and airspace hazard mitigation and enforcement.”.

20 (2) PILOT PROJECT FOR AIRPORT SAFETY AND
21 AIRSPACE HAZARD MITIGATION.—Section 2206 of
22 the FAA Extension Safety and Security Act of 2016
23 (Public Law 114–190; 130 Stat. 615) and the item
24 relating to that section in the table of contents
25 under section 1(b) of that Act are repealed.

1 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
2 **ICES DISRUPTION.**

3 Section 46320(a) is amended by inserting “, includ-
4 ing helicopter air ambulance operations,” after “emer-
5 gency response effort”.

6 **SEC. 2135. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
7 **MENTS.**

8 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
9 MENTS.—Section 40102(a)(41) is amended by adding at
10 the end the following:

11 “(F) An unmanned aircraft that is owned
12 and operated by or exclusively leased for at
13 least 90 consecutive days by an Indian tribal
14 government (as defined in section 102 of the
15 Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5122)), except
17 as provided in section 40125(b).”.

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

21 **SEC. 2136. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
22 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
23 **HIRE.**

24 (a) IN GENERAL.—Chapter 448, as amended by sec-
25 tion 2133 of this Act, is further amended by adding after
26 section 44810 the following:

1 **“§ 44811. Carriage of property by small unmanned**
2 **aircraft systems for compensation or hire**

3 “(a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of the Federal Aviation Administration
5 Reauthorization Act of 2017, the Secretary of Transpor-
6 tation shall issue a final rule authorizing the carriage of
7 property by operators of small unmanned aircraft systems
8 for compensation or hire within the United States.

9 “(b) CONTENTS.—The final rule required under sub-
10 section (a) shall provide for the following:

11 “(1) SMALL UAS AIR CARRIER CERTIFICATE.—
12 The Administrator of the Federal Aviation Adminis-
13 tration, at the direction of the Secretary, shall estab-
14 lish a certificate (to be known as a ‘small UAS air
15 carrier certificate’) for persons that undertake di-
16 rectly, by lease, or other arrangement the operation
17 of small unmanned aircraft systems to carry prop-
18 erty in air transportation, including commercial fleet
19 operations with highly automated unmanned aircraft
20 systems. The requirements to operate under a small
21 UAS air carrier certificate shall—

22 “(A) consider the unique characteristics of
23 highly automated, small unmanned aircraft sys-
24 tems; and

1 “(B) include requirements for the safe op-
2 eration of small unmanned aircraft systems
3 that, at a minimum, address—

4 “(i) airworthiness of small unmanned
5 aircraft systems;

6 “(ii) qualifications for operators and
7 the type and nature of the operations; and

8 “(iii) operating specifications gov-
9 erning the type and nature of the un-
10 manned aircraft system air carrier oper-
11 ations.

12 “(2) SMALL UAS AIR CARRIER CERTIFICATION
13 PROCESS.—The Administrator, at the direction of
14 the Secretary, shall establish a process for the
15 issuance of small UAS air carrier certificates estab-
16 lished pursuant to paragraph (1) that is perform-
17 ance-based and ensures required safety levels are
18 met. Such certification process shall consider—

19 “(A) safety risks and the mitigation of
20 those risks associated with the operation of
21 highly automated, small unmanned aircraft
22 around other manned and unmanned aircraft,
23 and over persons and property on the ground;

24 “(B) the competencies and compliance pro-
25 grams of manufacturers, operators, and compa-

1 nies that manufacture, operate, or both small
2 unmanned aircraft systems and components;
3 and

4 “(C) compliance with the requirements es-
5 tablished pursuant to paragraph (1).

6 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
7 TION.—The Secretary shall amend part 298 of title
8 14, Code of Federal Regulations, to establish an ad-
9 ditional class of air carrier for persons issued small
10 UAS air carrier certificates pursuant to this sub-
11 section to establish economic authority for the car-
12 riage of property by small unmanned aircraft sys-
13 tems for compensation or hire. Such classification
14 shall only require—

15 “(A) registration with the Department of
16 Transportation; and

17 “(B) a valid small UAS air carrier certifi-
18 cate issued pursuant to this subsection.

19 “(4) AVAILABILITY OF CURRENT CERTIFI-
20 CATION PROCESSES.—Pending completion of the
21 rulemaking required in subsection (a) of this section,
22 a person may seek an air carrier operating certifi-
23 cate and certificate of public convenience and neces-
24 sity, or an exemption from such certificate, using ex-
25 isting processes.”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 chapter 448, as amended by section 2133 of this Act, is
3 further amended by adding after the item relating to sec-
4 tion 44810 the following:

“44811. Carriage of property by small unmanned aircraft systems for compensa-
tion or hire.”.

5 **SEC. 2137. COLLEGIATE TRAINING INITIATIVE PROGRAM**
6 **FOR UNMANNED AIRCRAFT SYSTEMS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall establish a Colle-
10 giate Training Initiative program relating to unmanned
11 aircraft systems by making new agreements or continuing
12 existing agreements with institutions of higher education
13 (as defined by the Administrator) under which the institu-
14 tions prepare students for careers involving unmanned air-
15 craft systems. The Administrator may establish standards
16 for the entry of such institutions into the program and
17 for their continued participation in the program.

18 (b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
19 this section, the term “unmanned aircraft system” has the
20 meaning given that term by section 44801 of title 49,
21 United States Code, as added by section 2121 of this Act.

1 **SEC. 2138. INCORPORATION OF FEDERAL AVIATION ADMIN-**
2 **ISTRATION OCCUPATIONS RELATING TO UN-**
3 **MANNED AIRCRAFT INTO VETERANS EM-**
4 **PLOYMENT PROGRAMS OF THE ADMINISTRA-**
5 **TION.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Administrator of the Federal Avia-
8 tion Administration, in consultation with the Secretary of
9 Veterans Affairs, the Secretary of Defense, and the Sec-
10 retary of Labor, shall determine whether occupations of
11 the Administration relating to unmanned aircraft systems
12 technology and regulations can be incorporated into the
13 Veterans' Employment Program of the Administration,
14 particularly in the interaction between such program and
15 the New Sights Work Experience Program and the Vet-
16 Link Cooperative Education Program.

17 **SEC. 2139. REPORT ON UAS AND CHEMICAL AERIAL APPLI-**
18 **CATION.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Administrator of the Federal Aviation Ad-
21 ministration shall submit to the appropriate committees
22 of Congress a report evaluating which aviation safety re-
23 quirements under part 137 of title 14, Code of Federal
24 Regulations, should apply to unmanned aircraft system
25 operations engaged in aerial spraying of chemicals for ag-
26 ricultural purposes.

1 **SEC. 2140. PART 107 IMPLEMENTATION IMPROVEMENTS.**

2 (a) **TRANSPARENCY.**—Not later than 30 days after
3 the date of enactment of this Act, the Administrator of
4 the Federal Aviation Administration shall publish on the
5 Federal Aviation Administration website a representative
6 sample of the safety justifications offered by applicants
7 for waivers or air traffic control authorizations that have
8 been approved by the Administration for each regulation
9 waived or class of airspace authorized, except that any
10 published justification shall not reveal proprietary or com-
11 mercially sensitive information.

12 (b) **TECHNOLOGY IMPROVEMENTS.**—Not later than
13 60 days after the date of enactment of this Act, the Ad-
14 ministrator shall revise the online waiver and air traffic
15 control authorization processes—

16 (1) to provide real time confirmation that an
17 application filed online has been received by the Ad-
18 ministration; and

19 (2) to provide an applicant with an opportunity
20 to review the status of the applicant’s application.

21 **SEC. 2141. REDESIGNATION.**

22 (a) **SAFETY STATEMENTS.**—

23 (1) **IN GENERAL.**—Section 2203 of the FAA
24 Extension Safety and Security Act of 2016 (Public
25 Law 114–190; 130 Stat. 615) is redesignated as
26 section 44812 of chapter 448 of title 49, United

1 States Code, and transferred so as to appear after
2 section 44811 of title 49, United States Code, as
3 added by section 2136 of this Act.

4 (2) TECHNICAL AND CONFORMING AMEND-
5 MENTS.—Section 44812(b), as redesignated, is
6 amended—

7 (A) in paragraph (1), by striking “this
8 Act” and inserting “the FAA Extension Safety
9 and Security Act of 2016”; and

10 (B) in clauses (i), (ii), and (iii) of para-
11 graph (2)(D), by striking “section 336 of the
12 FAA Modernization and Reform Act of 2012
13 949 U.S.C. 40101 note)” and inserting “section
14 44808”.

15 (b) EMERGENCY EXEMPTION PROCESS.—

16 (1) IN GENERAL.—Section 2207 of the FAA
17 Extension Safety and Security Act of 2016 (Public
18 Law 114–190; 130 Stat. 615) is redesignated as
19 section 44813 of chapter 448 of title 49, United
20 States Code, and transferred so as to appear after
21 section 44812 of title 49, United States Code, as re-
22 designated by subsection (a)(1) of this section.

23 (2) TECHNICAL AND CONFORMING AMEND-
24 MENTS.—Section 44813(a), as redesignated, is

1 amended by striking “this Act” and inserting “the
2 FAA Extension Safety and Security Act of 2016”.

3 (c) APPLICATIONS FOR DESIGNATION.—

4 (1) IN GENERAL.—Section 2209 of the FAA
5 Extension Safety and Security Act of 2016 (Public
6 Law 114–190; 130 Stat. 615) is redesignated as
7 section 44814 of chapter 448 of title 49, United
8 States Code, and transferred so as to appear after
9 section 44813 of title 49, United States Code, as re-
10 designated by subsection (b)(1) of this section.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENTS.—Section 44814(a), as redesignated, is
13 amended by striking “this Act” and inserting “the
14 FAA Extension Safety and Security Act of 2016”.

15 (d) OPERATIONS ASSOCIATED WITH CRITICAL IN-
16 FRASTRUCTURE.—

17 (1) IN GENERAL.—Section 2210 of the FAA
18 Extension Safety and Security Act of 2016 (Public
19 Law 114–190; 130 Stat. 615) is redesignated as
20 section 44815 of chapter 448 of title 49, United
21 States Code, and transferred so as to appear after
22 section 44814 of title 49, United States Code, as re-
23 designated by subsection (c)(1) of this section.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—Section 44815, as redesignated, is amend-
3 ed—

4 (A) in subsections (a), (d)(2), and (e), by
5 striking “section 333 of the FAA Modernization
6 and Reform Act of 2012 (49 U.S.C. 40101
7 note)” and inserting “section 44805”;

8 (B) in subsection (c)(2), by striking “,
9 United States Code”; and

10 (C) in subsection (d)(1), by striking “this
11 Act” and inserting “the FAA Extension Safety
12 and Security Act of 2016”.

13 **PART III—OTHER MATTERS**

14 **SEC. 2151. FEDERAL AND LOCAL AUTHORITIES.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Comptroller General
17 of the United States shall—

18 (1) conduct a study on the relative roles of the
19 Federal Government and State and local govern-
20 ments in regulating the national airspace system, in-
21 cluding unmanned aircraft systems operations; and

22 (2) submit to the appropriate committees of
23 Congress a report on the study, including the Comp-
24 troller General’s findings, conclusions, and rec-
25 ommendations.

1 (b) CONTENTS.—The study under subsection (a)
2 shall review the following:

3 (1) The current state of the law with respect to
4 Federal authority over airspace in the United States
5 and the operations of aircraft in that airspace.

6 (2) The current state of the law with respect to
7 state and local authority over airspace in the United
8 States and the operations of aircraft in that air-
9 space;

10 (3) Potential gaps between authorities under
11 paragraphs (1) and (2), particularly with respect to
12 unmanned aircraft systems operations at low alti-
13 tudes;

14 (4) The effectiveness of the Federal Govern-
15 ment's efforts to resolve differences between dif-
16 ferent stakeholders on the issue.

17 (5) Potential ways to structure the roles and re-
18 sponsibilities between the Federal Government and
19 State and local governments to ensure the highest
20 level of safety for all aviation operations and in con-
21 sideration of State and local interests on issues such
22 as nuisance, voyeurism, privacy, trespass, harass-
23 ment, reckless endangerment, wrongful death, per-
24 sonal injury, property damage, or other illegal acts
25 arising from the use of unmanned aircraft systems.

1 **SEC. 2152. SPECTRUM.**

2 (a) IN GENERAL.—Small unmanned aircraft systems
3 may use spectrum for wireless control link, tracking,
4 diagnostics, payload communication, and collaborative-col-
5 lision avoidance, such as vehicle-to-vehicle communication,
6 and other uses, consistent with the Communications Act
7 of 1934 (47 U.S.C. 151 et seq.), Federal Communications
8 Commission rules, and the safety-of-life determination
9 made by the Federal Aviation Administration, and
10 through voluntary commercial arrangements with service
11 providers, whether they are operating within a UTM sys-
12 tem under section 2208 of the FAA Extension Safety and
13 Security Act of 2016 (Public Law 114–190; 130 Stat.
14 615) or outside such a system.

15 (b) REPORT.—Not later than 270 days after the date
16 of enactment of this Act, and after consultation with rel-
17 evant stakeholders, the Administrator of the Federal Avia-
18 tion Administration, the National Telecommunications
19 and Information Administration, and the Federal Commu-
20 nications Commission, shall submit to the Committee on
21 Commerce, Science, and Transportation of the Senate, the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives, and the Committee on Energy
24 and Commerce of the House of Representatives a report—

25 (1) on whether small unmanned aircraft sys-
26 tems operations should be permitted to operate on

1 spectrum designated for aviation use, on an unli-
2 censed, shared, or exclusive basis, for operations
3 within the UTM system or outside of such a system;

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

7 (3) that, if it is determined that spectrum des-
8 ignated for aviation use is not suitable for operations
9 by small unmanned aircraft systems, includes rec-
10 ommendations of other spectrum frequencies that
11 may be appropriate for such operations.

12 **SEC. 2153. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
13 **STITUTIONS OF HIGHER EDUCATION.**

14 (a) IN GENERAL.—Not later than 270 days after the
15 date of enactment of this Act, the Administrator of the
16 Federal Aviation Administration shall establish procedures
17 and standards, as applicable, to facilitate the safe oper-
18 ation of unmanned aircraft systems by institutions of
19 higher education, including faculty, students, and staff.

20 (b) STANDARDS.—The procedures and standards re-
21 quired under subsection (a) shall outline risk-based oper-
22 ational parameters to ensure the safety of the national air-
23 space system and the uninvolved public that facilitates the
24 use of unmanned aircraft systems for educational or re-
25 search purposes.

1 (c) UNMANNED AIRCRAFT SYSTEM APPROVAL.—The
2 procedures required under subsection (a) shall allow un-
3 manned aircraft systems operated under this section to be
4 modified for research purposes without iterative approval
5 from the Administrator.

6 (d) ADDITIONAL PROCEDURES.—The Administrator
7 shall establish a procedure to provide for streamlined, risk-
8 based operational approval for unmanned aircraft systems
9 operated by institutions of higher education, including fac-
10 ulty, students, and staff, outside of the parameters or pur-
11 poses set forth in subsection (b).

12 (e) DEADLINES.—

13 (1) IN GENERAL.—If, by the date that is 270
14 days after the date of enactment of this Act, the Ad-
15 ministrator has not set forth standards and proce-
16 dures required under subsections (a), (b), and (c),
17 an institution of higher education may—

18 (A) without specific approval from the
19 Federal Aviation Administration, operate small
20 unmanned aircraft at model aircraft fields ap-
21 proved by the Academy of Model Aeronautics
22 and with the permission of the local club of the
23 Academy of Model Aeronautics; and

24 (B) submit to the Federal Aviation Admin-
25 istration applications for approval of the insti-

1 tution’s designation of 1 or more outdoor flight
2 fields.

3 (2) CONSEQUENCE OF FAILURE TO APPROVE.—

4 If the Administrator does not take action with re-
5 spect to an application submitted under paragraph
6 (1)(B) within 30 days of the submission of the appli-
7 cation, the failure to do so shall be treated as ap-
8 proval of the application.

9 (f) DEFINITIONS.—In this section:

10 (1) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given that term by section 101(a) of the
13 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

14 (2) UNMANNED AIRCRAFT SYSTEM.—The term
15 “unmanned aircraft system” has the meaning given
16 the term in section 44801 of title 49, United States
17 Code, as added by section 2121 of this Act.

18 (3) EDUCATIONAL OR RESEARCH PURPOSES.—
19 The term “educational or research purposes”, with
20 respect to the operation of an unmanned aircraft
21 system by an institution of higher education, in-
22 cludes—

23 (A) instruction of students at the institu-
24 tion;

1 (B) academic or research related use of
2 unmanned aircraft systems by student organi-
3 zations recognized by the institution, if such
4 use has been approved by the institution;

5 (C) activities undertaken by the institution
6 as part of research projects, including research
7 projects sponsored by the Federal Government;
8 and

9 (D) other academic activities at the insti-
10 tution, including general research, engineering,
11 and robotics.

12 **SEC. 2154. TRANSITION LANGUAGE.**

13 (a) REGULATIONS.—Notwithstanding the repeals
14 under sections 2122(b)(2), 2124(b)(2), 2125(b)(2),
15 2127(b)(2), 2128(b)(2), and 2133(b)(2) of this Act, all
16 orders, determinations, rules, regulations, permits, grants,
17 and contracts, which have been issued under any law de-
18 scribed under subsection (b) of this section on or before
19 the effective date of this Act shall continue in effect until
20 modified or revoked by the Secretary of Transportation,
21 acting through the Administrator of the Federal Aviation
22 Administration, as applicable, by a court of competent ju-
23 risdiction, or by operation of law other than this Act.

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

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

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

5 (3) Section 333 of the FAA Modernization and
6 Reform Act of 2012 (49 U.S.C. 40101 note).

7 (4) Section 334 of the FAA Modernization and
8 Reform Act of 2012 (49 U.S.C. 40101 note).

9 (5) Section 336 of the FAA Modernization and
10 Reform Act of 2012 (49 U.S.C. 40101 note).

11 (6) Section 2206 of the FAA Extension Safety
12 and Security Act of 2016 (Public Law 114–190; 130
13 Stat. 615).

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

17 **PART IV—OPERATOR SAFETY**

18 **SEC. 2161. SHORT TITLE.**

19 This part may be cited as the “Drone Operator Safe-
20 ty Act”.

21 **SEC. 2162. FINDINGS; SENSE OF CONGRESS.**

22 (a) FINDING.—Congress finds that educating opera-
23 tors of unmanned aircraft about Federal law, including
24 regulations, relating to unmanned aircraft will promote
25 the safe operation of such aircraft.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Administrator of the Federal Aviation Ad-
3 ministration should continue to prioritize the education of
4 operators of unmanned aircraft through public outreach
5 efforts like the “Know Before You Fly” campaign.

6 **SEC. 2163. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

7 (a) IN GENERAL.—Chapter 2 of title 18, United
8 States Code, is amended—

9 (1) in section 31—

10 (A) in subsection (a)—

11 (i) by redesignating paragraph (10) as
12 paragraph (11); and

13 (ii) by inserting after paragraph (9)
14 the following:

15 “(10) UNMANNED AIRCRAFT.—The term ‘un-
16 manned aircraft’ has the meaning given such term
17 in section 44801 of title 49.”; and

18 (B) in subsection (b), by inserting “‘air-
19 port’,” before “‘appliance’”; and

20 (2) by inserting after section 39A the following:

21 **“§ 39B. Unsafe operation of unmanned aircraft**

22 “(a) OFFENSE.—Any person who operates an un-
23 manned aircraft and, in so doing, knowingly or recklessly
24 interferes with, or disrupts the operation of, an aircraft
25 carrying 1 or more occupants operating in the special air-

1 craft jurisdiction of the United States, in a manner that
2 poses an imminent safety hazard to such occupants, shall
3 be punished as provided in subsection (b).

4 “(b) PENALTY.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the punishment for an offense under sub-
7 section (a) shall be a fine under this title, imprison-
8 ment for not more than 1 year, or both.

9 “(2) SERIOUS BODILY INJURY OR DEATH.—Any
10 person who attempts to cause, or knowingly or reck-
11 lessly causes, serious bodily injury or death during
12 the commission of an offense under subsection (a)
13 shall be fined under this title, imprisoned for any
14 term of years or for life, or both.

15 “(c) OPERATION OF UNMANNED AIRCRAFT IN CLOSE
16 PROXIMITY TO AIRPORTS.—

17 “(1) IN GENERAL.—The operation of an un-
18 manned aircraft within a runway exclusion zone
19 shall be considered a violation of subsection (a) un-
20 less such operation is approved by the airport’s air
21 traffic control facility or is the result of a cir-
22 cumstance, such as a malfunction, that could not
23 have been reasonably foreseen or prevented by the
24 operator.

1 “(2) RUNWAY EXCLUSION ZONE DEFINED.—In
2 this subsection, the term ‘runway exclusion zone’
3 means a rectangular area—

4 “(A) centered on the centerline of an ac-
5 tive runway of an airport immediately around
6 which the airspace is designated as class B,
7 class C, or class D airspace at the surface
8 under part 71 of title 14, Code of Federal Reg-
9 ulations; and

10 “(B) the length of which extends parallel
11 to the runway’s centerline to points that are 1
12 statute mile from each end of the runway and
13 the width of which is ½ statute mile.”.

14 (b) TABLE OF CONTENTS.—The table of contents for
15 chapter 2 of title 18, United States Code, is amended by
16 inserting after the item relating to section 39A the fol-
17 lowing:

“39B. Unsafe operation of unmanned aircraft.”.

18 **Subtitle B—FAA Safety**
19 **Certification Reform**
20 **PART I—GENERAL PROVISIONS**

21 **SEC. 2211. DEFINITIONS.**

22 In this subtitle:

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

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

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

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

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

15 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
16 **SORY COMMITTEE.**

17 (a) **ESTABLISHMENT.**—Not later than 60 days after
18 the date of enactment of this Act, the Secretary shall es-
19 tablish a Safety Oversight and Certification Advisory
20 Committee in accordance with this section.

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

1 (1) Aircraft and flight standards certification
2 processes, including efforts to streamline those proc-
3 esses.

4 (2) Implementation and oversight of safety
5 management systems.

6 (3) Risk-based oversight efforts.

7 (4) Utilization of delegation and designation au-
8 thorities, including organization designation author-
9 ization.

10 (5) Regulatory interpretation standardization
11 efforts.

12 (6) Training programs.

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

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

18 (c) FUNCTIONS.—In carrying out its duties under
19 subsection (b) related to FAA safety oversight and certifi-
20 cation programs and activities, the Advisory Committee
21 shall—

22 (1) foster aviation stakeholder collaboration in
23 an open and transparent manner;

24 (2) consult with, and ensure participation by—

1 (A) the private sector, including represent-
2 atives of—

3 (i) general aviation;

4 (ii) commercial aviation;

5 (iii) aviation labor;

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

8 (v) unmanned aircraft systems indus-
9 try; and

10 (B) the public;

11 (3) recommend consensus national goals, stra-
12 tegic objectives, and priorities for the most efficient,
13 streamlined, and cost-effective safety oversight and
14 certification processes in order to maintain the safe-
15 ty of the aviation system while allowing the FAA to
16 meet future needs and ensure that aviation stake-
17 holders remain competitive in the global market-
18 place;

19 (4) provide policy recommendations for the
20 FAA's safety oversight and certification efforts;

21 (5) periodically review and provide rec-
22 ommendations regarding the FAA's safety oversight
23 and certification efforts;

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

1 (7) provide appropriate legislative, regulatory,
2 and guidance recommendations for the air transpor-
3 tation system and the aviation safety regulatory en-
4 vironment;

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

7 (9) recommend performance metrics for the
8 FAA and the aviation industry to be tracked and re-
9 viewed as streamlining certification reform, flight
10 standards reform, and regulation consistency efforts
11 progress;

12 (10) provide a venue for tracking progress to-
13 ward national goals and sustaining joint commit-
14 ments;

15 (11) recommend recruiting, hiring, staffing lev-
16 els, training, and continuing education objectives for
17 FAA aviation safety engineers and aviation safety
18 inspectors;

19 (12) provide advice and recommendations to the
20 FAA on how to prioritize safety rulemaking projects;

21 (13) improve the development of FAA regula-
22 tions by providing information, advice, and rec-
23 ommendations related to aviation issues;

1 (14) promote the validation and acceptance of
2 U.S. manufactured and FAA type-certificate aircraft
3 products and services throughout the world; and

4 (15) any other functions as determined appro-
5 priate by the chairperson of the Advisory Committee
6 and the Administrator.

7 (d) MEMBERSHIP.—

8 (1) VOTING MEMBERS.—The Advisory Com-
9 mittee shall be composed of the following voting
10 members:

11 (A) The Administrator, or the Administra-
12 tor's designee.

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

15 (i) Transport aircraft and engine
16 manufacturers.

17 (ii) General aviation aircraft and en-
18 gine manufacturers.

19 (iii) Avionics and equipment manufac-
20 turers.

21 (iv) Aviation labor organizations, in-
22 cluding collective bargaining representa-
23 tives of FAA aviation safety inspectors and
24 aviation safety engineers.

25 (v) General aviation operators.

- 1 (vi) Air carriers.
- 2 (vii) Business aviation operators.
- 3 (viii) Unmanned aircraft systems
- 4 manufacturers and operators.
- 5 (ix) Aviation safety management ex-
- 6 perts.

7 (2) NONVOTING MEMBERS.—

8 (A) IN GENERAL.—In addition to the
9 members appointed under paragraph (1), the
10 Advisory Committee shall be composed of non-
11 voting members appointed by the Secretary
12 from among individuals representing FAA safe-
13 ty oversight program offices.

14 (B) DUTIES.—A nonvoting member may—

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

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

20 (C) LIMITATION.—A nonvoting member
21 may not represent any stakeholder interest
22 other than that of an FAA safety oversight pro-
23 gram office.

1 (3) TERMS.—Each voting member and non-
2 voting member of the Advisory Committee shall be
3 appointed for a term of 2 years.

4 (4) RULE OF CONSTRUCTION.—Public Law
5 104–65 (2 U.S.C. 1601 et seq.) may not be con-
6 strued to prohibit or otherwise limit the appointment
7 of any individual as a member of the Advisory Com-
8 mittee.

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

11 (1) Each voting member under subsection
12 (d)(1)(B) shall be an executive that has decision au-
13 thority within the member’s organization and can
14 represent and enter into commitments on behalf of
15 that organization in a way that serves the entire
16 group of organizations that member represents
17 under that subsection.

18 (2) The ability to obtain necessary information
19 from experts in the aviation and aerospace commu-
20 nities.

21 (3) A membership size that enables the Advi-
22 sory Committee to have substantive discussions and
23 reach consensus on issues in an expeditious manner.

24 (4) Appropriate expertise, including expertise in
25 certification and risk-based safety oversight proc-

1 esses, operations, policy, technology, labor relations,
2 training, and finance.

3 (f) CHAIRPERSON.—

4 (1) IN GENERAL.—The chairperson of the Advi-
5 sory Committee shall be appointed by the Secretary
6 from among the voting members under subsection
7 (d)(1)(B).

8 (2) TERM.—Each member appointed under
9 paragraph (1) shall serve a term of 2 years as chair-
10 person.

11 (g) MEETINGS.—

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

15 (2) PUBLIC ATTENDANCE.—Each meeting of
16 the Advisory Committee shall be open and accessible
17 to the public.

18 (h) SPECIAL COMMITTEES.—

19 (1) ESTABLISHMENT.—The Advisory Com-
20 mittee may establish 1 or more special committees
21 composed of private sector representatives, members
22 of the public, labor representatives, and other rel-
23 evant parties in complying with consultation and
24 participation requirements under subsection (c)(2).

1 (2) RULEMAKING ADVICE.—A special com-
2 mittee established by the Advisory Committee may—

3 (A) provide rulemaking advice and rec-
4 ommendations to the Advisory Committee;

5 (B) provide the FAA additional opportuni-
6 ties to obtain firsthand information and insight
7 from those persons that are most affected by
8 existing and proposed regulations; and

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

13 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
14 Federal Advisory Committee Act (5 U.S.C. App.)
15 shall not apply to a special committee under this
16 subsection.

17 (i) SUNSET.—The Advisory Committee shall cease to
18 exist on September 30, 2021.

19 **PART II—AIRCRAFT CERTIFICATION REFORM**

20 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-** 21 **JECTIVES AND METRICS.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date the Advisory Committee is established under section
24 2212, the Administrator shall establish performance objec-
25 tives and apply and track performance metrics for the

1 FAA and the aviation industry relating to aircraft certifi-
2 cation in accordance with this section.

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

9 (c) PERFORMANCE OBJECTIVES.—In establishing
10 performance objectives under subsection (a), the Adminis-
11 trator shall ensure progress is made toward, at a min-
12 imum—

13 (1) eliminating certification delays and improv-
14 ing cycle times;

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

17 (3) achieving effective utilization of FAA dele-
18 gation and designation authorities, including organi-
19 zational designation authorization;

20 (4) effectively implementing risk management
21 principles and a systems safety approach;

22 (5) reducing duplication of effort;

23 (6) increasing transparency;

1 (7) developing and providing training, including
2 recurrent training, in auditing and a systems safety
3 approach to certification oversight;

4 (8) improving the process for approving or ac-
5 cepting the certification actions between the FAA
6 and bilateral partners;

7 (9) maintaining and improving safety;

8 (10) streamlining the hiring process for—

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

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

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

17 (d) PERFORMANCE METRICS.—In carrying out sub-
18 section (a), the Administrator shall—

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

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

25 (e) DATA.—

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

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

13 (f) PUBLICATION.—

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

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

23 (A) protects from disclosure identifying in-
24 formation regarding an individual or entity; and

1 (B) protects from inappropriate disclosure
2 proprietary information.

3 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

4 (a) IN GENERAL.—Chapter 447 is amended by add-
5 ing at the end the following:

6 **“§ 44736. Organization designation authorizations**

7 “(a) DELEGATIONS OF FUNCTIONS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (3), in the oversight of an ODA holder, the
10 Administrator of the Federal Aviation Administra-
11 tion, in accordance with Federal Aviation Adminis-
12 tration standards, shall—

13 “(A) require, based on an application sub-
14 mitted by the ODA holder and approved by the
15 Administrator (or the Administrator’s des-
16 ignee), a procedures manual that addresses all
17 procedures and limitations regarding the speci-
18 fied functions to be performed by the ODA
19 holder subject to regulations prescribed by the
20 Administrator;

21 “(B) delegate fully to the ODA holder each
22 of the functions specified in the procedures
23 manual, unless the Administrator determines,
24 after the date of the delegation and as a result
25 of an accident finding, surveillance, or over-

1 sight, that it is in the public interest and safety
2 of air commerce to require a limitation; and

3 “(C) for each function that is limited
4 under subparagraph (B), work with the ODA
5 holder to develop the ODA holder’s capability to
6 execute that function safely and effectively, and
7 to return to full authority status.

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

10 “(A) perform each specified function dele-
11 gated to the ODA holder in accordance with the
12 approved procedures manual for the delegation;

13 “(B) make the procedures manual avail-
14 able to each member of the appropriate ODA
15 unit; and

16 “(C) cooperate fully with oversight activi-
17 ties conducted by the Administrator in connec-
18 tion with the delegation.

19 “(3) EXISTING ODA HOLDERS.—With regard to
20 an ODA holder operating under a procedures man-
21 ual approved by the Administrator before the date of
22 enactment of the Federal Aviation Administration
23 Reauthorization Act of 2017, the Administrator
24 shall—

1 “(A) at the request of the ODA holder,
2 and in an expeditious manner, consider revisions to the ODA holder’s procedures manual;

3 “(B) delegate fully to the ODA holder each
4 of the functions specified in the procedures
5 manual, unless the Administrator determines,
6 after the date of the delegation and as a result
7 of an accident finding, surveillance, or oversight,
8 that it is in the public interest and safety
9 of air commerce to require a limitation; and
10 “(C) for each function that is limited

11 under subparagraph (B), work with the ODA
12 holder to develop the ODA holder’s capability to
13 execute that function safely and effectively, and
14 to return to full authority status.
15

16 “(b) ODA OFFICE.—

17 “(1) ESTABLISHMENT.—Not later than 120
18 days after the date of enactment of Federal Aviation
19 Administration Reauthorization Act of 2017, the
20 Administrator shall identify, within the Office of
21 Aviation Safety, a centralized policy office to be responsible for the organization designation authorization (referred to in this subsection as the ODA Office). The Director of the ODA Office shall report
22 to the Director of the Aircraft Certification Service.
23
24
25

1 “(2) PURPOSE.—The purpose of the ODA Of-
2 fice shall be to provide oversight and ensure consist-
3 ency of the Federal Aviation Administration audit
4 functions under the ODA program across the agen-
5 cy.

6 “(3) FUNCTIONS.—The ODA Office shall—

7 “(A)(i) at the request of an ODA holder,
8 eliminate all limitations specified in a proce-
9 dures manual in place on the date of enactment
10 of the Federal Aviation Administration Reau-
11 thorization Act of 2017 that are low and me-
12 dium risk as determined by a risk analysis
13 using criteria established by the ODA Office
14 and disclosed to the ODA holder, except where
15 an ODA holder’s performance warrants the re-
16 tention of a specific limitation due to docu-
17 mented concerns about inadequate current per-
18 formance in carrying out that authorized func-
19 tion;

20 “(ii) require an ODA holder to estab-
21 lish a corrective action plan to regain au-
22 thority for any retained limitations;

23 “(iii) require an ODA holder to notify
24 the ODA Office when all corrective actions
25 have been accomplished; and

1 “(iv) make a reassessment to deter-
2 mine if subsequent performance in car-
3 rying out any retained limitation warrants
4 continued retention and, if such reassess-
5 ment determines performance meets objec-
6 tives, lift such limitation immediately;

7 “(B) improve the Administration and the
8 ODA holder performance and ensure full use of
9 the authorities delegated under the ODA pro-
10 gram;

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

14 “(D) expeditiously review a random sample
15 of limitations on delegated authorities under the
16 ODA program to determine if the limitations
17 are appropriate;

18 “(E) review and approve new limitations to
19 ODA functions; and

20 “(F) ensure national consistency in the in-
21 terpretation and application of the requirements
22 of the ODA program, including any limitations,
23 and in the performance of the ODA program.

24 “(c) DEFINITIONS.—In this section:

1 “(1) ODA OR ORGANIZATION DESIGNATION AU-
2 THORIZATION.—The term ‘ODA’ or ‘organization
3 designation authorization’ means an authorization
4 under section 44702(d) to perform approved func-
5 tions on behalf of the Administrator of the Federal
6 Aviation Administration under subpart D of part
7 183 of title 14, Code of Federal Regulations.

8 “(2) ODA HOLDER.—The term ‘ODA holder’
9 means an entity authorized under section
10 44702(d)—

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

17 “(B) that is responsible for administering
18 1 or more ODA units.

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

1 “(4) ODA UNIT.—The term ‘ODA unit’ means
2 a group of 2 or more individuals under the super-
3 vision of an ODA holder who perform the specified
4 functions under an ODA.

5 “(5) ORGANIZATION.—The term ‘organization’
6 means a firm, a partnership, a corporation, a com-
7 pany, an association, a joint-stock association, or a
8 governmental entity.”.

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

 “44736. Organization designation authorizations.”.

12 **SEC. 2223. ODA REVIEW.**

13 (a) EXPERT REVIEW PANEL.—

14 (1) ESTABLISHMENT.—Not later than 120 days
15 after the date of enactment of this Act, the Adminis-
16 trator of the FAA shall convene a multidisciplinary
17 expert review panel (referred to in this section as the
18 “Panel”).

19 (2) COMPOSITION.—

20 (A) IN GENERAL.—The Panel shall be
21 composed of not more than 20 members ap-
22 pointed by the Administrator.

23 (B) QUALIFICATIONS.—The members ap-
24 pointed to the Panel shall—

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

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

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

18 (c) ASSESSMENT.—The Panel shall—

19 (1) conduct an assessment of—

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

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

1 (C) the performance incentive policies, re-
2 lated to the ODA program for FAA personnel,
3 that do not conflict with the public interest;

4 (D) the training activities related to the
5 ODA program for FAA personnel and ODA
6 holders; and

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

11 (2) make recommendations for improving FAA
12 safety oversight and certification programs and ac-
13 tivities based on the results of the survey under sub-
14 section (b) and each element of the assessment
15 under paragraph (1) of this subsection.

16 (d) REPORT.—Not later than 180 days after the date
17 the Panel is convened under subsection (a), the Panel shall
18 submit to the Administrator, the Advisory Committee, and
19 the appropriate committees of Congress a report on re-
20 sults of the survey under subsection (b) and the assess-
21 ment and recommendations under subsection (c).

22 (e) DEFINITIONS.—The terms used in this section
23 have the meanings given the terms in section 44736 of
24 title 49, United States Code, as added by section 2222
25 of this Act.

1 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the Panel.

4 (g) SUNSET.—The Panel shall terminate on the date
5 the report is submitted under subsection (d).

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

7 (a) IN GENERAL.—Section 44704(a) is amended by
8 adding at the end the following:

9 “(6) TYPE CERTIFICATION RESOLUTION PROC-
10 ESS.—

11 “(A) IN GENERAL.—Not later than 15
12 months after the date of enactment of the Fed-
13 eral Aviation Administration Reauthorization
14 Act of 2017, the Administrator shall establish
15 an effective, expeditious, and milestone-based
16 issue resolution process for type certification ac-
17 tivities under this subsection.

18 “(B) PROCESS REQUIREMENTS.—The res-
19 olution process shall provide for—

20 “(i) the resolution of technical issues
21 at preestablished stages of the certification
22 process, as agreed to by the Administrator
23 and the type certificate applicant;

24 “(ii) the automatic escalation to ap-
25 propriate management personnel of the

1 Federal Aviation Administration and the
2 type certificate applicant of any major cer-
3 tification process milestone that is not
4 completed or resolved within a specific pe-
5 riod of time agreed to by the Adminis-
6 trator and the type certificate applicant;
7 and

8 “(iii) the resolution of a major certifi-
9 cation process milestone escalated under
10 clause (ii) within a specific period of time
11 agreed to by the Administrator and the
12 type certificate applicant.

13 “(C) DEFINITION OF MAJOR CERTIFI-
14 CATION PROCESS MILESTONE.—In this para-
15 graph, the term ‘major certification process
16 milestone’ means a milestone related to a type
17 certification basis, type certification plan, type
18 inspection authorization, issue paper, or other
19 major type certification activity agreed to by
20 the Administrator and the type certificate appli-
21 cant.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
23 Section 44704 is amended in the heading by striking
24 “**airworthiness certificates,**” and inserting “**air-**
25 **worthiness certificates,**”.

1 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
2 **GENERAL AVIATION AIRPLANES.**

3 (a) **POLICY.**—In a manner consistent with the Small
4 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
5 note), not later than 180 days after the date of enactment
6 of this Act, the Administrator shall establish and begin
7 implementing a risk-based policy that streamlines the in-
8 stallation of safety enhancing technologies for small gen-
9 eral aviation airplanes in a manner that reduces regu-
10 latory delays and significantly improves safety.

11 (b) **INCLUSIONS.**—The safety enhancing technologies
12 for small general aviation airplanes described in subsection
13 (a) shall include, at a minimum, the replacement or ret-
14 rofit of primary flight displays, auto pilots, engine mon-
15 itors, and navigation equipment.

16 (c) **COLLABORATION.**—In carrying out this section,
17 the Administrator shall collaborate with general aviation
18 operators, general aviation manufacturers, and appro-
19 priate FAA labor organizations, including representatives
20 of FAA aviation safety inspectors and aviation safety engi-
21 neers, certified under section 7111 of title 5, United
22 States Code.

23 (d) **DEFINITION OF SMALL GENERAL AVIATION AIR-**
24 **PLANE.**—In this section, the term “small general aviation
25 airplane” means an airplane that—

1 (1) is certified to the standards of part 23 of
2 title 14, Code of Federal Regulations;

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

5 (3) is not used in scheduled passenger-carrying
6 operations under part 121 of title 14, Code of Fed-
7 eral Regulations.

8 **PART III—FLIGHT STANDARDS REFORM**

9 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-**
10 **TIVES AND METRICS.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date the Advisory Committee is established under section
13 2212, the Administrator shall establish performance objec-
14 tives and apply and track performance metrics for the
15 FAA and the aviation industry relating to flight standards
16 activities in accordance with this section.

17 (b) COLLABORATION.—The Administrator shall carry
18 out this section in collaboration with the Advisory Com-
19 mittee and update agency performance objectives and
20 metrics after considering the recommendations of the Ad-
21 visory Committee under paragraphs (8) and (9) of section
22 2212(c).

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

1 (1) eliminating delays with respect to such ac-
2 tivities;

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

5 (3) effectively implementing risk management
6 principles and a systems safety approach;

7 (4) reducing duplication of effort;

8 (5) promoting appropriate compliance activities
9 and eliminating inconsistent regulatory interpreta-
10 tions and inconsistent enforcement activities;

11 (6) improving and providing greater opportuni-
12 ties for training, including recurrent training, in au-
13 diting and a systems safety approach to oversight;

14 (7) developing and allowing the use of a single
15 master source for guidance;

16 (8) providing and using a streamlined appeal
17 process for the resolution of regulatory interpreta-
18 tion questions;

19 (9) maintaining and improving safety; and

20 (10) increasing transparency.

21 (d) PERFORMANCE METRICS.—In carrying out sub-
22 section (a), the Administrator shall—

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

1 (2) transmit to the appropriate committees of
2 Congress an annual report tracking the progress to-
3 ward full implementation of the performance metrics
4 under section 2212.

5 (e) DATA.—

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

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

19 (f) PUBLICATION.—

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

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

4 (A) protects from disclosure identifying in-
5 formation regarding an individual or entity; and

6 (B) protects from inappropriate disclosure
7 proprietary information.

8 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
9 **FORM.**

10 (a) ESTABLISHMENT.—Not later than 90 days after
11 the date of enactment of this Act, the Administrator shall
12 establish the FAA Task Force on Flight Standards Re-
13 form (referred to in this section as the “Task Force”).

14 (b) MEMBERSHIP.—

15 (1) APPOINTMENT.—The membership of the
16 Task Force shall be appointed by the Administrator.

17 (2) NUMBER.—The Task Force shall be com-
18 posed of not more than 20 members.

19 (3) REPRESENTATION REQUIREMENTS.—The
20 membership of the Task Force shall include rep-
21 resentatives, with knowledge of flight standards reg-
22 ulatory processes and requirements, of—

23 (A) air carriers;

24 (B) general aviation;

25 (C) business aviation;

- 1 (D) repair stations;
- 2 (E) unmanned aircraft systems operators;
- 3 (F) flight schools;
- 4 (G) manufacturers;
- 5 (H) labor unions, including those rep-
- 6 resenting FAA aviation safety inspectors and
- 7 those representing FAA aviation safety engi-
- 8 neers; and
- 9 (I) aviation safety experts.

10 (c) DUTIES.—The duties of the Task Force shall in-

11 clude, at a minimum, identifying cost-effective best prac-

12 tices and providing recommendations with respect to—

13 (1) simplifying and streamlining flight stand-

14 ards regulatory processes, including issuance and

15 oversight of certificates;

16 (2) reorganizing the Flight Standards Service

17 to establish an entity organized by function rather

18 than geographic region, if appropriate;

19 (3) FAA aviation safety inspector training op-

20 portunities;

21 (4) FAA aviation safety inspector standards

22 and performance; and

23 (5) achieving, across the FAA, consistent—

24 (A) regulatory interpretations; and

25 (B) application of oversight activities.

1 (d) REPORT.—Not later than 1 year after the date
2 the Task Force is established under subsection (a), the
3 Task Force shall submit to the Administrator, Advisory
4 Committee, and appropriate committees of Congress a re-
5 port detailing—

6 (1) the best practices identified and rec-
7 ommendations provided by the Task Force under
8 subsection (c); and

9 (2) any recommendations of the Task Force for
10 additional regulatory action or cost-effective legisla-
11 tive action.

12 (e) FLIGHT STANDARDS SERVICE REALIGNMENT
13 FEASIBILITY REPORT.—Not later than 1 year after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit to the appropriate committees of Congress a report
16 on the findings of the determination of the feasibility of
17 realigning flight standards service regional field offices to
18 specialized areas of aviation safety oversight and technical
19 expertise.

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

23 (g) SUNSET.—The Task Force shall cease to exist on
24 the date that the Task Force submits the report required
25 under subsection (d).

1 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of enactment of this Act, the Administrator of
4 the FAA shall establish a centralized safety guidance data-
5 base for all of the regulatory guidance issued by the FAA
6 Office of Aviation Safety regarding compliance with 1 or
7 more aviation safety-related provisions of the Code of Fed-
8 eral Regulations.

9 (b) REQUIREMENTS.—The database under subsection
10 (a) shall—

11 (1) for each guidance, include a link to the spe-
12 cific provision of the Code of Federal Regulations;

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

15 (3) be provided in a manner that—

16 (A) protects from disclosure identifying in-
17 formation regarding an individual or entity; and

18 (B) protects from inappropriate disclosure
19 proprietary information.

20 (c) DATA ENTRY TIMING.—

21 (1) EXISTING DOCUMENTS.—Not later than 14
22 months after the date the database is established,
23 the Administrator shall have completed entering into
24 the database any applicable regulatory guidance that
25 are in effect and were issued before that date.

1 (2) NEW REGULATORY GUIDANCE AND UP-
2 DATES.—Beginning on the date the database is es-
3 tablished, the Administrator shall ensure that any
4 applicable regulatory guidance that are issued on or
5 after that date are entered into the database as they
6 are issued.

7 (d) CONSULTATION REQUIREMENT.—In establishing
8 the database under subsection (a), the Administrator shall
9 consult and collaborate with appropriate stakeholders, in-
10 cluding labor organizations (including those representing
11 aviation workers, FAA aviation safety engineers, and FAA
12 aviation safety inspectors) and aviation industry stake-
13 holders.

14 (e) DEFINITION OF REGULATORY GUIDANCE.—In
15 this section, the term “regulatory guidance” means all
16 forms of written information issued by the FAA that an
17 individual or entity may use to interpret or apply FAA
18 regulations and requirements, including information an in-
19 dividual or entity may use to determine acceptable means
20 of compliance with such regulations and requirements,
21 such as an order, manual, circular, policy statement, legal
22 interpretation memorandum, and rulemaking documents.

1 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATION**

2 **BOARD.**

3 (a) FUNCTIONS.—The Regulatory Consistency Com-
4 munication Board (referred to in this section as the
5 “Board”) shall carry out the following functions:

6 (1) Recommend, at a minimum, processes by
7 which—

8 (A) FAA personnel and persons regulated
9 by the FAA may submit regulatory interpreta-
10 tion questions without fear of retaliation;

11 (B) FAA personnel may submit written
12 questions as to whether a previous approval or
13 regulatory interpretation issued by FAA per-
14 sonnel in another office or region is correct or
15 incorrect; and

16 (C) any other person may submit anony-
17 mous regulatory interpretation questions.

18 (2) Meet on a regular basis to discuss and re-
19 solve questions submitted under paragraph (1) and
20 the appropriate application of regulations and policy
21 with respect to each question.

22 (3) Provide to a person that submitted a ques-
23 tion under subparagraph (A) or subparagraph (B) of
24 paragraph (1) an expeditious written response to the
25 question.

1 (4) Recommend a process to make the resolu-
2 tion of common regulatory interpretation questions
3 publicly available to FAA personnel and the public
4 in a manner that—

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

7 (B) protects any proprietary information.

8 (5) Ensure that responses to questions under
9 this subsection are incorporated into regulatory
10 guidance (as defined in section 2233(e)).

11 (b) PERFORMANCE METRICS, TIMELINES, AND
12 GOALS.—Not later than 180 days after the date that the
13 Advisory Committee recommends performance objectives
14 and performance metrics for the FAA and the aviation
15 industry under paragraphs (8) and (9) of section 2212(e),
16 the Administrator, in collaboration with the Advisory
17 Committee, shall—

18 (1) establish performance metrics, timelines,
19 and goals to measure the progress of the Board in
20 resolving regulatory interpretation questions sub-
21 mitted under subsection (a)(1); and

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

1 **PART IV—SAFETY WORKFORCE**

2 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

3 (a) SAFETY WORKFORCE TRAINING STRATEGY.—

4 Not later than 60 days after the date of enactment of this
5 Act, the Administrator of the FAA shall review and revise
6 its safety workforce training strategy to ensure that it—

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

9 (2) best utilizes available resources;

10 (3) allows FAA employees participating in orga-
11 nization management teams or conducting ODA pro-
12 gram audits to complete, expeditiously, appropriate
13 training, including recurrent training, in auditing
14 and a systems safety approach to oversight;

15 (4) seeks knowledge-sharing opportunities be-
16 tween the FAA and the aviation industry in new
17 technologies, best practices, and other areas of inter-
18 est related to safety oversight;

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

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

1 (b) REPORT.—Not later than 270 days after the date
2 the strategy is established under subsection (a), the Ad-
3 ministrator shall submit to the appropriate committees of
4 Congress a report on the implementation of the strategy
5 and progress in meeting any milestones or metrics in-
6 cluded in the strategy.

7 (c) DEFINITIONS.—In this section:

8 (1) ODA HOLDER.—The term “ODA holder”
9 has the meaning given the term in section 44736 of
10 title 49, United States Code, as added by section
11 2222 of this Act.

12 (2) ODA PROGRAM.—The term “ODA pro-
13 gram” has the meaning given the term in section
14 44736(c)(3) of title 49, United States Code, as
15 added by section 2222 of this Act.

16 (3) ORGANIZATION MANAGEMENT TEAM.—The
17 term “organization management team” means a
18 group of FAA employees consisting of FAA aviation
19 safety engineers, flight test pilots, and aviation safe-
20 ty inspectors overseeing an ODA holder and its spec-
21 ified function delegated under section 44702 of title
22 49, United States Code.

1 **PART V—INTERNATIONAL AVIATION**
2 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**
3 **STANDARDS, PRODUCTS, AND SERVICES**
4 **ABROAD.**

5 Section 40104 is amended by adding at the end the
6 following:

7 “(d) **PROMOTION OF UNITED STATES AEROSPACE**
8 **STANDARDS, PRODUCTS, AND SERVICES ABROAD.**—The
9 Secretary shall take appropriate actions—

10 “(1) to promote United States aerospace-re-
11 lated safety standards abroad;

12 “(2) to facilitate and vigorously defend approv-
13 als of United States aerospace products and services
14 abroad;

15 “(3) with respect to bilateral partners, to use
16 bilateral safety agreements and other mechanisms to
17 improve validation of United States type certificated
18 aeronautical products and services and enhance mu-
19 tual acceptance in order to eliminate redundancies
20 and unnecessary costs; and

21 “(4) with respect to the aeronautical safety au-
22 thorities of a foreign country, to streamline that
23 country’s validation of United States aerospace
24 standards, products, and services.”.

1 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
2 **RESPONSIBILITIES.**

3 Section 44701(e) is amended by adding at the end
4 the following:

5 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

6 “(A) ACCEPTANCE.—Subject to subpara-
7 graph (D), the Administrator may accept an
8 airworthiness directive (as defined in section
9 39.3 of title 14, Code of Federal Regulations)
10 issued by an aeronautical safety authority of a
11 foreign country, and leverage that aeronautical
12 safety authority’s regulatory process, if—

13 “(i) the country is the state of design
14 for the product that is the subject of the
15 airworthiness directive;

16 “(ii) the United States has a bilateral
17 safety agreement relating to aircraft cer-
18 tification with the country;

19 “(iii) as part of the bilateral safety
20 agreement with the country, the Adminis-
21 trator has determined that the aero-
22 nautical safety authority has an aircraft
23 certification system relating to safety that
24 produces a level of safety equivalent to the
25 level produced by the system of the Fed-
26 eral Aviation Administration;

1 “(iv) the aeronautical safety authority
2 utilizes an open and transparent public no-
3 tice and comment process, including con-
4 sidering comments from owners and opera-
5 tors of foreign-registered aircraft and other
6 aeronautical products and appliances in
7 the issuance of airworthiness directives;
8 and

9 “(v) the airworthiness directive ad-
10 dresses a specific issue necessary for the
11 safe operation of aircraft subject to the di-
12 rective.

13 “(B) ALTERNATIVE APPROVAL PROCESS.—
14 Notwithstanding subparagraph (A), the Admin-
15 istrator may issue a Federal Aviation Adminis-
16 tration airworthiness directive instead of accept-
17 ing the airworthiness directive issued by the
18 aeronautical safety authority of a foreign coun-
19 try if the Administrator determines that such
20 issuance is necessary for safety or operational
21 reasons due to the complexity or unique fea-
22 tures of the Federal Aviation Administration
23 airworthiness directive or the United States
24 aviation system.

1 “(C) ALTERNATIVE MEANS OF COMPLI-
2 ANCE.—The Administrator—

3 “(i) may accept an alternative means
4 of compliance, with respect to an air-
5 worthiness directive under subparagraph
6 (A), that was approved by the aeronautical
7 safety authority of the foreign country that
8 issued the airworthiness directive; or

9 “(ii) notwithstanding subparagraph
10 (A), and at the request of any person af-
11 fected by an airworthiness directive under
12 that subparagraph—

13 “(I) shall consider an alternative
14 means of compliance with respect to
15 the airworthiness directive; and

16 “(II) may approve such alter-
17 native means, if appropriate.

18 “(D) LIMITATIONS.—The Administrator
19 may not accept an airworthiness directive
20 issued by an aeronautical safety authority of a
21 foreign country if the airworthiness directive
22 addresses matters other than those involving
23 the safe operation of an aircraft.”.

1 **SEC. 2253. FAA LEADERSHIP ABROAD.**

2 (a) IN GENERAL.—To promote United States aero-
3 space safety standards, reduce redundant regulatory activ-
4 ity, and facilitate acceptance of FAA design and produc-
5 tion approvals abroad, the Administrator shall—

6 (1) attain greater expertise in issues related to
7 dispute resolution, intellectual property, and export
8 control laws to better support FAA certification and
9 other aerospace regulatory activities abroad;

10 (2) work with United States companies to more
11 accurately track the amount of time it takes foreign
12 authorities, including bilateral partners, to validate
13 United States type certificated aeronautical prod-
14 ucts;

15 (3) provide assistance to United States compa-
16 nies who have experienced significantly long foreign
17 validation wait times;

18 (4) work with foreign authorities, including bi-
19 lateral partners, to collect and analyze data to deter-
20 mine the timeliness of the acceptance and validation
21 of FAA design and production approvals by foreign
22 authorities and the acceptance and validation of for-
23 eign-certified products by the FAA;

24 (5) establish appropriate benchmarks and
25 metrics to measure the success of bilateral aviation
26 safety agreements and to reduce the validation time

1 for United States type certificated aeronautical
2 products abroad; and

3 (6) work with foreign authorities, including bi-
4 lateral partners, to improve the timeliness of the ac-
5 ceptance and validation of FAA design and produc-
6 tion approvals by foreign authorities and the accept-
7 ance and validation of foreign-certified products by
8 the FAA.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Administrator shall submit
11 to the appropriate committees of Congress a report that—

12 (1) describes the Administrator’s strategic plan
13 for international engagement;

14 (2) describes the structure and responsibilities
15 of all FAA offices that have international respon-
16 sibilities, including the Aircraft Certification Office,
17 and all the activities conducted by those offices re-
18 lated to certification and production;

19 (3) describes current and forecasted staffing
20 and travel needs for the FAA’s international engage-
21 ment activities, including the needs of the Aircraft
22 Certification Office in the current and forecasted
23 budgetary environment;

24 (4) provides recommendations, if appropriate,
25 to improve the existing structure and personnel and

1 travel policies supporting the FAA’s international
2 engagement activities, including the activities of the
3 Aviation Certification Office, to better support the
4 growth of United States aerospace exports; and

5 (5) identifies policy initiatives, regulatory initia-
6 tives, or cost-effective legislative initiatives needed to
7 improve and enhance the timely acceptance of
8 United States aerospace products abroad.

9 (c) INTERNATIONAL TRAVEL.—The Administrator of
10 the FAA, or the Administrator’s designee, may authorize
11 international travel for any FAA employee, without the
12 approval of any other person or entity, if the Adminis-
13 trator determines that the travel is necessary—

14 (1) to promote United States aerospace safety
15 standards; or

16 (2) to support expedited acceptance of FAA de-
17 sign and production approvals.

18 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**

19 **FEEES.**

20 Section 45305 is amended—

21 (1) in subsection (a), by striking “Subject to
22 subsection (b)” and inserting “Subject to subsection
23 (c)”;

24 (2) by redesignating subsections (b) and (c) as
25 subsections (c) and (d), respectively; and

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) CERTIFICATION SERVICES.—Subject to sub-
4 section (c), and notwithstanding section 45301(a), the Ad-
5 ministrator may establish and collect a fee from a foreign
6 government or entity for services related to certification,
7 regardless of where the services are provided, if the fee—
8 “(1) is established and collected in a manner
9 consistent with aviation safety agreements; and
10 “(2) does not exceed the estimated costs of the
11 services.”.

12 **Subtitle C—Airline Passenger**
13 **Safety and Protections**

14 **SEC. 2301. ACCESS TO AIR CARRIER FLIGHT DECKS.**

15 The Administrator of the Federal Aviation Adminis-
16 tration shall collaborate with other aviation authorities to
17 advance a global standard for access to air carrier flight
18 decks and redundancy requirements consistent with the
19 flight deck access and redundancy requirements in the
20 United States.

21 **SEC. 2302. AIRCRAFT TRACKING AND FLIGHT DATA.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration shall assess current per-
25 formance standards, and as appropriate, conduct a rule-

1 making to revise the standards to improve near-term and
2 long-term aircraft tracking and flight data recovery, in-
3 cluding retrieval, access, and protection of such data after
4 an incident or accident.

5 (b) CONSIDERATIONS.—In revising the performance
6 standards under subsection (a), the Administrator may
7 consider—

8 (1) various methods for improving detection
9 and retrieval of flight data, including—

10 (A) low frequency underwater locating de-
11 vices; and

12 (B) extended battery life for underwater
13 locating devices;

14 (2) automatic deployable flight recorders;

15 (3) triggered transmission of flight data, and
16 other satellite-based solutions;

17 (4) distress-mode tracking; and

18 (5) protections against disabling flight recorder
19 systems.

20 (c) COORDINATION.—If the performance standards
21 under subsection (a) are revised, the Administrator shall
22 coordinate with international regulatory authorities and
23 the International Civil Aviation Organization to ensure
24 that any new international standard for aircraft tracking
25 and flight data recovery is consistent with a performance-

1 based approach and is implemented in a globally har-
2 monized manner.

3 **SEC. 2303. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
4 **AND REST REQUIREMENTS.**

5 (a) **MODIFICATION OF FINAL RULE.**—Not later than
6 1 year after the date of enactment of this Act, the Admin-
7 istrator of the Federal Aviation Administration shall re-
8 vise the flight attendant duty period limitations and rest
9 requirements under section 121.467 of title 14, Code of
10 Federal Regulations.

11 (b) **CONTENTS.**—Except as provided in subsection
12 (c), in revising the rule under subsection (a), the Adminis-
13 trator shall ensure that a flight attendant scheduled to
14 a duty period of 14 hours or less is given a scheduled rest
15 period of at least 10 consecutive hours.

16 (c) **EXCEPTION.**—The rest period required under
17 subsection (b) may be scheduled or reduced to 9 consecu-
18 tive hours if the flight attendant is provided a subsequent
19 rest period of at least 11 consecutive hours.

20 (d) **FATIGUE RISK MANAGEMENT PLAN.**—

21 (1) **SUBMISSION OF PLAN BY PART 121 AIR CAR-**
22 **RIERS.**—Not later than 90 days after the date of en-
23 actment of this Act, each air carrier operating under
24 part 121 of title 14, Code of Federal Regulations
25 (referred to in this subsection as a “part 121 air

1 carrier’), shall submit a fatigue risk management
2 plan for the carrier’s flight attendants to the Admin-
3 istrator for review and acceptance.

4 (2) CONTENTS OF PLAN.—Each fatigue risk
5 management plan submitted under paragraph (1)
6 shall include—

7 (A) current flight time and duty period
8 limitations;

9 (B) a rest scheme that is consistent with
10 such limitations and enables the management of
11 flight attendant fatigue, including annual train-
12 ing to increase awareness of—

13 (i) fatigue;

14 (ii) the effects of fatigue on flight at-
15 tendants; and

16 (iii) fatigue countermeasures; and

17 (C) the development and use of method-
18 ology that continually assesses the effectiveness
19 of implementation of the plan, including the
20 ability of the plan—

21 (i) to improve alertness; and

22 (ii) to mitigate performance errors.

23 (3) REVIEW.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator
25 shall—

1 (A) review each fatigue risk management
2 plan submitted under this subsection; and

3 (B)(i) accept the plan; or

4 (ii) reject the plan and provide the
5 part 121 air carrier with suggested modi-
6 fications to be included when the plan is
7 resubmitted.

8 (4) PLAN UPDATES.—

9 (A) IN GENERAL.—Not less frequently
10 than once every 2 years, each part 121 air car-
11 rier shall—

12 (i) update the fatigue risk manage-
13 ment plan submitted under paragraph (1);
14 and

15 (ii) submit the updated plan to the
16 Administrator for review and acceptance.

17 (B) REVIEW.—Not later than 1 year after
18 the date on which an updated plan is submitted
19 under subparagraph (A)(ii), the Administrator
20 shall—

21 (i) review the updated plan; and

22 (ii)(I) accept the updated plan; or

23 (II) reject the updated plan and
24 provide the part 121 air carrier with

1 suggested modifications to be included
2 when the updated plan is resubmitted.

3 (5) COMPLIANCE.—Each part 121 air carrier
4 shall comply with its fatigue risk management plan
5 after the plan is accepted by the Administrator
6 under this subsection.

7 (6) CIVIL PENALTIES.—A violation of this sub-
8 section by a part 121 air carrier shall be treated as
9 a violation of chapter 447 of title 49, United States
10 Code, for the purpose of applying civil penalties
11 under chapter 463 of such title.

12 **SEC. 2304. REPORT ON OBSOLETE TEST EQUIPMENT.**

13 (a) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Administrator of the
15 Federal Aviation Administration shall submit to the ap-
16 propriate committees of Congress a report on the National
17 Test Equipment Program (referred to in this section as
18 the “Program”).

19 (b) CONTENTS.—The report shall include—

20 (1) a list of all known outstanding requests for
21 test equipment, cataloged by type and location,
22 under the Program;

23 (2) a description of the current method under
24 the Program of ensuring calibrated equipment is in
25 place for utilization;

1 (3) a plan by the Administrator for appropriate
2 inventory of such equipment; and

3 (4) the Administrator's recommendations for
4 increasing multifunctionality in future test equip-
5 ment to be developed and all known and foreseeable
6 manufacturer technological advances.

7 **SEC. 2305. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
8 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

9 (a) IN GENERAL.—Not later than June 30, 2018, the
10 Administrator of the Federal Aviation Administration
11 shall—

12 (1) assess available technologies to determine
13 whether it is feasible, cost-effective, and appropriate
14 to install and deploy, at any airport, systems to pro-
15 vide a direct warning capability to flight crews and
16 air traffic controllers of potential runway incursions;
17 and

18 (2) submit to the appropriate committees of
19 Congress a report on the assessment under para-
20 graph (1), including any recommendations.

21 (b) CONSIDERATIONS.—In conducting the assess-
22 ment under subsection (a), the Administration shall con-
23 sider National Transportation Safety Board findings and
24 relevant aviation stakeholder views relating to runway in-
25 cursions.

1 **SEC. 2306. HELICOPTER AIR AMBULANCE OPERATIONS**

2 **DATA AND REPORTS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration, in collaboration with heli-
6 copter air ambulance industry stakeholders, shall assess
7 the availability of information to the general public related
8 to the location of heliports and helipads used by heli-
9 copters providing air ambulance services, including
10 helipads and helipads outside of those listed as part of
11 any existing databases of Airport Master Record (5010)
12 forms.

13 (b) REQUIREMENTS.—Based on the assessment
14 under subsection (a), the Administrator shall—

15 (1) update, as necessary, any existing guidance
16 on what information is included in the current data-
17 bases of Airport Master Record (5010) forms to in-
18 clude information related to heliports and helipads
19 used by helicopters providing air ambulance services;
20 or

21 (2) develop, as appropriate and in collaboration
22 with helicopter air ambulance industry stakeholders,
23 a new database of heliports and helipads used by
24 helicopters providing air ambulance services.

25 (c) REPORTS.—

1 (1) ASSESSMENT.—Not later than 30 days
2 after the date the assessment under subsection (a)
3 is complete, the Administrator shall submit to the
4 appropriate committees of Congress a report on the
5 assessment, including any recommendations on how
6 to make information related to the location of heli-
7 ports and helipads used by helicopters providing air
8 ambulance services available to the general public.

9 (2) IMPLEMENTATION.—Not later than 30 days
10 after completing action under paragraph (1) or
11 paragraph (2) of subsection (b), the Administrator
12 shall submit to the appropriate committees of Con-
13 gress a report on the implementation of that action.

14 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
15 is amended—

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
18 by striking “not later than 1 year after the date
19 of enactment of this section, and annually
20 thereafter” and inserting “annually”;

21 (B) in paragraph (2), by striking “flights
22 and hours flown, by registration number, dur-
23 ing which helicopters operated by the certificate
24 holder were providing helicopter air ambulance

1 services” and inserting “hours flown by the hel-
2 icopters operated by the certificate holder”;

3 (C) in paragraph (3)—

4 (i) by striking “of flight” and insert-
5 ing “of patients transported and the num-
6 ber of patient transport”;

7 (ii) by inserting “or” after “inter-
8 facility transport,”; and

9 (iii) by striking “, or ferry or repo-
10 sitioning flight”;

11 (D) in paragraph (5)—

12 (i) by striking “flights and”; and

13 (ii) by striking “while providing air
14 ambulance services”; and

15 (E) by amending paragraph (6) to read as
16 follows:

17 “(6) The number of hours flown at night by
18 helicopters operated by the certificate holder.”;

19 (2) in subsection (d)—

20 (A) by striking “Not later than 2 years
21 after the date of enactment of this section, and
22 annually thereafter, the Administrator shall
23 submit” and inserting “The Administrator shall
24 submit annually”; and

1 (B) by adding at the end the following:

2 “The report shall include the number of acci-
3 dents experienced by helicopter air ambulance
4 operations, the number of fatal accidents expe-
5 rienced by helicopter air ambulance operations,
6 and the rate, per 100,000 flight hours, of acci-
7 dents and fatal accidents experienced by opera-
8 tors providing helicopter air ambulance serv-
9 ices.”;

10 (3) by redesignating subsection (e) as sub-
11 section (f); and

12 (4) by inserting after subsection (d) the fol-
13 lowing:

14 “(e) IMPLEMENTATION.—In carrying out this sec-
15 tion, the Administrator, in collaboration with part 135 cer-
16 tificate holders providing helicopter air ambulance serv-
17 ices, shall—

18 “(1) propose and develop a method to collect
19 and store the data submitted under subsection (a),
20 including a method to protect the confidentiality of
21 any trade secret or proprietary information sub-
22 mitted; and

23 “(2) ensure that the database under subsection
24 (c) and the report under subsection (d) include data

1 and analysis that will best inform efforts to improve
2 the safety of helicopter air ambulance operations.”.

3 **SEC. 2307. PART 135 ACCIDENT AND INCIDENT DATA.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator of the Federal Aviation Ad-
6 ministration shall—

7 (1) determine, in collaboration with the Na-
8 tional Transportation Safety Board and part 135 in-
9 dustry stakeholders, what, if any, additional data
10 should be reported as part of an accident or incident
11 notice—

12 (A) to more accurately measure the safety
13 of on-demand part 135 aircraft activity;

14 (B) to pinpoint safety problems; and

15 (C) to form the basis for critical research
16 and analysis of general aviation issues; and

17 (2) submit to the appropriate committees of
18 Congress a report on the findings under paragraph
19 (1), including a description of the additional data to
20 be collected, a timeframe for implementing the addi-
21 tional data collection, and any potential obstacles to
22 implementation.

23 **SEC. 2308. DEFINITION OF HUMAN FACTORS.**

24 Section 40102(a), as amended by section 2135 of this
25 Act, is further amended—

1 (1) by redesignating paragraphs (24) through
2 (47) as paragraphs (25) through (48), respectively;
3 and

4 (2) by inserting after paragraph (23) the fol-
5 lowing:

6 “(24) ‘human factors’ means a multidisciplinary
7 field that generates and compiles information about
8 human capabilities and limitations and applies it to
9 design, development, and evaluation of equipment,
10 systems, facilities, procedures, jobs, environments,
11 staffing, organizations, and personnel management
12 for safe, efficient, and effective human performance,
13 including people’s use of technology.”.

14 **SEC. 2309. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
15 **THORITY.**

16 It is the sense of Congress that the pilot in command
17 of an aircraft is directly responsible for, and is the final
18 authority as to, the operation of that aircraft, as set forth
19 in section 91.3(a) of title 14, Code of Federal Regulations
20 (or any successor regulation thereto).

21 **SEC. 2310. ENHANCING ASIAs.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration, in consultation with rel-
25 evant aviation industry stakeholders, shall assess what, if

1 any, improvements are needed to develop the predictive
2 capability of the Aviation Safety Information Analysis and
3 Sharing program (referred to in this section as “ASIAS”)
4 with regard to identifying precursors to accidents.

5 (b) CONTENTS.—In conducting the assessment under
6 subsection (a), the Administrator shall—

7 (1) determine what actions are necessary—

8 (A) to improve data quality and standard-
9 ization; and

10 (B) to increase the data received from ad-
11 ditional segments of the aviation industry, such
12 as small airplane, helicopter, and business jet
13 operations;

14 (2) consider how to prioritize the actions de-
15 scribed in paragraph (1); and

16 (3) review available methods for disseminating
17 safety trend data from ASIAS to the aviation safety
18 community, including the inspector workforce, to in-
19 form in their risk-based decision making efforts.

20 (c) REPORT.—Not later than 60 days after the date
21 the assessment under subsection (a) is complete, the Ad-
22 ministrator shall submit to the appropriate committees of
23 Congress a report on the assessment, including rec-
24 ommendations regarding paragraphs (1) through (3) of
25 subsection (b).

1 **SEC. 2311. IMPROVING RUNWAY SAFETY.**

2 (a) IN GENERAL.—The Administrator of the Federal
3 Aviation Administration shall expedite the development of
4 metrics—

5 (1) to allow the Federal Aviation Administra-
6 tion to determine whether runway incursions are in-
7 creasing; and

8 (2) to assess the effectiveness of implemented
9 runway safety initiatives.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Administrator shall submit
12 to the appropriate committees of Congress a report on the
13 progress in developing the metrics described in subsection
14 (a).

15 **SEC. 2312. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
16 **AND BATTERIES.**

17 (a) RESTRICTIONS ON TRANSPORTATION OF LITHIUM
18 BATTERIES ON AIRCRAFT.—

19 (1) ADOPTION OF ICAO INSTRUCTIONS.—

20 (A) IN GENERAL.—Pursuant to section
21 828 of the FAA Modernization and Reform Act
22 of 2012 (49 U.S.C. 44701 note), not later than
23 90 days after the date of enactment of this Act,
24 the Secretary of the Department of Transpor-
25 tation shall conform United States regulations
26 on the air transport of lithium cells and bat-

1 teries with the lithium cells and battery require-
2 ments in the 2015–2016 edition of the Inter-
3 national Civil Aviation Organization’s (referred
4 to in this subsection as “ICAO”) Technical In-
5 structions (to include all addenda) including the
6 revised standards adopted by ICAO which be-
7 came effective on April 1, 2016.

8 (B) FURTHER PROCEEDINGS.—Beginning
9 on the date the revised regulations under sub-
10 paragraph (A) are published in the Federal
11 Register, any lithium cell and battery rule-
12 making action or update commenced on or after
13 that date shall continue to comply with the re-
14 quirements under section 828 of the FAA Mod-
15 ernization and Reform Act of 2012 (49 U.S.C.
16 44701 note).

17 (2) REVIEW OF OTHER REGULATIONS.—Pursu-
18 ant to section 828 of the FAA Modernization and
19 Reform Act of 2012 (49 U.S.C. 44701 note), the
20 Secretary of Transportation may initiate a review of
21 other existing regulations regarding the air transpor-
22 tation, including passenger-carrying and cargo air-
23 craft, of lithium batteries and cells.

24 (3) MEDICAL DEVICE BATTERIES.—

1 (A) IN GENERAL.—For United States ap-
2 plicants, the Secretary of Transportation shall
3 consider and either grant or deny, within 45
4 days, applications submitted in compliance with
5 part 107 of title 49, Code of Federal Regula-
6 tions, for special permits or approvals for air
7 transportation of lithium ion cells or batteries
8 specifically used by medical devices. Not later
9 than 30 days after the date of application, the
10 Pipeline and Hazardous Materials Safety Ad-
11 ministration shall provide a draft special permit
12 based on the application to the Federal Aviation
13 Administration. The Federal Aviation Adminis-
14 tration shall conduct an on-site inspection for
15 issuance of the special permit not later than 10
16 days after the date of receipt of the draft spe-
17 cial permit from the Pipeline and Hazardous
18 Materials Safety Administration.

19 (B) DEFINITION OF MEDICAL DEVICE.—In
20 this paragraph, the term “medical device” has
21 the meaning given the term “device” in section
22 201 of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 321).

24 (4) SAVINGS CLAUSE.—Nothing in this section
25 shall be construed as expanding or constricting any

1 other authority the Secretary of Transportation has
2 under section 828 of the FAA Modernization and
3 Reform Act of 2012 (49 U.S.C. 44701 note).

4 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
5 Not later than 90 days after the date of enactment of this
6 Act, the President shall establish a lithium battery safety
7 working group to promote and coordinate efforts related
8 to the promotion of the safe manufacture, use, and trans-
9 portation of lithium batteries and cells.

10 (1) COMPOSITION.—

11 (A) IN GENERAL.—The working group
12 shall be composed of at least 1 representative
13 from each of the following:

14 (i) Department of Transportation.

15 (ii) Consumer Product Safety Com-
16 mission.

17 (iii) National Institute on Standards
18 and Technology.

19 (iv) Food and Drug Administration.

20 (B) ADDITIONAL MEMBERS.—The working
21 group may include not more than 4 additional
22 members with expertise in the safe manufac-
23 ture, use, or transportation of lithium batteries
24 and cells.

1 (C) SUBCOMMITTEES.—The President, or
2 members of the working group, may—

3 (i) establish working group sub-
4 committees to focus on specific issues re-
5 lated to the safe manufacture, use, or
6 transportation of lithium batteries and
7 cells; and

8 (ii) include in a subcommittee the par-
9 ticipation of nonmember stakeholders with
10 expertise in areas that the President or
11 members consider necessary.

12 (2) REPORT.—Not later than 1 year after the
13 date it is established, the working group shall—

14 (A) research—

15 (i) additional ways to decrease the
16 risk of fires and explosions from lithium
17 batteries and cells;

18 (ii) additional ways to ensure uniform
19 transportation requirements for both bulk
20 and individual batteries; and

21 (iii) new or existing technologies that
22 could reduce the fire and explosion risk of
23 lithium batteries and cells; and

24 (B) transmit to the appropriate commit-
25 tees of Congress a report on the research under

1 subparagraph (A), including any legislative rec-
2 ommendations to effectuate the safety improve-
3 ments described in clauses (i) through (iii) of
4 that subparagraph.

5 (3) EXEMPTION FROM FACa.—The Federal Ad-
6 visory Committee Act (5 U.S.C. App.) shall not
7 apply to the working group.

8 (4) TERMINATION.—The working group, and
9 any working group subcommittees, shall terminate
10 90 days after the date the report is transmitted
11 under paragraph (2).

12 (c) PARTICIPATION.—The Secretary of Transpor-
13 tation shall request that as part of the ICAO deliberations
14 in the dangerous good panel on these issues, that appro-
15 priate experts on issues under consideration be allowed to
16 participate.

17 **SEC. 2313. AIRCRAFT CABIN EVACUATION PROCEDURES.**

18 (a) REVIEW.—The Administrator of the Federal
19 Aviation Administration shall review—

20 (1) evacuation certification of transport-cat-
21 egory aircraft used in air transportation, with regard
22 to—

23 (A) emergency conditions, including im-
24 pacts into water;

1 (B) crew procedures used for evacuations
2 under actual emergency conditions;

3 (C) any relevant changes to passenger de-
4 mographics and legal requirements, including
5 the Americans with Disabilities Act of 1990 (42
6 U.S.C. 12101 et seq.), that affect emergency
7 evacuations; and

8 (D) any relevant changes to passenger
9 seating configurations, including changes to
10 seat width, padding, reclining, size, pitch, leg
11 room, and aisle width; and

12 (2) recent accidents and incidents in which pas-
13 sengers evacuated such aircraft.

14 (b) CONSULTATION; REVIEW OF DATA.—In con-
15 ducting the review under subsection (a), the Administrator
16 shall—

17 (1) consult with the National Transportation
18 Safety Board, transport-category aircraft manufac-
19 turers, air carriers, and other relevant experts and
20 Federal agencies, including groups representing pas-
21 sengers, airline crew members, maintenance employ-
22 ees, and emergency responders; and

23 (2) review relevant data with respect to evacu-
24 ation certification of transport-category aircraft.

1 (c) REPORT TO CONGRESS.—Not later than 1 year
2 after the date of enactment of this Act, the Administrator
3 shall submit to the appropriate committees of Congress
4 a report on the results of the review under subsection (a)
5 and related recommendations, if any, including rec-
6 ommendations for revisions to the assumptions and meth-
7 ods used for assessing evacuation certification of trans-
8 port-category aircraft.

9 **SEC. 2314. ANNUAL SAFETY INCIDENT REPORT.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, and annually thereafter,
12 the Administrator of the Federal Aviation Administration,
13 shall submit to the appropriate committees of Congress
14 a report regarding part 121 airline safety oversight.

15 (b) CONTENTS.—The annual report shall include—

16 (1) a description of the Federal Aviation Ad-
17 ministration’s safety oversight process to ensure the
18 safety of the traveling public;

19 (2) a description of risk-based oversight meth-
20 ods applied to ensure aviation safety, including to
21 specific issues addressed in the year preceding the
22 report that in the determination of the Adminis-
23 trator address safety risk; and

24 (3) in the instance of specific reviews of air car-
25 rier performance to safety regulations, a description

1 of cases where the timelines for recurrent reviews
2 are advanced.

3 **Subtitle D—General Aviation**
4 **Safety**

5 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
6 **POLICY.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date of enactment of this Act, the Administrator of
9 the Federal Aviation Administration shall—

10 (1) update automated weather observing sys-
11 tems standards to maximize the use of new tech-
12 nologies that promote the reduction of equipment or
13 maintenance cost for non-Federal automated weath-
14 er observing systems, including the use of remote
15 monitoring and maintenance, unless demonstrated to
16 be ineffective;

17 (2) review, and if necessary update, existing
18 policies in accordance with the standards developed
19 under paragraph (1); and

20 (3) establish a process under which appropriate
21 on site airport personnel or an aviation official may,
22 with appropriate manufacturer training or alter-
23 native training as determined by the Administrator,
24 be permitted to conduct the minimum tri-annual
25 preventative maintenance checks under the advisory

1 circular for non-Federal automated weather observ-
2 ing systems (AC 150/5220–16E) and any other
3 similar, successor checks.

4 (b) PERMISSION.—Permission to conduct the min-
5 imum tri-annual preventative maintenance checks de-
6 scribed under subsection (a)(3) and any similar, successor
7 checks shall not be withheld but for specific cause.

8 (c) STANDARDS.—In updating the standards under
9 subsection (a)(1), the Administrator shall—

10 (1) ensure the standards are performance-
11 based;

12 (2) use risk analysis to determine the accuracy
13 of the automated weather observing systems outputs
14 required for pilots to perform safe aircraft oper-
15 ations; and

16 (3) provide a cost benefit analysis to determine
17 whether the benefits outweigh the cost for any re-
18 quirement not directly related to safety.

19 (d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—Not-
20 withstanding any other law, the Administrator shall waive
21 any positive benefit-cost ratio requirement for automated
22 weather observing system equipment under subchapter I
23 of chapter 471, United States Code, if—

24 (1) the airport sponsor or State, as applicable,
25 certifies that a grant for such automated weather

1 observing systems equipment under that chapter will
2 assist an applicable airport to respond to regional
3 emergency needs, including medical, firefighting, and
4 search and rescue needs; and

5 (2) the other requirements under that chapter
6 are met.

7 (e) REPORT.—Not later than September 30, 2018,
8 the Administrator shall submit to the appropriate commit-
9 tees of Congress a report on the implementation of the
10 requirements under this section.

11 **SEC. 2402. REQUIREMENT TO CONSULT WITH STAKE-**
12 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
13 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
14 **GRAM.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Administrator of the Federal Aviation Ad-
17 ministration shall consult with general aviation stake-
18 holders in defining the scope and requirements for any
19 new Future Flight Service Program of the Administration
20 to be used in a competitive source selection for the next
21 flight service contract with the Administration.

22 **SEC. 2403. AVIATION FUEL.**

23 (a) USE OF UNLEADED AVIATION GASOLINE.—The
24 Administrator of the Federal Aviation Administration
25 shall allow the use of an unleaded aviation gasoline in an

1 aircraft as a replacement for a leaded gasoline if the Ad-
2 ministrator—

3 (1) determines that the unleaded aviation gaso-
4 line qualifies as a replacement for an approved lead-
5 ed gasoline;

6 (2) identifies the aircraft and engines that are
7 eligible to use the qualified replacement unleaded
8 gasoline; and

9 (3) adopts a process (other than the traditional
10 means of certification) to allow eligible aircraft and
11 engines to operate using qualified replacement un-
12 leaded gasoline in a manner that ensures safety.

13 (b) TIMING.—The Administrator shall adopt the
14 process described in subsection (a)(3) not later than 180
15 days after the later of—

16 (1) the date on which the Administration com-
17 pletes the Piston Aviation Fuels Initiative; or

18 (2) the date on which the American Society for
19 Testing and Materials publishes a production speci-
20 fication for an unleaded aviation gasoline.

21 **SEC. 2404. APPLICABILITY OF MEDICAL CERTIFICATION**
22 **STANDARDS TO OPERATORS OF AIR BAL-**
23 **LOONS.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “Commercial Balloon Pilot Safety Act of 2017”.

1 (b) IN GENERAL.—Not later than 180 days after the
2 date of enactment of this Act, the Administrator of the
3 Federal Aviation Administration shall revise section
4 61.3(c) of title 14, Code of Federal Regulations (relating
5 to second-class medical certificates), to apply to an oper-
6 ator of an air balloon to the same extent such regulations
7 apply to a pilot flight crewmember of other aircraft.

8 (c) AIR BALLOON DEFINED.—In this section, the
9 term “air balloon” has the meaning given the term “bal-
10 loon” in section 1.1 of title 14, Code of Federal Regula-
11 tions (or any corresponding similar regulation or ruling).

12 **SEC. 2405. TECHNICAL CORRECTIONS.**

13 Section 2110 of the FAA Extension Safety and Secu-
14 rity Act of 2016 (Public Law 114–190; 130 Stat. 615)
15 is amended to read as follows:

16 **“SEC. 2110. TOWER MARKING.**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 Federal Aviation Administration shall issue regulations to
20 implement the requirements of this section with respect
21 to covered towers.

22 “(b) MARKING REQUIRED.—Regulations under sub-
23 section (a) that require that a covered tower be clearly
24 marked shall be consistent with applicable guidance under
25 the Federal Aviation Administration Advisory Circular

1 issued December 4, 2015 (AC 70/7460–1L), or other rel-
2 evant safety guidance, as determined by the Adminis-
3 trator.

4 “(c) APPLICATION.—The regulations issued under
5 subsection (a) shall—

6 “(1) ensure that consistent with this section all
7 covered towers constructed on or after the date on
8 which such regulations take effect are marked in ac-
9 cordance with subsection (b), or included in the
10 database in subsection (e), or, in the case of mete-
11 orological evaluation towers both;

12 “(2) ensure that consistent with this section all
13 covered towers constructed before the date on which
14 such regulations take effect are marked in accord-
15 ance with subsection (b), or included in the database
16 in subsection (e), or, in the case of meteorological
17 evaluation towers both, not later than 1 year after
18 such effective date; and

19 “(3) take effect no earlier than the availability
20 of the database developed by the Administrator pur-
21 suant to subsection (e).

22 “(d) DEFINITIONS.—

23 “(1) IN GENERAL.—In this section:

24 “(A) AGRICULTURAL PURPOSES.—The
25 term ‘agricultural purposes’ means farming in

1 all its branches and the cultivation and tillage
2 of the soil, the production, cultivation, growing,
3 and harvesting of any agricultural or horti-
4 cultural commodities performed by a farmer or
5 on a farm, or on pasture land or rangeland.

6 “(B) COVERED TOWER.—

7 “(i) IN GENERAL.—Except as speci-
8 fied in clause (ii), the term ‘covered tower’
9 means a structure that—

10 “(I) is a meteorological evalua-
11 tion tower, a self-standing tower, or a
12 tower supported by guy wires and
13 ground anchors;

14 “(II) is 10 feet or less in diame-
15 ter at the above-ground base, exclud-
16 ing concrete footing;

17 “(III) at the highest point of the
18 structure is at least 50 feet above
19 ground level;

20 “(IV) at the highest point of the
21 structure is not more than 200 feet
22 above ground level;

23 “(V) has accessory facilities on
24 which an antenna, sensor, camera,

1 meteorological instrument, or other
2 equipment is mounted; and

3 “(VI) is located on land that is—

4 “(aa) in a rural area; and

5 “(bb) used for agricultural
6 purposes or immediately adjacent
7 to such land.

8 “(ii) EXCLUSIONS.—The term ‘cov-
9 ered tower’ does not include any structure
10 that—

11 “(I) is adjacent to a house, barn,
12 electric utility station, or other build-
13 ing;

14 “(II) is within the curtilage of a
15 farmstead or adjacent to another
16 building or visible structure;

17 “(III) supports electric utility
18 transmission or distribution lines;

19 “(IV) is a wind-powered electrical
20 generator with a rotor blade radius
21 that exceeds 6 feet;

22 “(V) is a street light erected or
23 maintained by a Federal, State, local,
24 or tribal entity;

1 “(VI) is designed and con-
2 structed to resemble a tree or visible
3 structure other than a tower;

4 “(VII) is an advertising billboard;

5 “(VIII) is located within the
6 right-of-way of a rail carrier, includ-
7 ing within the boundaries of a rail
8 yard, and is used for a railroad pur-
9 pose;

10 “(IX)(aa) is registered with the
11 Federal Communications Commission
12 under the Antenna Structure Reg-
13 istration program set forth under part
14 17 of title 47, Code of Federal Regu-
15 lations; and

16 “(bb) has been determined by the
17 Administrator to pose no hazard to
18 air navigation; or

19 “(X) has already mitigated any
20 hazard to aviation safety in accord-
21 ance with Federal Aviation Adminis-
22 tration guidance or as otherwise ap-
23 proved by the Administrator.

24 “(C) The term ‘rural area’ has the mean-
25 ing given the term in section 609(a)(5) of the

1 Public Utility Regulatory Policies Act of 197
2 (87 U.S.C. 918c(a)(5)).

3 “(2) OTHER DEFINITIONS.— The Adminis-
4 trator shall define such other terms not otherwise
5 defined in paragraph (1) as may be necessary to
6 carry out this section.

7 “(e) DATABASE.—The Administrator shall—

8 “(1) develop a database that contains the loca-
9 tion and height of each covered tower that is not
10 marked in accordance with this section, except
11 that—

12 “(A) meteorological evaluation towers shall
13 be marked in accordance with subsection (b)
14 and contained in the database; and

15 “(B) towers excluded from the definition of
16 covered tower under subsection (d)(1)(B)(2)
17 must be registered by its owner in the database.

18 “(2) keep the database current;

19 “(3) ensure that a tower to be included in the
20 database pursuant to subsection (c)(1) and con-
21 structed after the date on which regulations issued
22 under subsection (a) take effect is registered by its
23 owner in the database before its construction;

24 “(4) ensure that—

1 “(A) any proprietary information in the
2 database is protected from disclosure in accord-
3 ance with law;

4 “(B) information in the database is de-
5 identified and that such information only in-
6 cludes the location, and height, of such covered
7 towers, and whether the tower has guy wires;
8 and

9 “(C) information in the dataset is
10 encrypted at rest and in transit and is pro-
11 tected from unauthorized access and acquisi-
12 tion;

13 “(5) ensure that, by virtue of accessing the
14 database, users agree and acknowledge that informa-
15 tion in the database—

16 “(A) may only be used for aviation safety
17 purposes; and

18 “(B) may not be disclosed for purposes
19 other than aviation safety, regardless of wheth-
20 er or not the information is identified or labeled
21 as proprietary or with a similar designation;
22 and

23 “(6) ensure that pilots who intend to conduct
24 low-altitude operations in locations described in sub-

1 section (d)(1)(B)(vi) consult the relevant parts of
2 the database before conducting such operations.

3 “(f) EXCLUSION AND WAIVER AUTHORITIES.—As
4 part of a rulemaking conducted pursuant to this section,
5 the Administrator—

6 “(1) may exclude a class, category, or type of
7 tower that is determined by the Administrator, after
8 public notice and comment, to not pose a hazard to
9 aviation safety;

10 “(2) shall establish a process to waive specific
11 covered towers from the marking requirements
12 under this section as required under the rulemaking
13 if the Administrator later determines such tower or
14 towers do not pose a hazard to aviation safety; and

15 “(3) shall consider, in establishing exclusions
16 and granting waivers under this subsection, factors
17 that may sufficiently mitigate risks to aviation safe-
18 ty, such as the length of time the tower has been in
19 existence or alternative marking methods or tech-
20 nologies that maintains a tower’s level of conspicu-
21 ousness to a degree which adequately maintains the
22 safety of the airspace.

23 “(g) PERIODIC REVIEW.—The Administrator shall,
24 in consultation with the Federal Communications Com-
25 mission, periodically review any regulations or guidance

1 regarding the marking of covered towers issued pursuant
2 to this section and update them as necessary, consistent
3 with this section, and in the interest of safety of low-alti-
4 tude aircraft operations.

5 “(h) FCC REGULATIONS.—The Federal Communica-
6 tions Commission shall amend section 17.7 of title 47,
7 Code of Federal Regulations, to require a notification to
8 the Federal Aviation Administration for any construction
9 or alteration of an antenna structure, as defined in section
10 17.2(a) of title 47, Code of Federal Regulations, that is
11 a covered tower as defined by this section.”.

12 **Subtitle E—General Provisions**

13 **SEC. 2501. FAA TECHNICAL TRAINING.**

14 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
15 later than 90 days after the date of enactment of this Act,
16 the Administrator of the Federal Aviation Administration,
17 in collaboration with the exclusive bargaining representa-
18 tives of covered FAA personnel, shall establish an e-learn-
19 ing training pilot program in accordance with the require-
20 ments of this section.

21 (b) CURRICULUM.—The pilot program shall—

22 (1) include a recurrent training curriculum for
23 covered FAA personnel to ensure that the covered
24 FAA personnel receive instruction on the latest avia-
25 tion technologies, processes, and procedures;

1 (2) focus on providing specialized technical
2 training for covered FAA personnel, as determined
3 necessary by the Administrator;

4 (3) include training courses on applicable regu-
5 lations of the Federal Aviation Administration; and

6 (4) consider the efficacy of instructor-led online
7 training.

8 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
9 gram shall terminate 1 year after the date of establish-
10 ment of the pilot program.

11 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
12 nation of the pilot program, the Administrator shall assess
13 and establish or update an e-learning training program
14 that incorporates lessons learned for covered FAA per-
15 sonnel as a result of the pilot program.

16 (e) DEFINITIONS.—In this section:

17 (1) COVERED FAA PERSONNEL.—The term
18 “covered FAA personnel” means airway transpor-
19 tation systems specialists and aviation safety inspec-
20 tors of the Federal Aviation Administration.

21 (2) E-LEARNING TRAINING.—The term “e-
22 learning training” means learning utilizing electronic
23 technologies to access educational curriculum outside
24 of a traditional classroom.

1 **SEC. 2502. SAFETY CRITICAL STAFFING.**

2 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
3 later than 1 year after the date of enactment of this Act,
4 the Inspector General of the Department of Transpor-
5 tation shall conduct and complete an audit of the staffing
6 model used by the Federal Aviation Administration to de-
7 termine the number of aviation safety inspectors that are
8 needed to fulfill the mission of the Federal Aviation Ad-
9 ministration and adequately ensure aviation safety.

10 (b) CONTENTS.—The audit shall include, at a min-
11 imum—

12 (1) a review of the staffing model and an anal-
13 ysis of how consistently the staffing model is applied
14 throughout the Federal Aviation Administration’s
15 aviation safety lines of business;

16 (2) a review of the assumptions and methods
17 used in devising and implementing the staffing
18 model to assess the adequacy of the staffing model
19 to predict the number of aviation safety inspectors
20 needed to properly fulfill the mission of the Federal
21 Aviation Administration and meet the future growth
22 of the aviation industry; and

23 (3) a determination on whether the current
24 staffing model takes into account the Federal Avia-
25 tion Administration’s authority to fully utilize des-
26 ignees.

1 (c) REPORT.—Not later than 30 days after the date
2 of completion of the audit, the Inspector General shall
3 submit to the appropriate committees of Congress a report
4 on the results of the audit.

5 **SEC. 2503. APPROACH CONTROL RADAR.**

6 The Administrator of the Federal Aviation Adminis-
7 tration shall—

8 (1) identify airports that are currently served
9 by Federal Aviation Administration towers with
10 nonradar approach and departure control (type 4
11 tower); and

12 (2) develop an implementation plan, including
13 budgetary considerations, to provide an airport iden-
14 tified under paragraph (1), if appropriate, with ap-
15 proach control radar.

16 **SEC. 2504. AIRSPACE MANAGEMENT ADVISORY COM-**
17 **MITTEE.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Administrator of
20 the Federal Aviation Administration shall establish an ad-
21 visory committee to carry out the duties described in sub-
22 section (b).

23 (b) DUTIES.—The advisory committee shall—

24 (1) conduct a review of the practices and proce-
25 dures of the Federal Aviation Administration for de-

1 veloping proposals with respect to changes in regula-
2 tions, policies, or guidance of the Federal Aviation
3 Administration relating to airspace that affect air-
4 port operations, airport capacity, the environment,
5 or communities in the vicinity of airports, includ-
6 ing—

7 (A) an assessment of the extent to which
8 there is consultation, or a lack of consultation,
9 with respect to such proposals—

10 (i) between and among the affected
11 elements of the Federal Aviation Adminis-
12 tration, including the Air Traffic Organiza-
13 tion, the Office of Airports, the Flight
14 Standards Service, the Office of NextGen,
15 and the Office of Energy and Environ-
16 ment; and

17 (ii) between the Federal Aviation Ad-
18 ministration and affected entities, includ-
19 ing airports, aircraft operators, commu-
20 nities, and State and local governments;

21 (2) recommend revisions to such practices and
22 procedures to improve communications and coordi-
23 nation between and among affected elements of the
24 Federal Aviation Administration and with other af-
25 fected entities with respect to proposals described in

1 paragraph (1) and the potential effects of such pro-
2 posals;

3 (3) conduct a review of the management by the
4 Federal Aviation Administration of systems and in-
5 formation used to evaluate data relating to obstruc-
6 tions to air navigation or navigational facilities
7 under part 77 of title 14, Code of Federal Regula-
8 tions; and

9 (4) make recommendations to ensure that the
10 data described in paragraph (3) is publicly accessible
11 and streamlined to ensure developers, airport opera-
12 tors, and other interested parties may obtain rel-
13 evant information concerning potential obstructions
14 when working to preserve and create a safe and effi-
15 cient navigable airspace.

16 (c) MEMBERSHIP.—The membership of the advisory
17 committee established under subsection (a) shall include
18 representatives of—

19 (1) air carriers, including passenger and cargo
20 air carriers;

21 (2) general aviation, including business aviation
22 and fixed wing aircraft and rotorcraft;

23 (3) airports of various sizes and types;

24 (4) air traffic controllers; and

25 (5) State aviation officials.

1 (d) REPORT REQUIRED.—Not later than 1 year after
2 the date the advisory committee is established under sub-
3 section (a), the advisory committee shall submit to the ap-
4 propriate committees of Congress a report on the actions
5 taken by the advisory committee to carry out the duties
6 described in subsection (b).

7 **Subtitle F—General Aviation Pilot** 8 **Protections**

9 **SEC. 2601. SHORT TITLE.**

10 This subtitle may be cited as the “Fairness for Pilots
11 Act”.

12 **SEC. 2602. EXPANSION OF PILOT’S BILL OF RIGHTS.**

13 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
14 CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of
15 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
16 44703 note) is amended by striking “or imposing a puni-
17 tive civil action or an emergency order of revocation under
18 subsections (d) and (e) of section 44709 of such title” and
19 inserting “suspending or revoking an airman certificate
20 under section 44709(d) of such title, or imposing an emer-
21 gency order of revocation under subsections (d) and (e)
22 of section 44709 of such title”.

23 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
24 OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights

1 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
2 note) is amended—

3 (1) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) IN GENERAL.—In an appeal filed under
6 subsection (d) in a United States district court with
7 respect to a denial, suspension, or revocation of an
8 airman certificate by the Administrator—

9 “(A) the district court shall review the de-
10 nial, suspension, or revocation de novo, includ-
11 ing by—

12 “(i) conducting a full independent re-
13 view of the complete administrative record
14 of the denial, suspension, or revocation;

15 “(ii) permitting additional discovery
16 and the taking of additional evidence; and

17 “(iii) making the findings of fact and
18 conclusions of law required by Rule 52 of
19 the Federal Rules of Civil Procedure with-
20 out being bound to any findings of fact of
21 the Administrator or the National Trans-
22 portation Safety Board.”;

23 (2) by redesignating paragraph (2) as para-
24 graph (3); and

1 (3) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) BURDEN OF PROOF.—In an appeal filed
4 under subsection (d) in a United States district
5 court after an exhaustion of administrative remedies,
6 the burden of proof shall be as follows:

7 “(A) In an appeal of the denial of an ap-
8 plication for the issuance or renewal of an air-
9 man certificate under section 44703 of title 49,
10 United States Code, the burden of proof shall
11 be upon the applicant denied an airman certifi-
12 cate by the Administrator.

13 “(B) In an appeal of an order issued by
14 the Administrator under section 44709 of title
15 49, United States Code, the burden of proof
16 shall be upon the Administrator.”; and

17 (4) by adding at the end the following:

18 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
19 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
20 this subsection or subsection (a)(1) of section 554 of
21 title 5, United States Code, section 554 of such title
22 shall apply to adjudications of the Administrator
23 and the National Transportation Safety Board to
24 the same extent as that section applied to such adju-

1 dications before the date of enactment of the Fair-
2 ness for Pilots Act.”.

3 (c) NOTIFICATION OF INVESTIGATION.—Subsection
4 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
5 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
6 amended—

7 (1) in paragraph (2)(A), by inserting “and the
8 specific activity on which the investigation is based”
9 after “nature of the investigation”;

10 (2) in paragraph (3), by striking “timely”; and

11 (3) in paragraph (5), by striking “section
12 44709(c)(2)” and inserting “section 44709(e)(2)”.

13 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
14 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
15 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
16 adding at the end the following:

17 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

18 “(1) IN GENERAL.—

19 “(A) EMERGENCY ORDERS.—In any pro-
20 ceeding conducted under part 821 of title 49,
21 Code of Federal Regulations, relating to the
22 amendment, modification, suspension, or rev-
23 ocation of an airman certificate, in which the
24 Administrator issues an emergency order under
25 subsections (d) and (e) of section 44709, sec-

1 tion 44710, or section 46105(c) of title 49,
2 United States Code, or another order that takes
3 effect immediately, the Administrator shall pro-
4 vide to the individual holding the airman certifi-
5 cate the releasable portion of the investigative
6 report at the time the Administrator issues the
7 order. If the complete Report of Investigation is
8 not available at the time the Emergency Order
9 is issued, the Administrator shall issue all por-
10 tions of the report that are available at the time
11 and shall provide the full report within 5 days
12 of its completion.

13 “(B) OTHER ORDERS.—In any non-emer-
14 gency proceeding conducted under part 821 of
15 title 49, Code of Federal Regulations, relating
16 to the amendment, modification, suspension, or
17 revocation of an airman certificate, in which the
18 Administrator notifies the certificate holder of a
19 proposed certificate action under subsections
20 (b) and (c) of section 44709 or section 44710
21 of title 49, United States Code, the Adminis-
22 trator shall, upon the written request of the
23 covered certificate holder and at any time after
24 that notification, provide to the covered certifi-

1 cate holder the releasable portion of the inves-
2 tigative report.

3 “(2) MOTION FOR DISMISSAL.—If the Adminis-
4 trator does not provide the releasable portions of the
5 investigative report to the individual holding the air-
6 man certificate subject to the proceeding referred to
7 in paragraph (1) by the time required by that para-
8 graph, the individual may move to dismiss the com-
9 plaint of the Administrator or for other relief and,
10 unless the Administrator establishes good cause for
11 the failure to provide the investigative report or for
12 a lack of timeliness, the administrative law judge
13 shall order such relief as the judge considers appro-
14 priate.

15 “(3) RELEASABLE PORTION OF INVESTIGATIVE
16 REPORT.—For purposes of paragraph (1), the re-
17 leasable portion of an investigative report is all in-
18 formation in the report, except for the following:

19 “(A) Information that is privileged.

20 “(B) Information that constitutes work
21 product or reflects internal deliberative process.

22 “(C) Information that would disclose the
23 identity of a confidential source.

24 “(D) Information the disclosure of which is
25 prohibited by any other provision of law.

1 “(E) Information that is not relevant to
2 the subject matter of the proceeding.

3 “(F) Information the Administrator can
4 demonstrate is withheld for good cause.

5 “(G) Sensitive security information, as de-
6 fined in section 15.5 of title 49, Code of Fed-
7 eral Regulations (or any corresponding similar
8 ruling or regulation).

9 “(4) RULE OF CONSTRUCTION.—Nothing in
10 this subsection shall be construed to prevent the Ad-
11 ministrator from releasing to an individual subject
12 to an investigation described in subsection (b)(1)—

13 “(A) information in addition to the infor-
14 mation included in the releasable portion of the
15 investigative report; or

16 “(B) a copy of the investigative report be-
17 fore the Administrator issues a complaint.”.

18 **SEC. 2603. LIMITATIONS ON REEXAMINATION OF CERTIFI-**

19 **CATE HOLDERS.**

20 (a) IN GENERAL.—Section 44709(a) is amended—

21 (1) by striking “The Administrator” and insert-
22 ing the following:

23 “(1) IN GENERAL.—The Administrator”;

24 (2) by striking “reexamine” and inserting “, ex-
25 cept as provided in paragraph (2), reexamine”; and

1 (3) by adding at the end the following:

2 “(2) LIMITATION ON THE REEXAMINATION OF
3 AIRMAN CERTIFICATES.—

4 “(A) IN GENERAL.—The Administrator
5 may not reexamine an airman holding a stu-
6 dent, sport, recreational, or private pilot certifi-
7 cate issued under section 44703 of this title if
8 the reexamination is ordered as a result of an
9 event involving the fault of the Federal Aviation
10 Administration or its designee, unless the Ad-
11 ministrator has reasonable grounds—

12 “(i) to establish that the airman may
13 not be qualified to exercise the privileges of
14 a particular certificate or rating, based
15 upon an act or omission committed by the
16 airman while exercising those privileges,
17 after the certificate or rating was issued by
18 the Federal Aviation Administration or its
19 designee; or

20 “(ii) to demonstrate that the airman
21 obtained the certificate or the rating
22 through fraudulent means or through an
23 examination that was substantially and de-
24 monstrably inadequate to establish the air-
25 man’s qualifications.

1 “(B) NOTIFICATION REQUIREMENTS.—Be-
2 fore taking any action to reexamine an airman
3 under subparagraph (A), the Administrator
4 shall provide to the airman—

5 “(i) a reasonable basis, described in
6 detail, for requesting the reexamination;
7 and

8 “(ii) any information gathered by the
9 Federal Aviation Administration, that the
10 Administrator determines is appropriate to
11 provide, such as the scope and nature of
12 the requested reexamination, that formed
13 the basis for that justification.”.

14 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
15 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
16 INATION.—Section 44709(b) is amended—

17 (1) in paragraph (1), by redesignating subpara-
18 graphs (A) and (B) as clauses (i) and (ii), respec-
19 tively, and indenting appropriately;

20 (2) by redesignating paragraphs (1) and (2) as
21 subparagraphs (A) and (B), respectively, and indent-
22 ing appropriately;

23 (3) in the matter preceding subparagraph (A),
24 as redesignated, by striking “The Administrator”
25 and inserting the following:

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Administrator”;

3 (4) by adding at the end the following:

4 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
5 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
6 AFTER REEXAMINATION.—

7 “(A) IN GENERAL.—The Administrator
8 may not issue an order to amend, modify, sus-
9 pend, or revoke an airman certificate held by a
10 student, sport, recreational, or private pilot and
11 issued under section 44703 of this title after a
12 reexamination of the airman holding the certifi-
13 cate unless the Administrator determines that
14 the airman—

15 “(i) lacks the technical skills and com-
16 petency, or care, judgment, and responsi-
17 bility, necessary to hold and safely exercise
18 the privileges of the certificate; or

19 “(ii) materially contributed to the
20 issuance of the certificate by fraudulent
21 means.

22 “(B) STANDARD OF REVIEW.—Any order
23 of the Administrator under this paragraph shall
24 be subject to the standard of review provided

1 for under section 2 of the Pilot’s Bill of Rights
2 (49 U.S.C. 44703 note).”.

3 (c) CONFORMING AMENDMENTS.—Section
4 44709(d)(1) is amended—

5 (1) in subparagraph (A), by striking “sub-
6 section (b)(1)(A)” and inserting “subsection
7 (b)(1)(A)(i)”; and

8 (2) in subparagraph (B), by striking “sub-
9 section (b)(1)(B)” and inserting “subsection
10 (b)(1)(A)(ii)”.

11 **SEC. 2604. EXPEDITING UPDATES TO NOTAM PROGRAM.**

12 (a) IN GENERAL.—Beginning on the date that is 180
13 days after the date of enactment of this Act, the Adminis-
14 trator of the Federal Aviation Administration may not
15 take any enforcement action against any individual for a
16 violation of a NOTAM (as defined in section 3 of the Pi-
17 lot’s Bill of Rights (49 U.S.C. 44701 note)) until the Ad-
18 ministrator certifies to the appropriate committees of Con-
19 gress that the Administrator has complied with the re-
20 quirements of section 3 of the Pilot’s Bill of Rights, as
21 amended by this section.

22 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
23 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
24 44701 note) is amended—

25 (1) in subsection (a)(2)—

1 (A) in the matter preceding subparagraph

2 (A)—

3 (i) by striking “this Act” and insert-
4 ing “the Fairness for Pilots Act”; and

5 (ii) by striking “begin” and inserting
6 “complete the implementation of”;

7 (B) by amending subparagraph (B) to read
8 as follows:

9 “(B) to continue developing and modern-
10 izing the NOTAM repository, in a public cen-
11 tral location, to maintain and archive all
12 NOTAMs, including the original content and
13 form of the notices, the original date of publica-
14 tion, and any amendments to such notices with
15 the date of each amendment, in a manner that
16 is Internet-accessible, machine-readable, and
17 searchable;”;

18 (C) in subparagraph (C), by striking the
19 period at the end and inserting “; and”; and

20 (D) by adding at the end the following:

21 “(D) to specify the times during which
22 temporary flight restrictions are in effect and
23 the duration of a designation of special use air-
24 space in a specific area.”; and

1 (2) by amending subsection (d) to read as fol-
2 lows:

3 “(d) DESIGNATION OF REPOSITORY AS SOLE
4 SOURCE FOR NOTAMS.—

5 “(1) IN GENERAL.—The Administrator—

6 “(A) shall consider the repository for
7 NOTAMs under subsection (a)(2)(B) to be the
8 sole location for airmen to check for NOTAMs;
9 and

10 “(B) may not consider a NOTAM to be
11 announced or published until the NOTAM is in-
12 cluded in the repository for NOTAMs under
13 subsection (a)(2)(B).

14 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
15 LATIONS OF NOTAMS NOT IN REPOSITORY.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), beginning on the date that
18 the repository under subsection (a)(2)(B) is
19 final and published, the Administrator may not
20 take any enforcement action against an airman
21 for a violation of a NOTAM during a flight if—

22 “(i) that NOTAM is not available
23 through the repository before the com-
24 mencement of the flight; and

1 “(ii) that NOTAM is not reasonably
2 accessible and identifiable to the airman.

3 “(B) EXCEPTION FOR NATIONAL SECUR-
4 RITY.—Subparagraph (A) shall not apply in the
5 case of an enforcement action for a violation of
6 a NOTAM that directly relates to national se-
7 curity.”.

8 **SEC. 2605. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

9 (a) IN GENERAL.—Subchapter I of chapter 471 is
10 amended by inserting after section 47124 the following:

11 **“§ 47124a. Accessibility of certain flight data**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ADMINISTRATION.—The term ‘Administra-
14 tion’ means the Federal Aviation Administration.

15 “(2) ADMINISTRATOR.—The term ‘Adminis-
16 trator’ means the Administrator of the Federal Avia-
17 tion Administration.

18 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
19 plicable individual’ means an individual who is the
20 subject of an investigation initiated by the Adminis-
21 trator related to a covered flight record.

22 “(4) CONTRACT TOWER.—The term ‘contract
23 tower’ means an air traffic control tower providing
24 air traffic control services pursuant to a contract
25 with the Administration under section 47124.

1 “(5) COVERED FLIGHT RECORD.—The term
2 ‘covered flight record’ means any air traffic data (as
3 defined in section 2(b)(4)(B) of the Pilot’s Bill of
4 Rights (49 U.S.C. 44703 note)), created, main-
5 tained, or controlled by any program of the Adminis-
6 tration, including any program of the Administration
7 carried out by employees or contractors of the Ad-
8 ministration, such as contract towers, flight service
9 stations, and controller training programs.

10 “(b) PROVISION OF COVERED FLIGHT RECORD TO
11 ADMINISTRATION.—

12 “(1) REQUESTS.—Whenever the Administration
13 receives a written request for a covered flight record
14 from an applicable individual and the covered flight
15 record is not in the possession of the Administration,
16 the Administrator shall request the covered flight
17 record from the contract tower or other contractor
18 of the Administration in possession of the covered
19 flight record.

20 “(2) PROVISION OF RECORDS.—Any covered
21 flight record created, maintained, or controlled by a
22 contract tower or another contractor of the Adminis-
23 tration that maintains covered flight records shall be
24 provided to the Administration if the Administration
25 requests the record pursuant to paragraph (1).

1 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
2 TION.—If the Administrator has issued, or subse-
3 quently issues, a Notice of Proposed Certificate Ac-
4 tion relying on evidence contained in the covered
5 flight record and the individual who is the subject of
6 an investigation has requested the record, the Ad-
7 ministrator shall promptly produce the record and
8 extend the time the individual has to respond to the
9 Notice of Proposed Certificate Action until the cov-
10 ered flight record is provided.

11 “(c) IMPLEMENTATION.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of the Fairness for Pi-
14 lots Act, the Administrator shall promulgate regula-
15 tions or guidance to ensure compliance with this sec-
16 tion.

17 “(2) COMPLIANCE BY CONTRACTORS.—

18 “(A) IN GENERAL.—Compliance with this
19 section by a contract tower or other contractor
20 of the Administration that maintains covered
21 flight records shall be included as a material
22 term in any contract between the Administra-
23 tion and the contract tower or contractor en-
24 tered into or renewed on or after the date of en-
25 actment of the Fairness for Pilots Act.

1 “(B) NONAPPLICABILITY.—Subparagraph
2 (A) shall not apply to any contract or agree-
3 ment in effect on the date of enactment of the
4 Fairness for Pilots Act unless the contract or
5 agreement is renegotiated, renewed, or modified
6 after that date.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
8 The table of contents for chapter 471 is amended by in-
9 serting after the item relating to section 47124 the fol-
10 lowing:

 “47124a. Accessibility of certain flight data.”.

11 **SEC. 2606. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
12 **CERTAIN NOTICES.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator of the Federal Aviation Ad-
15 ministration shall revise section 13.11 of title 14, Code
16 of Federal Regulations, to authorize legal counsel of the
17 Federal Aviation Administration to close enforcement ac-
18 tions covered by that section with a warning notice, letter
19 of correction, or other administrative action.

20 **TITLE III—AIR SERVICE**
21 **IMPROVEMENTS**

22 **SEC. 3001. DEFINITIONS.**

23 In this title:

24 (1) COVERED AIR CARRIER.—The term “cov-
25 ered air carrier” means an air carrier or a foreign

1 air carrier as those terms are defined in section
2 40102 of title 49, United States Code.

3 (2) ONLINE SERVICE.—The term “online serv-
4 ice” means any service available over the Internet,
5 or that connects to the Internet or a wide-area net-
6 work.

7 (3) TICKET AGENT.—The term “ticket agent”
8 has the meaning given the term in section 40102 of
9 title 49, United States Code.

10 **Subtitle A—Passenger Air Service** 11 **Improvements**

12 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-** 13 **TIONS.**

14 (a) REVIEW.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary of
17 Transportation shall review the categorization of
18 delays and cancellations with respect to air carriers
19 that are required to report such data.

20 (2) CONSIDERATIONS.—In conducting the re-
21 view under paragraph (1), the Secretary shall con-
22 sider, at a minimum—

23 (A) whether delays and cancellations at-
24 tributed by an air carrier to weather were un-
25 avoidable, including—

1 (i) due to operational issues, air traf-
2 fic control issues, or groundstop or delay
3 management programs;

4 (ii) due to the air carrier's discretion
5 in determining which flights to delay or
6 cancel during a weather event, including
7 an attempt to impact the fewest pas-
8 sengers; or

9 (iii) due to other factors;

10 (B) whether and to what extent delays and
11 cancellations attributed by an air carrier to
12 weather disproportionately impact service to
13 smaller airports and communities; and

14 (C) whether it is an unfair or deceptive
15 practice in violation of section 41712 of title
16 49, United States Code, for an air carrier to in-
17 form a passenger that a flight is delayed or
18 cancelled due to weather, without any other
19 context or explanation for the delay or cancella-
20 tion, when the air carrier has discretion as to
21 which flights to delay or cancel.

22 (3) CONSULTATION.—The Secretary may con-
23 sult air carriers and the Advisory Committee for
24 Aviation Consumer Protection, established under
25 section 411 of the FAA Modernization and Reform

1 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
2 in conducting the review and providing recommenda-
3 tions.

4 (b) REPORT.—Not later than 90 days after the date
5 the review under subsection (a) is complete, the Secretary
6 shall submit to the appropriate committees of Congress
7 a report on the review under subsection (a), including any
8 recommendations.

9 (c) SAVINGS PROVISION.—Nothing in this section
10 shall be construed as affecting the decision of an air car-
11 rier to maximize its system capacity during weather-re-
12 lated events to accommodate the greatest number of pas-
13 sengers.

14 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

15 (a) REVIEW.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary of
18 Transportation shall review whether it is an unfair
19 or deceptive practice in violation of section 41712 of
20 title 49, United States Code, for an air carrier to
21 change the itinerary of a passenger, more than 24
22 hours before departure, if the new itinerary involves
23 additional stops or departs 3 hours earlier or later
24 and compensation or other more suitable air trans-
25 portation is not offered. In conducting the review,

1 the Secretary shall consider the refund policy and al-
2 ternative travel options provided or offered by the
3 air carrier in such situations.

4 (2) CONSULTATION.—The Secretary may con-
5 sult with air carriers and the Advisory Committee
6 for Aviation Consumer Protection, established under
7 section 411 of the FAA Modernization and Reform
8 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
9 in conducting the review and providing recommenda-
10 tions.

11 (b) REPORT.—Not later than 90 days after the date
12 the review under subsection (a) is complete, the Secretary
13 shall submit to appropriate committees of Congress a re-
14 port on the review under subsection (a), including any rec-
15 ommendations.

16 **SEC. 3103. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
17 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
18 **DENTS.**

19 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
20 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
21 amended—

22 (1) in subsection (a), by striking “a major” and
23 inserting “any”;

24 (2) in subsection (b)—

1 (A) in paragraph (9), by striking “(and
2 any other victim of the accident)” and inserting
3 “(and any other victim of the accident, includ-
4 ing any victim on the ground)”;

5 (B) in paragraph (16), by striking “major”
6 and inserting “any”; and

7 (C) in paragraph (17)(A), by striking “sig-
8 nificant” and inserting “any”; and

9 (3) by amending subsection (e) to read as fol-
10 lows:

11 “(e) DEFINITIONS.—In this section:

12 “(1) ‘Aircraft accident’ means any aviation dis-
13 aster, regardless of its cause or suspected cause, for
14 which the National Transportation Safety Board is
15 the lead investigative agency.

16 “(2) ‘Passenger’ has the meaning given the
17 term in section 1136.”.

18 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
19 AIR TRANSPORTATION.—Section 41313 is amended—

20 (1) in subsection (b), by striking “a major” and
21 inserting “any”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “a sig-
24 nificant” and inserting “any”;

1 (B) in paragraph (2), by striking “a sig-
2 nificant” and inserting “any”;

3 (C) in paragraph (16), by striking “major”
4 and inserting “any”; and

5 (D) in paragraph (17)(A), by striking “sig-
6 nificant” and inserting “any”.

7 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—
8 Section 1136(a) is amended by striking “aircraft accident
9 within the United States involving an air carrier or foreign
10 air carrier and resulting in a major loss of life” and insert-
11 ing “aircraft accident involving an air carrier or foreign
12 air carrier, resulting in any loss of life, and for which the
13 National Transportation Safety Board will serve as the
14 lead investigative agency”.

15 **SEC. 3104. TRAVELERS WITH DISABILITIES.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Comptroller General
18 of the United States shall—

19 (1) conduct a study of airport accessibility best
20 practices for individuals with disabilities; and

21 (2) submit to the appropriate committees of
22 Congress a report on the study, including the Comp-
23 troller General’s findings, conclusions, and rec-
24 ommendations.

1 (b) CONTENTS.—The study under subsection (a)
2 shall include accessibility best practices beyond those rec-
3 ommended under the Architectural Barriers Act of 1968
4 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
5 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
6 Stat. 1080; Public Law 99–435), or Americans with Dis-
7 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
8 prove infrastructure and communications, such as with re-
9 gard to wayfinding, amenities, and passenger care.

10 **SEC. 3105. EXTENSION OF ADVISORY COMMITTEE FOR**
11 **AVIATION CONSUMER PROTECTION.**

12 (a) TERMINATION.—Section 411(h) of the FAA Mod-
13 ernization and Reform Act of 2012 (Public Law 112–95;
14 49 U.S.C. 42301 prec. note) is amended by striking “Sep-
15 tember 30, 2017” and inserting “September 30, 2021”.

16 (b) FINANCIAL DISCLOSURE.—Section 411 of the
17 FAA Modernization and Reform Act of 2012 (Public Law
18 112–95; 49 U.S.C. 42301 prec. note) is further amend-
19 ed—

20 (1) by redesignating subsection (h) as sub-
21 section (i); and

22 (2) by inserting before subsection (i), the fol-
23 lowing:

24 “(h) CONFLICT OF INTEREST DISCLOSURE.—Begin-
25 ning on the date of enactment of the Federal Aviation Ad-

1 ministration Reauthorization Act of 2017, each member
2 of the advisory committee who is not a government em-
3 ployee shall disclose, on an annual basis, any potential
4 conflicts of interest, including financial conflicts of inter-
5 est, to the Secretary in such form and manner as pre-
6 scribed by the Secretary.”.

7 (c) RECOMMENDATIONS.—Section 411(g) of the FAA
8 Modernization and Reform Act of 2012 (Public Law 112–
9 95; 49 U.S.C. 42301 prec. note) is amended—

10 (1) by striking “of the first 2 calendar years be-
11 ginning after the date of enactment of this Act” and
12 inserting “calendar year”; and

13 (2) by inserting “and post on the Department
14 of Transportation Web site” after “Congress”.

15 **SEC. 3106. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

16 Section 47107(r)(3) is amended by striking “October
17 1, 2017” and inserting “October 1, 2021”.

18 **SEC. 3107. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**

19 **ORED BY A COVERED AIR CARRIER.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary of Transportation shall promul-
22 gate regulations that require each covered air carrier to
23 promptly provide an automated refund to a passenger of
24 any ancillary fees paid for services related to air travel
25 that the passenger does not receive, including on the pas-

1 senger's scheduled flight, on a subsequent replacement
2 itinerary if there has been a rescheduling, or for a flight
3 not taken by the passenger.

4 **SEC. 3108. DISCLOSURE OF FEES TO CONSUMERS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall issue final regulations requiring—

8 (1) each covered air carrier to disclose to a con-
9 sumer the baggage fee, cancellation fee, change fee,
10 ticketing fee, and seat selection fee of that covered
11 air carrier in a standardized format; and

12 (2) notwithstanding the manner in which infor-
13 mation regarding the fees described in paragraph
14 (1) is collected, each ticket agent to disclose to a
15 consumer such fees of a covered air carrier in the
16 standardized format described in paragraph (1).

17 (b) REQUIREMENTS.—The regulations under sub-
18 section (a) shall require that each disclosure—

19 (1) if ticketing is done on an Internet Web site
20 or other online service—

21 (A) be prominently displayed to the con-
22 sumer prior to the point of purchase; and

23 (B) set forth the fees described in sub-
24 section (a)(1) in clear and plain language and
25 a font of easily readable size; and

1 (2) if ticketing is done on the telephone, be ex-
2 pressly stated to the consumer during the telephone
3 call and prior to the point of purchase.

4 **SEC. 3109. SEAT ASSIGNMENTS.**

5 (a) IN GENERAL.—Not later than 15 months after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall complete such actions as may be necessary
8 to require each covered air carrier and ticket agent to dis-
9 close to a consumer that seat selection for which a fee
10 is charged is an optional service, and that if a consumer
11 does not pay for a seat assignment, a seat will be assigned
12 to the consumer from available inventory.

13 (b) REQUIREMENTS.—The disclosure under sub-
14 section (a) shall—

15 (1) if ticketing is done on an Internet Web site
16 or other online service, be prominently displayed to
17 the consumer on that Internet Web site or online
18 service during the selection of seating or prior to the
19 point of purchase;

20 (2) if ticketing is done on the telephone, be ex-
21 pressly stated to the consumer during the telephone
22 call and prior to the point of purchase;

23 (3) be made at the time the consumer checks
24 in for the flight; and

1 (4) be made at other ancillary seat assignment
2 purchase opportunities prior to departure.

3 **SEC. 3110. ADVANCE BOARDING DURING PREGNANCY.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Secretary of Transportation shall review
6 air carrier policies regarding traveling during pregnancy
7 and, if appropriate, may revise regulations, as the Sec-
8 retary considers necessary, to require an air carrier to
9 offer advance boarding of an aircraft to a pregnant pas-
10 senger who requests such assistance.

11 **SEC. 3111. CONSUMER COMPLAINT PROCESS IMPROVE-**
12 **MENT.**

13 (a) IN GENERAL.—Section 42302 is amended—

14 (1) by redesignating subsections (b) and (c) as
15 subsections (c) and (d), respectively;

16 (2) by inserting after subsection (a), the fol-
17 lowing:

18 “(b) POINT OF SALE.—Each air carrier, foreign air
19 carrier, and ticket agent shall inform each consumer of
20 a carrier service, at the point of sale, that the consumer
21 can file a complaint about that service with the carrier
22 and with the Aviation Consumer Protection Division of the
23 Department of Transportation.”;

24 (3) by amending subsection (c), as redesign-
25 nated, to read as follows:

1 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
2 ICE NOTICE.—Each air carrier, foreign air carrier, and
3 ticket agent shall include on its Internet Web site, any
4 related mobile device application, and online service—

5 “(1) the hotline telephone number established
6 under subsection (a) or for the Aviation Consumer
7 Protection Division of the Department of Transpor-
8 tation;

9 “(2) an active link and the email address, tele-
10 phone number, and mailing address of the air car-
11 rier, foreign air carrier, or ticket agent, as applica-
12 ble, for a consumer to submit a complaint to the
13 carrier about the quality of service;

14 “(3) notice that the consumer can file a com-
15 plaint with the Aviation Consumer Protection Divi-
16 sion of the Department of Transportation;

17 “(4) an active link to the Internet Web site of
18 the Aviation Consumer Protection Division of the
19 Department of Transportation for a consumer to file
20 a complaint; and

21 “(5) the active link described in paragraph (2)
22 on the same Internet Web site page as the active
23 link described in paragraph (4).”; and

24 (4) in subsection (d), as redesignated—

1 (A) in the matter preceding paragraph (1),
2 by striking “An air carrier or foreign air carrier
3 providing scheduled air transportation using
4 any aircraft that as originally designed has a
5 passenger capacity of 30 or more passenger
6 seats” and inserting “Each air carrier and for-
7 eign air carrier”;

8 (B) in paragraph (1), by striking “air car-
9 rier” and inserting “carrier”; and

10 (C) in paragraph (2), by striking “air car-
11 rier” and inserting “carrier”.

12 (b) RULEMAKING.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall promulgate regulations to implement the re-
15 quirements of section 42302 of title 49, United States
16 Code, as amended.

17 **SEC. 3112. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
18 **TECTION INFORMATION.**

19 (a) INTERNET WEB SITE.—Not later than 180 days
20 after the date of enactment of this Act, the Secretary of
21 Transportation shall—

22 (1) complete an evaluation of the aviation con-
23 sumer protection portion of the Department of
24 Transportation’s public Internet Web site to identify
25 any changes to the user interface that will improve

1 usability, accessibility, consumer satisfaction, and
2 Web site performance;

3 (2) in completing the evaluation under para-
4 graph (1)—

5 (A) consider the best practices of other
6 Federal agencies with effective Web sites; and

7 (B) consult with the Federal Web Man-
8 agers Council;

9 (3) develop a plan, including an implementation
10 timeline, for—

11 (A) making the changes identified under
12 paragraph (1); and

13 (B) making any necessary changes to that
14 portion of the Web site that will enable a con-
15 sumer, in a manner that protects the privacy of
16 consumers and employees, to—

17 (i) access information regarding each
18 complaint filed with the Aviation Con-
19 sumer Protection Division of the Depart-
20 ment of Transportation;

21 (ii) search the complaints described in
22 clause (i) by the name of the air carrier,
23 the dates of departure and arrival, the air-
24 ports of origin and departure, and the type
25 of complaint; and

1 (iii) determine the date a complaint
2 was filed and the date a complaint was re-
3 solved; and

4 (4) submit the evaluation and plan to appro-
5 priate committees of Congress.

6 (b) MOBILE APPLICATION SOFTWARE.—Not later
7 than 1 year after the date of enactment of this Act, the
8 Secretary of Transportation shall—

9 (1) implement a program to develop application
10 software for wireless devices that will enable a user
11 to access information and perform activities related
12 to aviation consumer protection, such as—

13 (A) information regarding airline pas-
14 senger protections, including protections related
15 to lost baggage and baggage fees, disclosure of
16 additional fees, bumping, cancelled or delayed
17 flights, damaged or lost baggage, and tarmac
18 delays; and

19 (B) file an aviation consumer complaint,
20 including a safety and security, airline service,
21 disability and discrimination, or privacy com-
22 plaint, with the Aviation Consumer Protection
23 Division of the Department of Transportation;
24 and

1 (2) make the application software available to
2 the public at no cost.

3 **SEC. 3113. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
4 **SYSTEMS.**

5 Not later than 2 years after the date of enactment
6 of this Act, the Architectural and Transportation Barriers
7 Compliance Board, in consultation with the Secretary of
8 Transportation, including the Aviation Consumer Protec-
9 tion Division of the Department of Transportation and the
10 Office of Aviation Safety at the Federal Aviation Adminis-
11 tration, shall conduct a study to determine the ways in
12 which particular individuals with significant disabilities
13 who use wheelchairs, including power wheelchairs, can be
14 safely accommodated through in-cabin wheelchair re-
15 straint systems.

16 **SEC. 3114. ADVISORY COMMITTEE ON THE AIR TRAVEL**
17 **NEEDS OF PASSENGERS WITH DISABILITIES.**

18 (a) ESTABLISHMENT.—The Secretary of Transpor-
19 tation shall establish an advisory committee for the air
20 travel needs of passengers with disabilities (referred to in
21 this section as the “Advisory Committee”).

22 (b) DUTIES.—The Advisory Committee shall advise
23 the Secretary with regard to the implementation of the
24 Air Carrier Access Act of 1986 (Public Law 99–435; 100
25 Stat. 1080), including—

1 (1) assessing the disability-related access bar-
2 riers encountered by passengers with disabilities;

3 (2) determining the extent to which the pro-
4 grams and activities of the Department of Transpor-
5 tation are addressing the barriers described in para-
6 graph (1);

7 (3) recommending improvements to the air
8 travel experience of passengers with disabilities; and

9 (4) such activities as the Secretary considers
10 necessary to carry out this section.

11 (c) MEMBERSHIP.—

12 (1) IN GENERAL.—The Advisory Committee
13 shall be comprised of at least 1 representative of
14 each of the following groups:

15 (A) Passengers with disabilities.

16 (B) National disability organizations.

17 (C) Air carriers.

18 (D) Airport operators.

19 (E) Contractor service providers.

20 (2) APPOINTMENT.—The Secretary of Trans-
21 portation shall appoint each member of the Advisory
22 Committee.

23 (3) VACANCIES.—A vacancy in the Advisory
24 Committee shall be filled in the manner in which the
25 original appointment was made.

1 (d) CHAIRPERSON.—The Secretary of Transportation
2 shall designate, from among the members appointed under
3 subsection (c), an individual to serve as chairperson of the
4 Advisory Committee.

5 (e) TRAVEL EXPENSES.—Members of the Advisory
6 Committee shall serve without pay, but shall receive travel
7 expenses, including per diem in lieu of subsistence, in ac-
8 cordance with subchapter I of chapter 57 of title 5, United
9 States Code.

10 (f) REPORTS.—

11 (1) IN GENERAL.—Not later than February 1
12 of each year, the Advisory Committee shall submit
13 to the Secretary of Transportation a report on the
14 needs of passengers with disabilities in air travel, in-
15 cluding—

16 (A) an assessment of disability-related ac-
17 cess barriers, both those that were evident in
18 the preceding calendar year and those that will
19 likely be an issue in the subsequent 5 calendar
20 years;

21 (B) an evaluation of the extent to which
22 the Department of Transportation's programs
23 and activities are eliminating disability-related
24 access barriers;

1 (C) a description of the Advisory Commit-
2 tee's actions during the preceding calendar
3 year;

4 (D) a description of activities that the Ad-
5 visory Committee has planned for the subse-
6 quent calendar year; and

7 (E) any recommendations for legislation,
8 administrative action, or other action that the
9 Advisory Committee considers appropriate.

10 (2) REPORT TO CONGRESS.—Not later than 60
11 days after the date the Secretary receives the report
12 under paragraph (1), the Secretary shall submit to
13 the appropriate committees of Congress a copy of
14 the report, including any additional findings or rec-
15 ommendations that the Secretary considers appro-
16 priate.

17 (g) TERMINATION.—The Advisory Committee shall
18 terminate 2 years after the date it is established under
19 subsection (a).

20 **SEC. 3115. ENFORCEMENT OF AVIATION CONSUMER PRO-**
21 **TECTION RULES.**

22 (a) IN GENERAL.—The Comptroller General of the
23 United States shall conduct a study to consider and evalu-
24 ate Department of Transportation enforcement of aviation
25 consumer protection rules.

1 (b) CONTENTS.—The study under subsection (a)
2 shall include an evaluation of—

3 (1) available enforcement mechanisms;

4 (2) any obstacles to enforcement; and

5 (3) trends in Department of Transportation en-
6 forcement actions.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the appropriate committees of Congress a report
10 on the study, including the Comptroller General’s findings,
11 conclusions, and recommendations.

12 **SEC. 3116. DIMENSIONS FOR PASSENGER SEATS.**

13 (a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of this Act, the Administrator of
15 the Federal Aviation Administration shall initiate a pro-
16 ceeding to study the minimum seat pitch for passenger
17 seats on aircraft operated by air carriers (as defined in
18 section 40102 of title 49, United States Code).

19 (b) CONSIDERATIONS.—In reviewing any minimum
20 seat pitch under subsection (a), the Administrator shall
21 consider the safety of passengers, including passengers
22 with disabilities.

23 **SEC. 3117. CELL PHONE VOICE COMMUNICATIONS.**

24 (a) IN GENERAL.—Subchapter I of chapter 417 is
25 amended by adding at the end the following:

1 **“§ 41725. Cell phone voice communications**

2 “(a) PROHIBITION AUTHORITY.—The Secretary of
3 Transportation may issue regulations—

4 “(1) to prohibit an individual on an aircraft
5 from engaging in voice communications using a mo-
6 bile communications device during a flight of that
7 aircraft in scheduled passenger interstate or intra-
8 state air transportation; and

9 “(2) that exempt from the prohibition described
10 in paragraph (1)—

11 “(A) any member of the flight crew on
12 duty on an aircraft;

13 “(B) any flight attendant on duty on an
14 aircraft; and

15 “(C) any Federal law enforcement officer
16 acting in an official capacity.

17 “(b) DEFINITIONS.—In this section:

18 “(1) FLIGHT.—The term ‘flight’ means, with
19 respect to an aircraft, the period beginning when the
20 aircraft takes off and ending when the aircraft
21 lands.

22 “(2) MOBILE COMMUNICATIONS DEVICE.—

23 “(A) IN GENERAL.—The term ‘mobile
24 communications device’ means any portable
25 wireless telecommunications equipment utilized
26 for the transmission or reception of voice data.

1 “(B) LIMITATION.—The term ‘mobile com-
2 munications device’ does not include a phone in-
3 stalled on an aircraft.”.

4 (b) TABLE OF CONTENTS.—The table of contents at
5 the beginning of chapter 417 is amended by inserting after
6 the item relating to section 41724 the following:

“41725. Cell phone voice communications.”.

7 **SEC. 3118. TICKETS ACT.**

8 (a) SHORT TITLE.—This section may be cited as the
9 “Transparency Improvements and Compensation to Keep
10 Every Ticketholder Safe Act of 2017” or the “TICKETS
11 Act”.

12 (b) BOARDED PASSENGERS.—Beginning on the date
13 of enactment of this Act, once a revenue passenger is ap-
14 proved by a gate attendant to clear the boarding area and
15 board an aircraft, the applicable air carrier may not deny
16 that passenger permission to board the aircraft without
17 the consent of the passenger unless—

18 (1) the passenger poses a safety, security, or
19 health risk to oneself or to the other passengers; or

20 (2) the passenger is engaging in behavior that
21 is obscene, disruptive, or otherwise unlawful .

22 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to limit or otherwise affect the re-
24 sponsibility or authority of a pilot in command of an air-
25 craft under section 121.533 of title 14, Code of Federal

1 Regulations, or any penalty under section 46504 of title
2 49, United States Code.

3 (d) ELIMINATION OF LIMITATION ON COMPENSATION
4 FOR BEING DENIED BOARDING.—Not later than 1 year
5 after the date of the enactment of this Act, the Secretary
6 of Transportation shall review air carrier policies and re-
7 vise the regulations under part 250 of title 14, Code of
8 Federal Regulations, to eliminate the dollar amount limi-
9 tations under paragraphs (2) and (3) of subsections (a)
10 and (b) of section 250.5 of that part on the amount of
11 compensation that may be provided to a passenger who
12 is denied boarding involuntarily.

13 (e) OVERSALES.—

14 (1) IN GENERAL.—The Comptroller General of
15 the United States shall review airline policies and
16 practices related to oversales of flights.

17 (2) CONSIDERATIONS.—In conducting the re-
18 view under paragraph (1), the Comptroller Generals
19 shall examine—

20 (A) impact on passengers, including the
21 prevalence of a negative impact on passengers,
22 as a result of an oversale;

23 (B) economic and operational factors
24 which results in oversales;

1 (C) whether, and if so how, the incidence
2 of oversales varies depending on markets; and

3 (D) potential consequences on the limiting
4 of oversales.

5 (3) REPORT.—Not later than 1 year after the
6 date of enactment of this Act, the Comptroller Gen-
7 eral shall submit to the appropriate committees of
8 Congress a report on the review under paragraph
9 (2).

10 (f) NOTICE OF POLICIES OF AIR CARRIERS.—Not
11 later than 1 year after the date of the enactment of this
12 Act, the Secretary of Transportation shall prescribe regu-
13 lations requiring an air carrier, or other entity selling tick-
14 ets for flights in passenger air transportation, to specify,
15 on a passenger’s flight itinerary, receipt, or other direct
16 customer communication, the policies of the air carrier op-
17 erating the flight regarding oversold flights.

18 (g) DEFINITION OF AIR CARRIER.—In this section,
19 the term “air carrier” means an air carrier or foreign air
20 carrier, as those terms are defined in section 40102 of
21 title 49, United States Code.

22 **SEC. 3119. TRANSPARENCY FOR DISABLED PASSENGERS.**

23 The compliance date of the final rule, dated Novem-
24 ber 2, 2016, on the reporting of data for mishandled bag-

1 gage and wheelchairs in aircraft cargo compartments (81
2 Fed. Reg. 76300) shall be effective January 1, 2018.

3 **Subtitle B—Essential Air Service**

4 **SEC. 3201. ESSENTIAL AIR SERVICE.**

5 (a) AUTHORIZATION EXTENSION.—Section 41742(a)
6 is amended—

7 (1) in paragraph (2), by striking
8 “\$150,000,000” and all that follows though “2017”
9 and inserting “\$175,000,000 for each of fiscal years
10 2018 through 2021”; and

11 (2) by striking paragraph (3).

12 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
13 amended by striking clause (ii) and inserting the following:

14 “(ii) was determined, on or after Oc-
15 tober 1, 1988, and before December 1,
16 2012, under this subchapter by the Sec-
17 retary of Transportation to be eligible to
18 receive subsidized small community air
19 service under section 41736(a);”.

20 (c) SEASONAL SERVICE.—The Secretary of Trans-
21 portation may consider the flexibility of current oper-
22 ational dates and airport accessibility to meet local com-
23 munity needs when issuing requests for proposal of essen-
24 tial air service at seasonal airports.

1 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
2 **MENT PROGRAM.**

3 (a) **EXTENSION OF AUTHORIZATION.**—Section
4 41743(e)(2) is amended by striking “\$6,000,000 for each
5 of fiscal years 2012 through 2017” and inserting
6 “\$10,000,000 for each of fiscal years 2018 through
7 2021”.

8 (b) **ELIGIBILITY.**—Section 41743(c)(1) is amended
9 to read as follows:

10 “(1) **SIZE.**—On the date of the most recent no-
11 tice of order soliciting community proposals issued
12 by the Secretary under this section, the airport serv-
13 ing the community or consortium—

14 “(A) was not larger than a small hub air-
15 port, as determined using the Department of
16 Transportation’s most recent published classi-
17 fication; and

18 “(B)(i) had insufficient air carrier service;
19 or

20 “(ii) had unreasonably high air
21 fares.”.

22 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

23 (a) **IN GENERAL.**—Section 41743(c)(4) is amend-
24 ed—

1 (1) by inserting “(B) SAME PROJECTS.—.—”
2 before the second sentence and indenting appro-
3 priately;

4 (2) by inserting “(A) IN GENERAL.—” before
5 the first sentence and indenting appropriately;

6 (3) in subparagraph (B), as designated by this
7 subsection, by striking “No community” and insert-
8 ing “Except as provided in subparagraph (C)”; and

9 (4) by adding at the end the following:

10 “(C) EXCEPTION.—The Secretary may
11 waive the limitation under subparagraph (B)
12 related to projects that are the same if the Sec-
13 retary determines that the community or con-
14 sortium spent little or no money on its previous
15 project or encountered industry or environ-
16 mental challenges, due to circumstances that
17 were reasonably beyond the control of the com-
18 munity or consortium.”.

19 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
20 41743(e)(1) is amended by adding at the end the fol-
21 lowing: “The Secretary may amend the scope of a grant
22 agreement at the request of the community or consortium
23 and any participating air carrier, and may limit the scope
24 of a grant agreement to only the elements using grant as-
25 sistance or to only the elements achieved, if the Secretary

1 determines that the amendment is reasonably consistent
2 with the original purpose of the project.”.

3 **SEC. 3204. WAIVERS.**

4 Section 41732 is amended by adding at the end the
5 following:

6 “(c) **WAIVERS.**—Notwithstanding section 41733(e),
7 upon request by an eligible place, the Secretary may waive,
8 in whole or in part, subsections (a) and (b) of this section
9 or subsections (a) through (c) of section 41734. A waiver
10 issued under this subsection shall remain in effect for a
11 limited period of time, as determined by the Secretary.”.

12 **TITLE IV—NEXTGEN AND FAA**
13 **ORGANIZATION**

14 **SEC. 4001. DEFINITIONS.**

15 In this title:

16 (1) **ADMINISTRATION.**—The term “Administra-
17 tion” means the Federal Aviation Administration.

18 (2) **ADMINISTRATOR.**—The term “Adminis-
19 trator” means the Administrator of the Federal
20 Aviation Administration.

21 (3) **ADS-B.**—The term “ADS-B” means auto-
22 matic dependent surveillance-broadcast.

23 (4) **ADS-B OUT.**—The term “ADS-B Out”
24 means automatic dependent surveillance-broadcast
25 with the ability to transmit information from the

1 aircraft to ground stations and to other equipped
2 aircraft.

3 (5) NEXTGEN.—The term “NextGen” means
4 the Next Generation Air Transportation System.

5 **Subtitle A—NextGen Air**
6 **Transportation System**

7 **SEC. 4101. RETURN ON INVESTMENT REPORT.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, and annually thereafter
10 until the date that each NextGen program has a positive
11 return on investment, the Administrator shall submit to
12 the appropriate committees of Congress a report on the
13 status of each NextGen program, including the most re-
14 cent NextGen priority list under subsection (c).

15 (b) CONTENTS.—The report under subsection (a)
16 shall include, for each NextGen program—

17 (1) an estimate of the date the program will
18 have a positive return on investment;

19 (2) an explanation for any delay in the delivery
20 of expected benefits from previously published esti-
21 mates on delivery of such benefits, in implementing
22 or utilizing the program;

23 (3) an estimate of the completion date;

24 (4) an assessment of the long-term and near-
25 term user benefits of the program for—

1 (A) the Federal Government; and

2 (B) the users of the national airspace sys-
3 tem; and

4 (5) a description of how the program directly
5 contributes to a safer and more efficient air traffic
6 control system.

7 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
8 ment under subsection (a), the Administrator shall—

9 (1) develop, in coordination with the NextGen
10 Advisory Committee and considering the need for a
11 balance between long-term and near-term user bene-
12 fits, a prioritization of the NextGen programs;

13 (2) annually update the priority list under para-
14 graph (1); and

15 (3) prepare budget submissions to reflect the
16 current status of NextGen programs and projected
17 returns on investment for each NextGen program.

18 (d) DEFINITION OF RETURN ON INVESTMENT.—In
19 this section, the term “return on investment” means the
20 cost associated with technologies that are required by law
21 or policy as compared to the financial benefits derived
22 from such technologies by a government or a user of air-
23 space.

24 (e) REPEAL OF NEXTGEN PRIORITIES.—Section 202
25 of the FAA Modernization and Reform Act of 2012 (Pub-

1 lie Law 112–95; 49 U.S.C. 40101 note) and the item re-
2 lating to that section in the table of contents under section
3 1(b) of that Act are repealed.

4 **SEC. 4102. ENSURING FAA READINESS TO PROVIDE SEAM-**
5 **LESS OCEANIC OPERATIONS.**

6 Not later than September 30, 2018, the Adminis-
7 trator shall make a final investment decision regarding a
8 reduced oceanic separation capability that, if a positive
9 business case is provided, would result in operational use
10 by the end of 2020.

11 **SEC. 4103. ANNUAL NEXTGEN PERFORMANCE GOALS.**

12 (a) IN GENERAL.—This section may be cited as the
13 “NextGen Accountability Act”.

14 (b) NEXTGEN ANNUAL PERFORMANCE GOALS.—
15 Section 214 of the FAA Modernization and Reform Act
16 of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is
17 amended by adding at the end the following:

18 “(e) ANNUAL NEXTGEN PERFORMANCE GOALS.—
19 The Administrator shall establish annual NextGen per-
20 formance goals for each of the performance metrics set
21 forth in subsection (a) to meet the performance metric
22 baselines identified under subsection (b). Such goals shall
23 be established in consultation with public and private
24 NextGen stakeholders, including the NextGen Advisory
25 Committee.”.

1 (c) NEXTGEN METRICS REPORT.—Section 710(e)(2)
2 of the Vision 100—Century of Aviation Reauthorization
3 Act (Public Law 108–176; 49 U.S.C. 40101 note) is
4 amended—

5 (1) in subparagraph (D), by striking “and” at
6 the end;

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

9 (3) by adding at the end the following:

10 “(F) a description of the progress made in
11 meeting the annual NextGen performance goals
12 relative to the performance metrics established
13 under section 214 of the FAA Modernization
14 and Reform Act of 2012 (Public Law 112–95;
15 49 U.S.C. 40101 note).”.

16 (d) CHIEF NEXTGEN OFFICER.—Section 106(s) is
17 amended—

18 (1) in paragraph (2)(B), by adding at the end
19 the following: “In evaluating the performance of the
20 Chief NextGen Officer for the purpose of awarding
21 a bonus under this subparagraph, the Administrator
22 shall consider the progress toward meeting the
23 NextGen performance goals established pursuant to
24 section 214(e) of the FAA Modernization and Re-

1 form Act of 2012 (Public Law 112–95; 49 U.S.C.
2 40101 note).”; and

3 (2) in paragraph (3), by adding at the end the
4 following: “The annual organizational performance
5 goals set forth in the agreement shall include quan-
6 tifiable NextGen airspace performance objectives re-
7 garding efficiency, productivity, capacity, and safety,
8 which shall be established in consultation with public
9 and private NextGen stakeholders, including the
10 NextGen Advisory Committee.”.

11 **SEC. 4104. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
12 **GENCY PLANS.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) On September 26, 2014, an Administration
16 contract employee deliberately started a fire that de-
17 stroyed critical equipment at the Administration’s
18 Chicago Air Route Traffic Control Center (referred
19 to in this section as the “Chicago Center”) in Au-
20 rora, Illinois.

21 (2) As a result of the damage, Chicago Center
22 was unable to control air traffic for more than 2
23 weeks, thousands of flights were delayed or cancelled
24 into and out of O’Hare International Airport and
25 Midway Airport in Chicago, and aviation stake-

1 holders and airlines reportedly lost over
2 \$350,000,000.

3 (3) According to the Office of the Inspector
4 General of the Department of Transportation, al-
5 though the Administration has taken steps to im-
6 prove the effectiveness of its operational contingency
7 plans since the incident at the Chicago Center, sig-
8 nificant work remains to be done.

9 (b) AIR TRAFFIC CONTROL OPERATIONAL CONTIN-
10 GENCY PLANS.—Not later than 1 year after the date of
11 enactment of this Act, and every 5 years thereafter, the
12 Administrator shall update the Administration’s air traffic
13 control operational contingency plans (FAA Order JO
14 1900.47E) to address potential air traffic facility outages
15 that could have a major impact on the operation of the
16 national airspace system, including the most recent find-
17 ings and recommendations in the report under subsection
18 (d).

19 (c) UPDATES.—Not later than 60 days after the date
20 the air traffic control operational contingency plans are
21 updated under subsection (b), the Administrator shall sub-
22 mit to the appropriate committees of Congress a report
23 on the update, including any recommendations for ensur-
24 ing air traffic facility outages do not have a major impact
25 on the operation of the national airspace system.

1 (d) RESILIENCY RECOMMENDATIONS.—Not later
2 than 180 days after the date of enactment of this Act,
3 and periodically thereafter as the Administrator considers
4 appropriate, the Administrator shall convene NextGen
5 program officials to evaluate, expedite, and complete a re-
6 port on how planned NextGen capabilities can enhance the
7 resiliency and continuity of national airspace system oper-
8 ations and mitigate the impact of future air traffic control
9 disruptions.

10 **SEC. 4105. 2020 ADS-B OUT MANDATE PLAN.**

11 The Administrator, in collaboration with the NextGen
12 Advisory Committee, shall—

13 (1) not later than 180 days after the date of
14 enactment of this Act—

15 (A) identify any known and potential bar-
16 riers to compliance with the 2020 ADS-B Out
17 mandate under section 91.225 of title 14, Code
18 of Federal Regulations;

19 (B) develop a plan to address the known
20 barriers identified in paragraph (1), including a
21 schedule for—

22 (i) periodically reevaluating the poten-
23 tial barriers identified in paragraph (1);
24 and

1 (ii) developing solutions and imple-
2 menting actions to address the known and
3 potential barriers; and

4 (C) submit the plan to the appropriate
5 committees of Congress;

6 (2) periodically update the plan and, not later
7 than 30 days after the completion date, submit the
8 update to the appropriate committees of Congress;
9 and

10 (3) not later than 30 days after the date the
11 plan is submitted under paragraph (2), and annually
12 thereafter until January 1, 2020, submit to the ap-
13 propriate committees of Congress a report on the
14 progress made toward meeting the 2020 ADS-B Out
15 mandate.

16 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

17 (a) IN GENERAL.—To implement a more effective
18 international strategy for achieving NextGen interoper-
19 ability with foreign countries, the Administrator shall take
20 the following actions:

21 (1) Conduct a gap analysis to identify potential
22 risks to NextGen interoperability with other Air
23 Navigation Service Providers and establish a sched-
24 ule for periodically reevaluating such risks.

1 (2) Develop a plan that identifies and docu-
2 ments actions the Administrator will undertake to
3 mitigate such risks, using information from the gap
4 analysis as a basis for making management deci-
5 sions about how to allocate resources for such ac-
6 tions.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Administrator shall submit
9 to the appropriate committees of Congress a report on the
10 analysis conducted under paragraph (1) of subsection (a)
11 and on the actions the Administrator has taken under
12 paragraph (2) of such subsection.

13 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

14 (a) IN GENERAL.—The Administrator shall—

15 (1) identify and analyze technical and oper-
16 ational maturity gaps in NextGen transition and im-
17 plementation plans; and

18 (2) develop a plan to mitigate the gaps identi-
19 fied in paragraph (1).

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Administrator shall submit
22 to the appropriate committees of Congress a report on the
23 actions taken to carry out the plan required by subsection
24 (a)(2).

1 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
2 **IMPROVEMENTS.**

3 (a) IN GENERAL.—To help ensure that NextGen
4 operational improvements are fully implemented in the
5 midterm, the Administrator shall—

6 (1) collaborate with air carriers and other users
7 of the national airspace system (referred to in this
8 section as “NAS”) to develop and implement a sys-
9 tem to systematically track the use of existing per-
10 formance based navigation (referred to in this sec-
11 tion as “PBN”) procedures;

12 (2) identify and consider other key operational
13 improvements, including the identification of—

14 (A) additional metroplexes for PBN
15 projects;

16 (B) non-metroplex PBN procedures; and

17 (C) unused flight routes for decommis-
18 sioning;

19 (3) develop and implement guidelines for the
20 timely inclusion of appropriate stakeholders, includ-
21 ing airport representatives, in the planning and im-
22 plementation of NextGen operational improvement
23 efforts; and

24 (4) ensure that NextGen planning documents
25 inform stakeholders of how and when operational

1 improvements are expected to achieve NextGen na-
2 tional goals and strategic objectives.

3 (b) REPORTS.—Each year, as part of the submission
4 of the NextGen Integrated Work Plan, the Administrator
5 shall submit to the appropriate committees of Congress
6 a report on—

7 (1) the progress made toward implementing the
8 requirements under subsection (a); and

9 (2) the schedule and process that will be used
10 to implement PBN at additional airports, including
11 information on how the Administration will partner
12 and coordinate with private industry to ensure expe-
13 ditious implementation of PBN at additional air-
14 ports.

15 **SEC. 4109. SECURING AIRCRAFT AVIONICS SYSTEMS.**

16 (a) IN GENERAL.—The Administrator of the Federal
17 Aviation Administration shall consider, where appropriate,
18 revising Federal Aviation Administration regulations re-
19 garding airworthiness certification—

20 (1) to address cybersecurity for avionics sys-
21 tems, including software components; and

22 (2) to require that aircraft avionics systems
23 used for flight guidance or aircraft control be se-
24 cured against unauthorized access via passenger in-
25 flight entertainment systems through such means as

1 the Administrator determines appropriate to protect
2 the avionics systems from unauthorized external and
3 internal access.

4 (b) CONSIDERATION.—In carrying out subsection (a),
5 the Administrator shall consider the recommendations of
6 the Aircraft Systems Information Security Protection
7 Working Group under section 2111 of the FAA Extension
8 Safety and Security Act of 2016 (Public Law 114–190;
9 130 Stat. 615).

10 **SEC. 4110. DEFINING NEXTGEN.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Comptroller General of the United States
13 shall—

14 (1) assess how the line items included in the
15 Administration’s NextGen budget request relate to
16 the goals and expected outcomes of NextGen, includ-
17 ing whether and how NextGen programs directly
18 contribute to a measurably safer and more efficient
19 air traffic control system; and

20 (2) submit to the appropriate committees of
21 Congress a report on the results of the assessment
22 under paragraph (1), including any recommenda-
23 tions for the removal of line items that do not di-
24 rectly contribute to a measurably safer and more ef-
25 ficient air traffic control system.

1 **SEC. 4111. HUMAN FACTORS.**

2 (a) IN GENERAL.—In order to avoid having to subse-
3 quently modify products and services developed as a part
4 of NextGen, the Administrator shall—

5 (1) recognize and incorporate, in early design
6 phases of all relevant NextGen programs, the human
7 factors and procedural and airspace implications of
8 stated goals and associated technical changes; and

9 (2) ensure that a human factors specialist, sep-
10 arate from the research and certification groups, is
11 directly involved with the NextGen approval process.

12 (b) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the appropriate committees of Congress a report on the
15 progress made toward implementing the requirements
16 under subsection (a).

17 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

18 (a) IN GENERAL.—The Administrator shall evaluate
19 the current acquisition practices of the Administration to
20 ensure that such practices—

21 (1) identify the current estimated costs for each
22 acquisition system, including all segments;

23 (2) separately identify cumulative amounts for
24 acquisition costs, technical refresh, and other en-
25 hancements in order to identify the total baselined
26 and re-baselined costs for each system; and

1 (3) account for the way funds are being used
2 when reporting to managers, Congress, and other
3 stakeholders.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, and biennially thereafter, the Ad-
6 ministrator shall submit to the appropriate committees of
7 Congress a report on the progress made toward imple-
8 menting the requirements under subsection (a).

9 **SEC. 4113. EQUIPAGE MANDATES.**

10 (a) IN GENERAL.—Before NextGen-related equipage
11 mandates are imposed on users of the national airspace
12 system, the Administrator, in collaboration with relevant
13 stakeholders, shall—

14 (1) provide a statement of estimated costs and
15 benefits based on mature and stable technical speci-
16 fications; and

17 (2) create a schedule for Administration
18 deliverables and investments by both the users and
19 the Administration, including for procedure and air-
20 space design, infrastructure deployment, and train-
21 ing.

22 **SEC. 4114. WORKFORCE.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator shall—

1 (1) identify and assess barriers to attracting,
2 developing, training, and retaining a talented work-
3 force in the areas of systems engineering, architec-
4 ture, systems integration, digital communications,
5 and cybersecurity;

6 (2) develop a comprehensive plan to attract, de-
7 velop, train, and retain talented individuals in those
8 fields; and

9 (3) identify existing authorities available to the
10 Administrator, through personnel reform, to attract,
11 develop, and retain this talent.

12 (b) REPORT.—The Administrator shall submit to the
13 appropriate committees of Congress a report on the
14 progress made toward implementing the requirements
15 under subsection (a).

16 **SEC. 4115. PROGRAMMATIC RISK MANAGEMENT.**

17 (a) IN GENERAL.—To better inform the Administra-
18 tion’s decisions regarding the prioritization of efforts and
19 allocation of resources for NextGen, the Administrator
20 shall—

21 (1) solicit input from specialists in probability
22 and statistics to identify and prioritize the pro-
23 grammatic and implementation risks to NextGen;
24 and

1 (2) develop a method to manage and mitigate
2 the risks identified in paragraph (1).

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to the appropriate committees of Congress a report on the
6 progress made toward implementing the requirements
7 under subsection (a).

8 **SEC. 4116. PROGRAM MANAGEMENT.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Administrator, in collaboration with the
11 NextGen Advisory Committee and the National Academies
12 of Sciences, Engineering, and Medicine, shall—

13 (1) identify industry best practices regarding
14 highly integrated program management;

15 (2) determine whether, and identify how, the
16 Administration is applying the best practices identi-
17 fied in paragraph (1) in the management of
18 NextGen;

19 (3) identify, in detail, the lessons learned re-
20 garding the complex integration of NextGen pro-
21 grams into the national airspace system;

22 (4) identify and assess the key risks for the full
23 implementation of—

24 (A) multiple runway operations;

25 (B) performance based navigation;

1 (C) surface operations and data sharing;

2 and

3 (D) data communications; and

4 (5) develop a detailed plan to mitigate the risks
5 identified under paragraph (4); and

6 (6) submit to the appropriate committees of
7 Congress a report on the activities under paragraphs
8 (1) through (5), including the plan.

9 **SEC. 4117. SYSTEM-WIDE IMPROVEMENTS.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Administrator shall sub-
12 mit to the appropriate committees of Congress a report
13 identifying any improvements and benefits to the national
14 airspace system, as a whole, as a result of—

15 (1) multiple runway operations;

16 (2) performance based navigation;

17 (3) surface operations and data sharing; and

18 (4) data communications.

19 (b) CONSIDERATIONS.—In identifying improvements
20 and benefits under subsection (a) as a result of the
21 NextGen programs listed under subparagraphs (A)
22 through (D) of that subsection, the Administrator shall
23 consider, at a minimum—

24 (1) reduced overall delays in the national air-
25 space system;

1 (2) increased overall throughput in the national
2 airspace system;

3 (3) decreased overall emissions and fuel con-
4 sumption in the national airspace system; and

5 (4) improved safety in the national airspace
6 system.

7 **SEC. 4118. NEXTGEN RESEARCH.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Administrator shall submit to the appro-
10 priate committees of Congress a report specifying the top
11 5 priority research areas for the implementation and ad-
12 vancement of NextGen, including—

13 (1) an assessment of why the research areas are
14 a priority for the implementation and advancement
15 of NextGen;

16 (2) an identification of the other Federal agen-
17 cies and private organizations assisting the Adminis-
18 tration with the research; and

19 (3) an estimate of when the research will be
20 completed.

1 **Subtitle B—Administration**
2 **Organization and Employees**

3 **SEC. 4201. COST-SAVING INITIATIVES.**

4 (a) IN GENERAL.—To ensure that Administration
5 initiatives are being implemented in a timely and fiscally
6 responsible manner, the Administrator shall—

7 (1) identify and implement agencywide cost-sav-
8 ing initiatives; and

9 (2) develop appropriate schedules and metrics
10 to measure whether the initiatives are successful in
11 reducing costs.

12 (b) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the appropriate committees of Congress a report on the
15 progress made toward implementing the requirements
16 under subsection (a).

17 **SEC. 4202. FEDERAL AVIATION ADMINISTRATION PER-**
18 **FORMANCE MEASURES AND TARGETS.**

19 (a) PERFORMANCE MEASURES.—Not later than 180
20 days after the date of enactment of this Act, the Secretary
21 of Transportation shall establish performance measures
22 relating to the administration of the Administration,

23 which shall, at a minimum, include measures to assess—

24 (1) the reduction of delays in the completion of
25 projects; and

1 lough is necessary to achieve the required spending reduc-
2 tions.

3 (c) **TRANSFER OF BUDGETARY RESOURCES.**—The
4 Administrator may transfer budgetary resources within
5 the Administration to carry out subsection (b), except that
6 the transfer may only be made to maintain essential em-
7 ployees.

8 **SEC. 4204. CONTROLLER CANDIDATE INTERVIEWS.**

9 (a) **IN GENERAL.**—Not later than 60 days after the
10 date of enactment of this Act, the Administrator shall re-
11 quire that an in-person interview be conducted with each
12 individual applying for an air traffic control specialist po-
13 sition before that individual may be hired to fill that posi-
14 tion.

15 (b) **GUIDANCE.**—Not later than 30 days after the
16 date of enactment of this Act, the Administrator shall es-
17 tablish guidelines regarding the in-person interview proc-
18 ess described in subsection (a).

19 **SEC. 4205. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
20 **FACILITIES IN THE NEW YORK CITY AND**
21 **NEWARK REGION.**

22 Not later than 90 days after the date of enactment
23 of this Act, the Administrator shall submit to the appro-
24 priate committees of Congress a report on the Administra-
25 tion's staffing and scheduling plans for air traffic control

1 facilities in the New York City and Newark region for the
2 1-year period beginning on such date of enactment.

3 **SEC. 4206. WORK PLAN FOR THE NEW YORK/NEW JERSEY/
4 PHILADELPHIA METROPOLITAN AREA AIR-
5 SPACE PROJECT.**

6 Not later than 90 days after the date of enactment
7 of this Act, the Administrator shall develop and publish
8 in the Federal Register a work plan for the New York/
9 New Jersey/Philadelphia Metropolitan Area Airspace
10 Project.

11 **SEC. 4207. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

12 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
13 LATED SUPPORT.—The Administrator shall provide air
14 traffic services and aviation safety support for aviation
15 events, including airshows and fly-ins, without the imposi-
16 tion or collection of any fee, tax, or other charge for that
17 purpose. Amounts for the provision of such services and
18 support shall be derived from amounts appropriated or
19 otherwise available for the Administration.

20 (b) DETERMINATION OF SERVICES AND SUPPORT TO
21 BE PROVIDED.—In determining the services and support
22 to be provided for an aviation event for purposes of sub-
23 section (a), the Administrator shall take into account the
24 following:

1 (1) The services and support required to meet
2 levels of activity at prior events, if any, similar to
3 the event.

4 (2) The anticipated need for services and sup-
5 port at the event.

6 **SEC. 4208. ANNUAL REPORT ON INCLUSION OF DISABLED**
7 **VETERAN LEAVE IN PERSONNEL MANAGE-**
8 **MENT SYSTEM.**

9 Not later than 1 year after the date of enactment
10 of this Act, and not less frequently than annually there-
11 after until the date that is 5 years after the date of enact-
12 ment of this Act, the Administrator shall publish on a pub-
13 licly accessible Internet Web site a report on—

14 (1) the effect of section 40122(g)(4) of title 49,
15 United States Code, on the Administration’s work-
16 force; and

17 (2) the number of disabled veterans benefitting
18 from that section.

19 **TITLE V—MISCELLANEOUS**

20 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
21 **VESTIGATIVE OFFICERS.**

22 Section 1113 is amended by striking subsection (h).

23 **SEC. 5002. OVERFLIGHTS OF NATIONAL PARKS.**

24 Section 40128 is amended—

1 (1) in subsection (a)(3), by striking “the” be-
2 fore “title 14”; and

3 (2) by amending subsection (f) to read as fol-
4 lows:

5 “(f) TRANSPORTATION ROUTES.—

6 “(1) IN GENERAL.—This section shall not apply
7 to any air tour operator while flying over or near
8 any Federal land managed by the Director of the
9 National Park Service, including Lake Mead Na-
10 tional Recreation Area, solely as a transportation
11 route, to conduct an air tour over the Grand Canyon
12 National Park.

13 “(2) EN ROUTE.—For purposes of this sub-
14 section, an air tour operator flying over the Hoover
15 Dam in the Lake Mead National Recreation Area en
16 route to the Grand Canyon National Park shall be
17 deemed to be flying solely as a transportation
18 route.”.

19 **SEC. 5003. AERONAUTICAL STUDIES FOR COMMERCIAL**
20 **SPACE LAUNCH SITE RUNWAYS.**

21 (a) IN GENERAL.—Section 44718(b)(1) is amended—

22 (1) in the matter preceding subparagraph (A),
23 by striking “air navigation facilities and equipment”
24 and inserting “air or space navigation facilities and
25 equipment”; and

1 (2) in subparagraph (A)—

2 (A) by redesignating clauses (v) and (vi) as
3 clauses (vi) and (vii), respectively; and

4 (B) by inserting after clause (iv) the fol-
5 lowing:

6 “(v) the impact on launch and reentry
7 for launch and reentry vehicles arriving or
8 departing from a launch site or reentry
9 site licensed by the Secretary.”.

10 (b) RULEMAKING.—Not later than 18 months after
11 the date of enactment of this Act, the Administrator of
12 the Federal Aviation Administration shall initiate a rule-
13 making to implement the amendments made by subsection
14 (a).

15 **SEC. 5004. COMPREHENSIVE AVIATION PREPAREDNESS**
16 **PLAN.**

17 (a) IN GENERAL.—No later than 1 year after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation and the Secretary of Health and Human Services,
20 in coordination with the Secretary of Homeland Security,
21 the Secretary of Labor, the Secretary of State, the Sec-
22 retary of Defense, and representatives of other Federal de-
23 partments and agencies, as necessary, shall develop a com-
24 prehensive national aviation communicable disease pre-
25 paredness plan.

1 (b) MINIMUM COMPONENTS.—The plan developed
2 under subsection (a) shall—

3 (1) be developed in consultation with other rel-
4 evant stakeholders, including State, local, tribal, and
5 territorial governments, air carriers, first respond-
6 ers, and the general public;

7 (2) provide for the development of a commu-
8 nications system or protocols for providing com-
9 prehensive, appropriate, and up-to-date information
10 regarding communicable disease threats and pre-
11 paredness between all relevant stakeholders;

12 (3) document the roles and responsibilities of
13 relevant Federal department and agencies, including
14 coordination requirements;

15 (4) provide guidance to air carriers, airports,
16 and other appropriate aviation stakeholders on how
17 to develop comprehensive communicable disease pre-
18 paredness plans for their respective organizations, in
19 accordance with the plan to be developed under sub-
20 section (a);

21 (5) be scalable and adaptable so that the plan
22 can be used to address the full range of commu-
23 nicable disease threats and incidents;

24 (6) provide information on communicable
25 threats and response training resources for all rel-

1 **“§ 44518. Advanced Materials Center of Excellence**

2 “(a) IN GENERAL.—The Administrator of the Fed-
3 eral Aviation Administration shall continue operation of
4 the Advanced Materials Center of Excellence (referred to
5 in this section as the ‘Center’) under its structure as in
6 effect on March 1, 2016, which shall focus on applied re-
7 search and training on the durability and maintainability
8 of advanced materials in transport airframe structures.

9 “(b) RESPONSIBILITIES.—The Center shall—

10 “(1) promote and facilitate collaboration among
11 academia, the Transportation Division of the Fed-
12 eral Aviation Administration, and the commercial
13 aircraft industry, including manufacturers, commer-
14 cial air carriers, and suppliers; and

15 “(2) establish goals set to advance technology,
16 improve engineering practices, and facilitate con-
17 tinuing education in relevant areas of study.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to the Administrator
20 \$500,000 for each of the fiscal years 2018 and 2021 to
21 carry out this section.”.

22 (b) TABLE OF CONTENTS.—The table of contents for
23 chapter 445 is amended by adding at the end the fol-
24 lowing:

“44518. Advanced Materials Center of Excellence.”.

1 **SEC. 5006. INTERFERENCE WITH AIRLINE EMPLOYEES.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Comptroller General
4 of the United States shall—

5 (1) complete a study of crimes of violence (as
6 defined in section 16 of title 18, United States
7 Code) committed against airline customer service
8 representatives while they are performing their du-
9 ties and on airport property; and

10 (2) submit the findings of the study, including
11 any recommendations, to the appropriate committees
12 of Congress.

13 (b) GAP ANALYSIS.—The study shall include a gap
14 analysis to determine if State and local laws and resources
15 are adequate to deter or otherwise address the crimes of
16 violence described in subsection (a) and recommendations
17 on how to address any identified gaps.

18 **SEC. 5007. SECONDARY COCKPIT BARRIERS.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Saracini Aviation Safety Act of 2017”.

21 (b) REQUIREMENT.—Not later than 1 year after the
22 date of the enactment of this Act, the Administrator of
23 the Federal Aviation Administration shall issue an order
24 requiring installation of a secondary cockpit barrier on
25 each new aircraft that is manufactured for delivery to a
26 passenger air carrier in the United States operating under

1 the provisions of part 121 of title 14, Code of Federal
2 Regulations.

3 **SEC. 5008. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
4 **FIELD PAVEMENT TECHNOLOGIES.**

5 Using amounts made available under section
6 48102(a) of title 49, United States Code, the Adminis-
7 trator of the Federal Aviation Administration shall carry
8 out a program for the research and development of air-
9 craft pavement technologies under which the Adminis-
10 trator makes grants to, and enters into cooperative agree-
11 ments with, institutions of higher education and nonprofit
12 organizations that—

13 (1) research concrete and asphalt airfield pave-
14 ment technologies that extend the life of airfield
15 pavements;

16 (2) develop and conduct training;

17 (3) provide for demonstration projects; and

18 (4) promote the latest airfield pavement tech-
19 nologies to aid in the development of safer, more
20 cost effective, and more durable airfield pavements.

21 **SEC. 5009. INCREASE IN DURATION OF GENERAL AVIATION**
22 **AIRCRAFT REGISTRATION.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Administrator of the Federal Aviation Ad-
25 ministration shall initiate a rulemaking to increase the du-

1 ration of aircraft registrations for noncommercial general
2 aviation aircraft to 5 years.

3 **SEC. 5010. MODIFICATION OF LIMITATION OF LIABILITY**
4 **RELATING TO AIRCRAFT.**

5 Section 44112(b) is amended—

6 (1) by striking “on land or water”; and

7 (2) by inserting “operational” before “control”.

8 **SEC. 5011. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
9 **OF ILLEGAL DRUGS SEIZED AT INTER-**
10 **NATIONAL AIRPORTS IN THE UNITED STATES.**

11 (a) IN GENERAL.—The Comptroller General of the
12 United States shall conduct a study of illegal drugs, in-
13 cluding heroin, fentanyl, and cocaine, seized by Federal
14 authorities at international airports in the United States.

15 (b) ELEMENTS.—In conducting the study required by
16 subsection (a), the Comptroller General shall address, at
17 a minimum—

18 (1) the types and quantities of drugs seized;

19 (2) the origin of the drugs seized;

20 (3) the airport at which the drugs were seized;

21 (4) the manner in which the drugs were seized;

22 and

23 (5) the manner in which the drugs were trans-
24 ported.

1 (c) USE OF DATA; RECOMMENDATIONS FOR ADDI-
2 TIONAL DATA COLLECTION.—In conducting the study re-
3 quired by subsection (a), the Comptroller General shall
4 use all available data. If the Comptroller General deter-
5 mines that additional data is needed to fully understand
6 the extent to which illegal drugs enter the United States
7 through international airports in the United States, the
8 Comptroller General shall develop recommendations for
9 the collection of that data.

10 (d) SUBMISSION TO CONGRESS.—Not later than 180
11 days after the date of enactment of this Act, the Comp-
12 troller General shall submit to the appropriate committees
13 of Congress a report on the study conducted under sub-
14 section (a) that includes any recommendations developed
15 under subsection (c).

16 **SEC. 5012. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
17 **VIEW OF UNMANNED AIRCRAFT SYSTEMS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit to the appropriate com-
21 mittees of Congress a report examining law enforcement
22 challenges posed by the use of unmanned aircraft systems
23 for illegal drug trafficking.

24 (b) CONTENTS.—The report submitted under sub-
25 section (a) shall examine how unmanned aircraft systems

1 are being used to transport illegal drugs across the inter-
2 national borders of the United States, including—

3 (1) how international drug traffickers have used
4 unmanned aircraft systems to fly packages of illegal
5 drugs into the United States;

6 (2) how international drug traffickers have used
7 unmanned aircraft systems to survey international
8 borders, providing intelligence to smugglers on
9 vulnerabilities in the border security efforts of the
10 United States; and

11 (3) other ways in which international drug traf-
12 fickers have used unmanned aircraft systems to as-
13 sist their efforts to smuggle illegal drugs into the
14 United States.

15 **SEC. 5013. SENSE OF CONGRESS ON PREVENTING THE**
16 **TRANSPORTATION OF DISEASE-CARRYING**
17 **MOSQUITOES AND OTHER INSECTS ON COM-**
18 **MERCIAL AIRCRAFT.**

19 It is the sense of Congress that the Secretary of
20 Transportation and the Secretary of Agriculture should,
21 in coordination and consultation with the World Health
22 Organization, develop a framework and guidance for the
23 use of safe, effective, and nontoxic means of preventing
24 the transportation of disease-carrying mosquitoes and
25 other insects on commercial aircraft.

1 **SEC. 5014. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
2 **AND TURBINE-POWERED MULTIENGINE AIR-**
3 **CRAFT.**

4 The Secretary of Transportation shall revise such
5 regulations as may be necessary to ensure that multi-year
6 lessees and owners of large and turbine-powered multien-
7 gine aircraft are treated equally for purposes of joint own-
8 ership policies of the Federal Aviation Administration.

9 **SEC. 5015. STUDENT OUTREACH REPORT.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Administrator of the Federal Aviation Ad-
12 ministration shall submit to the appropriate committees
13 of Congress a report that describes the Administration's
14 existing outreach efforts, such as the STEM Aviation and
15 Space Education Outreach Program, to elementary and
16 secondary students who are interested in careers in
17 science, technology, engineering, art, and mathematics—

18 (1) to prepare and inspire such students for
19 aeronautical careers; and

20 (2) to mitigate an anticipated shortage of pilots
21 and other aviation professionals.

22 **SEC. 5016. AUTHORIZATION OF CERTAIN FLIGHTS BY**
23 **STAGE 2 AIRCRAFT.**

24 (a) IN GENERAL.—Notwithstanding chapter 475 of
25 title 49, United States Code, not later than 180 days after
26 the date of enactment of this Act, the Administrator of

1 the Federal Aviation Administration shall initiate a pilot
2 program to permit 1 or more operators of a stage 2 air-
3 craft to operate that aircraft in nonrevenue service into
4 not more than 4 medium hub airports or nonhub airports
5 if—

6 (1) the airport—

7 (A) is certified under part 139 of title 14,
8 Code of Federal Regulations;

9 (B) has a runway that—

10 (i) is longer than 8,000 feet and not
11 less than 200 feet wide; and

12 (ii) is load bearing with a pavement
13 classification number of not less than 38;
14 and

15 (C) has a maintenance facility with a
16 maintenance certificate issued under part 145
17 of such title; and

18 (2) the operator of the stage 2 aircraft operates
19 not more than 10 flights per month using that air-
20 craft..

21 (b) TERMINATION.—The pilot program shall termi-
22 nate on the earlier of—

23 (1) the date that is 10 years after the date of
24 the enactment of this Act; or

1 (2) the date on which the Administrator deter-
2 mines that no stage 2 aircraft remain in service.

3 (c) DEFINITIONS.—In this section:

4 (1) MEDIUM HUB AIRPORT; NONHUB AIR-
5 PORT.—The terms “medium hub airport” and
6 “nonhub airport” have the meanings given those
7 terms in section 40102 of title 49, United States
8 Code.

9 (2) STAGE 2 AIRCRAFT.—The term “stage 2
10 aircraft” has the meaning given the term “stage 2
11 airplane” in section 91.851 of title 14, Code of Fed-
12 eral Regulations (as in effect on the day before the
13 date of the enactment of this Act).

14 **SEC. 5017. SUPERSONIC AIRCRAFT.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Administrator of the Federal Aviation Ad-
17 ministration shall—

18 (1) review Federal law, including regulations
19 and policies, regarding the operation of supersonic
20 aircraft over land in the United States; and

21 (2) submit to the appropriate committees of
22 Congress a report on the findings under paragraph
23 (1), that includes—

24 (A) the identification and evaluation of any
25 advancements in supersonic aircraft design, in-

1 including airframe and engine design, that would
2 mitigate the concerns that led to restrictions on
3 the operation of supersonic aircraft, such as
4 noise, and support amending the laws under
5 paragraph (1); and

6 (B) recommendations regarding the laws
7 under paragraph (1) that would need to be
8 amended to allow the operation of supersonic
9 aircraft over land in the United States.

10 **SEC. 5018. TERMINAL AERODROME FORECAST.**

11 (a) **TERMINAL AERODROME FORECAST.**—The Ad-
12 ministrator of the Federal Aviation Administration shall
13 permit a covered air carrier operation to operate to a des-
14 tination in a noncontiguous State determined to be under
15 visual flight rules without a Terminal Aerodrome Forecast
16 (referred to in this section as “TAF”) or Meteorological
17 Aerodrome Report (METAR) if a current Area Forecast,
18 supplemented by other local weather observations or re-
19 ports, is available, and an alternate airport that has an
20 available TAF and weather report is specified. The air car-
21 rier shall have approved procedures for dispatch and
22 enroute weather evaluation and shall operate under instru-
23 ment flight rules enroute to the destination.

24 (b) **LIMITATION.**—Without a written finding of neces-
25 sity, based on objective evidence of imminent threat to

1 safety, the Administrator shall not promulgate any oper-
2 ation specification, policy, or guidance document that is
3 more restrictive than, or requires procedures that are not
4 expressly stated in, the regulations.

5 (c) COVERED AIR CARRIER OPERATION.—In this
6 section, the term “covered air carrier operation” means
7 a Part 121 air carrier operating in a noncontiguous State.

8 **SEC. 5019. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
10 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
11 by striking “47176” and inserting “47175”.

12 (b) CONSULTATION ON CARRIER RESPONSE NOT
13 COVERED BY PLAN.—Section 41313(c)(16), as amended
14 by section 3103 of this Act, is further amended by striking
15 “the foreign air carrier will consult” and inserting “will
16 consult”.

17 (c) WEIGHING MAIL.—Section 41907 is amended by
18 striking “and –administrative” and inserting “and admin-
19 istrative”.

20 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
21 44728 is amended—

22 (1) in subsection (e), by striking “chapter” and
23 inserting “title”; and

24 (2) in subsection (d)(3), by striking “is” and
25 inserting “be”.

1 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
2 amended by striking “United States government” and in-
3 serting “United States Government”.

4 (f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
5 is amended by striking “(18 U.S.C. App.)” and inserting
6 “(18 U.S.C. App.)”.

7 (g) ALLOWABLE COST STANDARDS.—Section
8 47110(b)(2) is amended—

9 (1) in subparagraph (B), by striking
10 “compatability” and inserting “compatibility”; and

11 (2) in subparagraph (D)(i), by striking “cli-
12 matic” and inserting “climatic”.

13 (h) DEFINITION OF QUALIFIED HUBZONE SMALL
14 BUSINESS CONCERN.—Section 47113(a)(3) is amended
15 by striking “(15 U.S.C. 632(o))” and inserting “(15
16 U.S.C. 632(p))”.

17 (i) DISCRETIONARY FUND.—Section 47115, as
18 amended by section 1006 of this Act, is further amend-
19 ed—

20 (1) by striking subsection (i); and

21 (2) by redesignating subsection (j) as sub-
22 section (i).

23 (j) SPECIAL APPORTIONMENT CATEGORIES.—Section
24 47117(e)(1)(B) is amended by striking “at least” and in-
25 serting “At least”.

1 (k) SOLICITATION AND CONSIDERATION OF COM-
2 MENTS.—Section 47171(l) is amended by striking “4371”
3 and inserting “4321”.

4 (l) OPERATIONS AND MAINTENANCE.—Section
5 48104 is amended by striking “(a) AUTHORIZATION OF
6 APPROPRIATIONS.—the” and inserting “The”.

7 (m) EXPENDITURES FROM AIRPORT AND AIRWAY
8 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
9 enue Code of 1986 is amended by striking “farms” and
10 inserting “farms)”. .