

115TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself, Mr. NELSON, Mr. BLUNT, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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. Advanced 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.

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TITLE IV—NEXTGEN AND FAA ORGANIZATION

Sec. 4001. Definitions.

Subtitle A—NextGen Air Transportation System

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

 “44803. Small unmanned aircraft safety standards.”.

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

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

22 **“§ 44804. Small unmanned aircraft in the Arctic**

23 “(a) IN GENERAL.—The Secretary of Transportation
24 shall develop a plan and initiate a process to work with
25 relevant Federal agencies and national and international

1 communities to designate permanent areas in the Arctic
2 where small unmanned aircraft may operate 24 hours per
3 day for research and commercial purposes.

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

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

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

16 “(e) AIRCRAFT APPROVAL.—

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 not later than 1 year after the entry into force of
19 an agreement necessary to effectuate the purposes of
20 this section, the Secretary shall work with relevant
21 national and international communities to establish
22 and implement a process for approving the use of a
23 small unmanned aircraft in the designated perma-
24 nent areas in the Arctic without regard to whether

1 the small unmanned aircraft is used as a public air-
2 craft, a civil aircraft, or a model aircraft.

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

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

11 (2) EXPANDING USE OF UNMANNED AIRCRAFT
12 SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-
13 ernization and Reform Act of 2012 (49 U.S.C.
14 40101 note) is amended by striking subsection (d).

15 **SEC. 2125. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
16 **AIRCRAFT SYSTEMS.**

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

20 **“§ 44805. Special authority for certain unmanned air-**
21 **craft systems**

22 “(a) IN GENERAL.—Notwithstanding any other re-
23 quirement of this chapter, the Secretary of Transportation
24 shall use a risk-based approach to determine if certain un-
25 manned aircraft systems may operate safely in the na-

1 tional airspace system notwithstanding completion of the
2 comprehensive plan and rulemaking required by section
3 332 of the FAA Modernization and Reform Act of 2012
4 (49 U.S.C. 40101 note) or the guidance required by sec-
5 tion 44807.

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

9 “(1) which types of unmanned aircraft systems,
10 if any, as a result of their size, weight, speed, oper-
11 ational capability, proximity to airports and popu-
12 lated areas, operation over people, and operation
13 within or beyond the visual line of sight, or oper-
14 ation during the day or night, do not create a haz-
15 ard to users of the national airspace system or the
16 public; and

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

22 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
23 Secretary determines under this section that certain un-
24 manned aircraft systems may operate safely in the na-
25 tional airspace system, the Secretary shall establish re-

1 requirements for the safe operation of such aircraft systems
2 in the national airspace system, including operation re-
3 lated to research, development, and testing of proprietary
4 systems.

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

13 “(e) SUNSET.—The authority under this section for
14 the Secretary to determine if certain unmanned aircraft
15 systems may operate safely in the national airspace system
16 terminates effective September 30, 2021.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

22 (2) SPECIAL RULES FOR CERTAIN UNMANNED
23 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
24 ernization and Reform Act of 2012 (49 U.S.C.
25 40101 note) and the item relating to that section in

1 the table of contents under section 1(b) of that Act
2 (126 Stat. 13) are repealed.

3 **SEC. 2126. ADDITIONAL RULEMAKING AUTHORITY.**

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

6 (1) beyond visual line of sight operations, night-
7 time operations, and operations over people of un-
8 manned aircraft systems have tremendous poten-
9 tial—

10 (A) to enhance both commercial and aca-
11 demic use;

12 (B) to spur economic growth and develop-
13 ment through innovative applications of this
14 emerging technology; and

15 (C) to improve emergency response efforts
16 as it relates to assessing damage to critical in-
17 frastructure such as roads, bridges, and utili-
18 ties, including water and power, ultimately
19 speeding response time;

20 (2) advancements in miniaturization of safety
21 technologies, including for aircraft weighing under
22 4.4 pounds, have increased economic opportunities
23 for using unmanned aircraft systems while reducing
24 kinetic energy and risk compared to unmanned air-

1 craft that may weigh 4.4 pounds or more, but less
2 than 55 pounds;

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

6 (4) integrating unmanned aircraft systems safe-
7 ly into the national airspace, including beyond visual
8 line of sight operations, nighttime operations on a
9 routine basis, and operations over people should re-
10 main a top priority for the Federal Aviation Admin-
11 istration as it pursues additional rulemakings under
12 the amendments made by this section.

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

16 **“§ 44806. Additional rulemaking authority**

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

25 “(1) without an airman certificate;

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

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

5 “(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-
6 ATIONAL RULES.—

7 “(1) IN GENERAL.—Notwithstanding the rule-
8 making required by section 332 of the FAA Mod-
9 ernization and Reform Act of 2012 (49 U.S.C.
10 40101 note), the Administrator shall issue regula-
11 tions not later than 270 days after the date of en-
12 actment of the Federal Aviation Administration Re-
13 authorization Act of 2017 under which any person
14 may operate a micro unmanned aircraft system clas-
15 sification of unmanned aircraft systems, the aircraft
16 component of which weighs 4.4 pounds or less, in-
17 cluding payload, without the person operating the
18 system being required to pass any airman certifi-
19 cation requirement, including any requirements
20 under section 44703 of this title, part 61 of title 14,
21 Code of Federal Regulations, or any other rule or
22 regulation relating to airman certification.

23 “(2) OPERATIONAL RULES.—The rulemaking
24 required by paragraph (1) relating to micro un-
25 manned aircraft systems shall consider the following

1 rules, or any appropriate modifications thereof con-
2 cerning altitude, airspeed, geographic location, and
3 time of day as the Administrator considers appro-
4 priate, for operation of such systems:

5 “(A) Operation at an altitude of less than
6 400 feet above ground level.

7 “(B) Operation with an airspeed of not
8 greater than 40 knots.

9 “(C) Operation within the visual line of
10 sight of the operator.

11 “(D) Operation during the hours between
12 sunrise and sunset.

13 “(E) Operation not less than 5 statute
14 miles from the geographic center of an airport
15 with an operational air traffic control tower or
16 an airport denoted on a current aeronautical
17 chart published by the Federal Aviation Admin-
18 istration, except that a micro unmanned air-
19 craft system may be operated within 5 statute
20 miles of such an airport if the operator of the
21 system—

22 “(i) provides notice to the airport op-
23 erator; and

24 “(ii) in the case of an airport with an
25 operational air traffic control tower, re-

1 ceives approval from the air traffic control
2 tower.

3 “(c) SCOPE OF REGULATIONS.—

4 “(1) IN GENERAL.—In determining whether a
5 person may operate an unmanned aircraft system
6 under 1 or more of the circumstances described
7 under paragraphs (1) through (3) of subsection (a),
8 the Administrator shall use a risk-based approach
9 and consider, at a minimum, the physical and func-
10 tional characteristics of the micro unmanned aircraft
11 system.

12 “(2) LIMITATION.—The Administrator may
13 only issue regulations under this section for micro
14 unmanned aircraft systems that the Administrator
15 determines may be operated safely in the national
16 airspace system.

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

19 “(1) to prohibit a person from operating a
20 micro unmanned aircraft system under a cir-
21 cumstance described under paragraphs (1) through
22 (3) of subsection (a) if—

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

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

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

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

16 “(b) STANDARDS FOR OPERATION AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall develop and implement an operations
17 and certification program for the operators of public
18 unmanned aircraft systems in the national airspace system.

21 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
22 CIES.—

23 “(1) IN GENERAL.—The Secretary shall enter
24 into an agreement with each appropriate public
25 agency to simplify the process for issuing a certifi-

1 cate of waiver or a certificate of authorization with
2 respect to an application for authorization to operate
3 a public unmanned aircraft system in the national
4 airspace system.

5 “(2) CONTENTS.—An agreement under para-
6 graph (1) shall—

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

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

11 “(ii) require a decision by the Admin-
12 istrator on approval or disapproval not
13 later than 60 business days after the date
14 of submission of the application;

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

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

20 “(B) allow for a one-time approval of simi-
21 lar operations carried out during a fixed period
22 of time; and

23 “(C) allow a government public safety
24 agency to operate an unmanned aircraft weigh-

1 ing 25 pounds or less if that unmanned aircraft
2 is operated—

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

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

7 “(iii) during daylight conditions;

8 “(iv) within Class G airspace; and

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

13 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
14 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
15 180 days after the date of enactment of the Federal Avia-
16 tion Administration Reauthorization Act of 2017 each
17 Federal agency authorized by the Secretary to operate an
18 unmanned aircraft system shall develop and update a data
19 minimization policy that requires, at a minimum, that—

20 “(1) prior to the deployment of any new un-
21 manned aircraft system technology, and at least
22 every 3 years, existing policies and procedures relat-
23 ing to the collection, use, retention, and dissemina-
24 tion of information obtained by an unmanned air-

1 craft system must be examined to ensure that pri-
2 vacy, civil rights, and civil liberties are protected;

3 “(2) if the unmanned aircraft system is the
4 platform for information collection, information
5 must be collected, used, retained, and disseminated
6 consistent with the Constitution, Federal law, and
7 other applicable regulations and policies, such as
8 section 552a of title 5 (commonly known as the Pri-
9 vacy Act of 1974);

10 “(3) the Federal agency, or person operating on
11 its behalf, only collect information using the un-
12 manned aircraft system, or use unmanned aircraft
13 system-collected information, to the extent that the
14 collection or use is consistent with and relevant to
15 an authorized purpose as determined by the head of
16 the Federal agency and consistent with the law;

17 “(4) any information collected, using an un-
18 manned aircraft or an unmanned aircraft system,
19 that may contain personal information will not be
20 retained by any Federal agency for more than 180
21 days after the date of collection unless—

22 “(A) the head of the Federal agency deter-
23 mines that retention of the information is di-
24 rectly relevant and necessary to accomplish the

1 specific purpose for which the Federal agency
2 used the unmanned aircraft system;

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

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

9 “(5) any information collected, using an un-
10 manned aircraft or unmanned aircraft system, that
11 is not maintained in a system of records under sec-
12 tion 552a of title 5, will not be disseminated outside
13 of that Federal agency unless—

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

15 “(B) dissemination satisfies an authorized
16 purpose and complies with that Federal agen-
17 cy’s disclosure requirements;

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

21 “(A) provide notice to the public regarding
22 where in the national airspace system the Fed-
23 eral agency is authorized to operate the un-
24 manned aircraft system;

1 “(B) keep the public informed about the
2 Federal agency’s unmanned aircraft system
3 program, including any changes to that pro-
4 gram that would significantly affect privacy,
5 civil rights, or civil liberties;

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

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

12 “(ii) the number of times the Federal
13 agency provided assistance to other agen-
14 cies or to State, local, tribal, or territorial
15 governments; and

16 “(D) make available on a public and
17 searchable Internet website the data minimiza-
18 tion policy of the Federal agency;

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

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

24 “(B) the verification of the existence of
25 rules of conduct and training for Federal Gov-

1 ernment personnel and contractors who work on
2 programs, and procedures for reporting sus-
3 pected cases of misuse or abuse of unmanned
4 aircraft system technologies;

5 “(C) the establishment of policies and pro-
6 cedures, or confirmation that policies and pro-
7 cedures are in place, that provide meaningful
8 oversight of individuals who have access to sen-
9 sitive information, including personal informa-
10 tion, collected using an unmanned aircraft sys-
11 tem;

12 “(D) ensuring that any data-sharing
13 agreements or policies, data use policies, and
14 record management policies applicable to an un-
15 manned aircraft system conform to applicable
16 laws, including regulations and policies;

17 “(E) the establishment of policies and pro-
18 cedures, or confirmation that policies and pro-
19 cedures exist, to authorize the use of an un-
20 manned aircraft system in response to a request
21 for unmanned aircraft system assistance in sup-
22 port of Federal, State, local, tribal, or terri-
23 torial government operations; and

24 “(F) a requirement that State, local, trib-
25 al, and territorial government recipients of Fed-

1 eral grant funding for the purchase or use of
2 unmanned aircraft systems for their own oper-
3 ations have in place policies and procedures to
4 safeguard individuals’ privacy, civil rights, and
5 civil liberties prior to expending such funds; and
6 “(8) ensures the protection of civil rights and
7 civil liberties, including—

8 “(A) ensuring that policies are in place to
9 prohibit the collection, use, retention, or dis-
10 semination of data in any manner that would
11 violate the First Amendment or in any manner
12 that would discriminate against persons based
13 upon their ethnicity, race, gender, national ori-
14 gin, religion, sexual orientation, or gender iden-
15 tity, in violation of law;

16 “(B) ensuring that unmanned aircraft sys-
17 tem activities are performed in a manner con-
18 sistent with the Constitution and applicable
19 laws, including Executive orders and other
20 Presidential directives; and

21 “(C) ensuring that adequate procedures
22 are in place to receive, investigate, and address,
23 as appropriate, privacy, civil rights, and civil
24 liberties complaints.

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

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

15 “(g) DEFINITION OF FEDERAL AGENCY.—In sub-
16 sections (e) and (g), the term ‘Federal agency’ has the
17 meaning given the term ‘agency’ in section 552(f) of title
18 5.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“44807. Public unmanned aircraft systems.”.

24 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—

25 Section 334 of the FAA Modernization and reform

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

5 (3) FACILITATING INTERAGENCY COOPERATION
6 FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUP-
7 PORT OF FIREFIGHTING OPERATIONS AND UTILITY
8 RESTORATION.—Section 2204(a) of the FAA Exten-
9 sion Safety and Security Act of 2016 (Public Law
10 114-190; 130 Stat. 615) is amended by striking
11 “section 334(c) of the FAA Modernization and Re-
12 form Act of 2012 (49 U.S.C. 40101 note)” and in-
13 serting “section 44807”.

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

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

18 **“§ 44808. Special rules for model aircraft**

19 “(a) IN GENERAL.—Except as provided in subsection
20 (d), and notwithstanding any other provision of law relat-
21 ing to the incorporation of unmanned aircraft systems into
22 Federal Aviation Administration plans and policies, in-
23 cluding this chapter, the Administrator of the Federal
24 Aviation Administration may not promulgate any new rule
25 or regulation regarding an unmanned aircraft operating

1 as a model aircraft or an unmanned aircraft being devel-
2 oped as a model aircraft if—

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

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

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

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

15 “(5) when flown within 5 miles of an airport,
16 the operator of the aircraft provides the airport op-
17 erator, where applicable, and the airport air traffic
18 control tower (when an air traffic facility is located
19 at the airport) with prior notice of the operation
20 (model aircraft operators flying from a permanent
21 location within 5 miles of an airport should establish
22 a mutually agreed upon operating procedure with
23 the airport operator and the airport air traffic con-
24 trol tower (when an air traffic facility is located at

1 the airport)), unless the Administrator determines
2 approval should be required;

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

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

16 “(b) UPDATES.—

17 “(1) IN GENERAL.—The Administrator, in col-
18 laboration with government and industry stake-
19 holders, including nationwide community-based orga-
20 nizations, shall initiate a process to update the oper-
21 ational parameters under subsection (a), as appro-
22 priate.

23 “(2) CONSIDERATIONS.—In updating an oper-
24 ational parameter under paragraph (1), the Admin-
25 istrator shall consider—

1 “(A) appropriate operational limitations to
2 mitigate aviation safety risk and risk to the un-
3 involved public;

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

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

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

12 “(E) ensuring, to the greatest extent prac-
13 ticable, that updates to the operational param-
14 eters correspond to, and leverage, advances in
15 technology.

16 “(3) SAVINGS CLAUSE.—Nothing in this sub-
17 section shall be construed as expanding the author-
18 ity of the Administrator to require operators of
19 model aircraft under the exemption of this sub-
20 section to be required to seek permissive authority of
21 the Administrator prior to operation in the national
22 airspace system.

23 “(c) STATUTORY CONSTRUCTION.—Nothing in this
24 section shall be construed to limit the authority of the Ad-

1 administrator to pursue enforcement action against persons
2 operating model aircraft.

3 “(d) EXCEPTIONS.—The Administrator may promul-
4 gate rules relating to the registration and marking of
5 model aircraft.

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

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

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

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) TABLE OF CONTENTS.—The table of con-
19 tents for chapter 448, as amended by section 2127
20 of this Act, is further amended by inserting after the
21 item relating to section 44807 the following:

“44808. Special rules for model aircraft.”.

22 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—
23 Section 336 of the FAA Modernization and Reform
24 Act of 2012 (49 U.S.C. 40101 note) and the item
25 relating to that section in the table of contents

1 under section 1(b) of that Act (126 Stat. 13) are re-
2 pealed.

3 **SEC. 2129. AUTHORITY.**

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

12 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
13 **KNOWLEDGE AND SAFETY.**

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

17 **“§ 44809. Aeronautical knowledge and safety test**

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

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

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

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

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

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

18 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
19 TEST.—Not later than 180 days after the date of enact-
20 ment of the Federal Aviation Administration Reauthoriza-
21 tion Act of 2017, the Administrator of the Federal Avia-
22 tion Administration, in consultation with manufacturers
23 of unmanned aircraft systems, other industry stake-
24 holders, and community-based aviation organizations,

1 shall develop an aeronautical knowledge and safety test
2 that can be administered electronically.

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

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

8 “(2) knowledge of Federal Aviation Administra-
9 tion regulations and requirements pertaining to the
10 operation of an unmanned aircraft system in the na-
11 tional airspace system.

12 “(e) RECORD OF COMPLIANCE.—

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

19 “(A) an identification number, issued by
20 the Federal Aviation Administration certifying
21 passage of the aeronautical knowledge and safe-
22 ty test;

23 “(B) if the individual has authority to op-
24 erate an unmanned aircraft system under other

1 Federal law, the requisite proof of authority
2 under that law; or

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

5 “(2) COORDINATION.—The Administrator may
6 coordinate the identification number under para-
7 graph (1)(A) with an operator’s registration number
8 to the extent practicable.

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

15 (b) TABLE OF CONTENTS.—The table of contents for
16 chapter 448, as amended by section 2128 of this Act, is
17 further amended by inserting after the item relating to
18 section 44808 the following:

“44809. Aeronautical knowledge and safety test.”.

19 **SEC. 2131. TREATMENT OF UNMANNED AIRCRAFT OPER-**
20 **ATING UNDERGROUND.**

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

1 **SEC. 2132. ENFORCEMENT.**

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

9 (b) CIVIL PENALTIES.—

10 (1) IN GENERAL.—Section 46301 is amended—

11 (A) in subsection (a)(1)(A), by inserting
12 “chapter 448,” after “chapter 447 (except sec-
13 tions 44717 and 44719–44723),”;

14 (B) in subsection (a)(5), by inserting
15 “chapter 448,” after “chapter 447 (except sec-
16 tions 44717–44723),”;

17 (C) in subsection (d)(2), by inserting
18 “chapter 448,” after “chapter 447 (except sec-
19 tions 44717 and 44719–44723),”;

20 (D) in subsection (f), by inserting “chapter
21 448,” after “chapter 447 (except 44717 and
22 44719–44723),”.

23 (2) RULE OF CONSTRUCTION.—Nothing in this
24 subsection shall be construed to limit the authority
25 of the Administrator to pursue an enforcement ac-
26 tion for a violation of this Act, a regulation pre-

1 scribed or order or authority issued under this Act,
2 or any other applicable provision of aviation safety
3 law or regulation.

4 (c) REPORTING.—As part of the program, the Ad-
5 ministrator shall establish and publicize a mechanism for
6 the public and Federal, State, and local law enforcement
7 to report a suspected abuse or a violation of chapter 448
8 of title 49, United States Code, for enforcement action.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
10 out this section, there is authorized to be appropriated
11 \$5,000,000 for each of the fiscal years 2018 through
12 2021.

13 **SEC. 2133. AIRPORT SAFETY AND AIRSPACE HAZARD MITI-**
14 **GATION AND ENFORCEMENT.**

15 (a) IN GENERAL.—Chapter 448, as amended by sec-
16 tion 2130 of this Act, is further amended by inserting
17 after section 44809 the following:

18 **“§ 44810. Airport safety and airspace hazard mitiga-**
19 **tion and enforcement**

20 **“(a) AUTHORITY.—**The Administrator of the Federal
21 Aviation Administration shall work with the Secretary of
22 Defense, the Secretary of Homeland Security, and the
23 heads of other relevant Federal departments and agencies
24 for the purpose of ensuring that technologies or systems
25 that are developed, tested, or deployed by Federal depart-

1 ments and agencies to detect and mitigate potential
2 threats posed by errant or hostile unmanned aircraft sys-
3 tem operations do not adversely impact or interfere with
4 safe airport operations, navigation, air traffic services, or
5 the safe and efficient operation of the national airspace
6 system.

7 “(b) PLAN.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of the Federal Aviation
10 Administration Reauthorization Act of 2017, the
11 Administrator shall develop a plan for the certifi-
12 cation, permitting, authorizing, or allowing of the
13 deployment of technologies or systems for the detec-
14 tion and mitigation of unmanned aircraft systems.

15 “(2) CONTENTS.—The plan shall include the
16 development of policies, procedures, or protocols that
17 will allow appropriate officials of Federal, State, or
18 local agencies requesting to utilize such technologies
19 or systems to take steps to detect and mitigate po-
20 tential airspace safety threats posed by unmanned
21 aircraft system operations.

22 “(3) AVIATION RULEMAKING ADVISORY COM-
23 MITTEE.—The Administrator may charter an avia-
24 tion rulemaking advisory committee to make rec-
25 ommendations for such a plan and any standards

1 that the Administrator determines may need to be
2 developed with respect to such technologies or sys-
3 tems. The Federal Advisory Committee Act (5
4 U.S.C. App.) shall not apply to an aviation rule-
5 making advisory committee chartered under this
6 paragraph.

7 “(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In
8 order to test and evaluate technologies or systems to de-
9 tect and mitigate potential airspace safety threats posed
10 by unmanned aircraft system operations, the Adminis-
11 trator shall deploy such technologies or systems at 5 air-
12 ports.

13 “(d) AUTHORITY.—Under the testing and evaluation
14 in subsection (c), the Administrator may use unmanned
15 aircraft detection and mitigation systems to detect and
16 mitigate the unauthorized operation of an unmanned air-
17 craft that poses a risk to airspace safety. Utilization of
18 such technologies or systems, and the communications
19 sent using such technologies and systems to unmanned
20 aircraft systems, shall be regarded as equivalent to separa-
21 tion instructions to pilots of manned aircraft.

22 “(e) AIP FUNDING ELIGIBILITY.—Upon the certifi-
23 cation, permitting, authorizing, or allowing of such tech-
24 nologies and systems that have been successfully tested
25 under this section, an airport sponsor may apply for a

1 grant under subchapter I of chapter 471 to purchase an
2 unmanned aircraft detection and mitigation system. For
3 purposes of this subsection, purchasing an unmanned air-
4 craft detection and mitigation system shall be considered
5 airport development (as defined in section 47102).

6 “(f) REPORT.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the Federal Aviation Ad-
9 ministration Reauthorization Act of 2017, and annu-
10 ally thereafter, the Administrator shall submit to the
11 appropriate committees of Congress a report on the
12 implementation of this section, including the testing
13 and evaluation of detection and mitigation systems
14 under this section.

15 “(2) CONTENTS.—The report under paragraph
16 (1) shall include the following:

17 “(A) The number of unauthorized un-
18 manned aircraft operations detected, together
19 with a description of such operations.

20 “(B) The number of instances in which
21 unauthorized unmanned aircraft were miti-
22 gated, together with a description of such in-
23 stances.

24 “(C) The number of enforcement cases
25 brought by the Federal Aviation Administration

1 for unauthorized operation of unmanned air-
2 craft detected through the program, together
3 with a description of such cases.

4 “(D) The number of any technical failures
5 in the program, together with a description of
6 such failures.

7 “(E) Recommendations for safety and
8 operational standards for unmanned aircraft
9 detection and mitigation systems.

10 “(3) FORMAT.—To the extent practicable, the
11 report prepared under paragraph (1) shall be sub-
12 mitted in a classified format. If appropriate, the re-
13 port may include an unclassified summary.

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated from the Airport and Air-
16 way Trust Fund to carry out this section \$6,000,000 for
17 each of fiscal years 2018 through 2021, to remain avail-
18 able until expended.

19 “(h) APPLICABILITY OF OTHER LAWS.—Section 32
20 of title 18, United States Code (commonly known as the
21 Aircraft Sabotage Act), section 1031 of title 18, United
22 States Code (commonly known as the Computer Fraud
23 and Abuse Act of 1986), sections 2510–2522 of title 18,
24 United States Code (commonly known as the Wiretap
25 Act), and sections 3121–3127 of title 18, United States

1 Code (commonly known as the Pen/Trap Statute), shall
2 not apply to any activity authorized by the Administrator
3 pursuant to this section.

4 “(i) SUNSET.—This section ceases to be effective
5 September 30, 2021.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) TABLE OF CONTENTS.—The table of con-
8 tents for chapter 448, as amended by section 2130
9 of this Act, is further amended by inserting after the
10 item relating to section 44809 the following:

“44810. Airport safety and airspace hazard mitigation and enforcement.”.

11 (2) PILOT PROJECT FOR AIRPORT SAFETY AND
12 AIRSPACE HAZARD MITIGATION.—Section 2206 of
13 the FAA Extension Safety and Security Act of 2016
14 (Public Law 114–190; 130 Stat. 615) and the item
15 relating to that section in the table of contents
16 under section 1(b) of that Act are repealed.

17 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
18 **ICES DISRUPTION.**

19 Section 46320(a) is amended by inserting “, includ-
20 ing helicopter air ambulance operations,” after “emer-
21 gency response effort”.

1 **SEC. 2135. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
2 **MENTS.**

3 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
4 MENTS.—Section 40102(a)(41) is amended by adding at
5 the end the following:

6 “(F) An unmanned aircraft that is owned
7 and operated by or exclusively leased for at
8 least 90 consecutive days by an Indian tribal
9 government (as defined in section 102 of the
10 Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5122)), except
12 as provided in section 40125(b).”.

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

16 **SEC. 2136. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
17 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
18 **HIRE.**

19 (a) IN GENERAL.—Chapter 448, as amended by sec-
20 tion 2133 of this Act, is further amended by adding after
21 section 44810 the following:

22 **“§ 44811. Carriage of property by small unmanned**
23 **aircraft systems for compensation or hire**

24 “(a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of the Federal Aviation Administration
26 Reauthorization Act of 2017, the Secretary of Transpor-

1 tation shall issue a final rule authorizing the carriage of
2 property by operators of small unmanned aircraft systems
3 for compensation or hire within the United States.

4 “(b) CONTENTS.—The final rule required under sub-
5 section (a) shall provide for the following:

6 “(1) SMALL UAS AIR CARRIER CERTIFICATE.—

7 The Administrator of the Federal Aviation Adminis-
8 tration, at the direction of the Secretary, shall estab-
9 lish a certificate (to be known as a ‘small UAS air
10 carrier certificate’) for persons that undertake di-
11 rectly, by lease, or other arrangement the operation
12 of small unmanned aircraft systems to carry prop-
13 erty in air transportation, including commercial fleet
14 operations with highly automated unmanned aircraft
15 systems. The requirements to operate under a small
16 UAS air carrier certificate shall—

17 “(A) consider the unique characteristics of
18 highly automated, small unmanned aircraft sys-
19 tems; and

20 “(B) include requirements for the safe op-
21 eration of small unmanned aircraft systems
22 that, at a minimum, address—

23 “(i) airworthiness of small unmanned
24 aircraft systems;

1 “(ii) qualifications for operators and
2 the type and nature of the operations; and

3 “(iii) operating specifications gov-
4 erning the type and nature of the un-
5 manned aircraft system air carrier oper-
6 ations.

7 “(2) SMALL UAS AIR CARRIER CERTIFICATION
8 PROCESS.—The Administrator, at the direction of
9 the Secretary, shall establish a process for the
10 issuance of small UAS air carrier certificates estab-
11 lished pursuant to paragraph (1) that is perform-
12 ance-based and ensures required safety levels are
13 met. Such certification process shall consider—

14 “(A) safety risks and the mitigation of
15 those risks associated with the operation of
16 highly automated, small unmanned aircraft
17 around other manned and unmanned aircraft,
18 and over persons and property on the ground;

19 “(B) the competencies and compliance pro-
20 grams of manufacturers, operators, and compa-
21 nies that manufacture, operate, or both small
22 unmanned aircraft systems and components;
23 and

24 “(C) compliance with the requirements es-
25 tablished pursuant to paragraph (1).

1 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
2 TION.—The Secretary shall develop a classification
3 system for persons issued small UAS air carrier cer-
4 tificates pursuant to this subsection to establish eco-
5 nomic authority for the carriage of property by small
6 unmanned aircraft systems for compensation or hire.
7 Such classification shall only require—

8 “(A) registration with the Department of
9 Transportation; and

10 “(B) a valid small UAS air carrier certifi-
11 cate issued pursuant to this subsection.”.

12 (b) TABLE OF CONTENTS.—The table of contents for
13 chapter 448, as amended by section 2133 of this Act, is
14 further amended by adding after the item relating to sec-
15 tion 44810 the following:

 “44811. Carriage of property by small unmanned aircraft systems for compensa-
 tion or hire.”.

16 **SEC. 2137. COLLEGIATE TRAINING INITIATIVE PROGRAM**
17 **FOR UNMANNED AIRCRAFT SYSTEMS.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Administrator of the
20 Federal Aviation Administration shall establish a Colle-
21 giate Training Initiative program relating to unmanned
22 aircraft systems by making new agreements or continuing
23 existing agreements with institutions of higher education
24 (as defined by the Administrator) under which the institu-

1 tions prepare students for careers involving unmanned air-
2 craft systems. The Administrator may establish standards
3 for the entry of such institutions into the program and
4 for their continued participation in the program.

5 (b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
6 this section, the term “unmanned aircraft system” has the
7 meaning given that term by section 44801 of title 49,
8 United States Code, as added by section 2121 of this Act.

9 **SEC. 2138. INCORPORATION OF FEDERAL AVIATION ADMIN-**
10 **ISTRATION OCCUPATIONS RELATING TO UN-**
11 **MANNED AIRCRAFT INTO VETERANS EM-**
12 **PLOYMENT PROGRAMS OF THE ADMINISTRA-**
13 **TION.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Administrator of the Federal Avia-
16 tion Administration, in consultation with the Secretary of
17 Veterans Affairs, the Secretary of Defense, and the Sec-
18 retary of Labor, shall determine whether occupations of
19 the Administration relating to unmanned aircraft systems
20 technology and regulations can be incorporated into the
21 Veterans’ Employment Program of the Administration,
22 particularly in the interaction between such program and
23 the New Sights Work Experience Program and the Vet-
24 Link Cooperative Education Program.

1 **SEC. 2139. REPORT ON UAS AND CHEMICAL AERIAL APPLI-**
2 **CATION.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall submit to the appropriate committees
6 of Congress a report evaluating which aviation safety re-
7 quirements under part 137 of title 14, Code of Federal
8 Regulations, should apply to unmanned aircraft system
9 operations engaged in aerial spraying of chemicals for ag-
10 ricultural purposes.

11 **SEC. 2140. PART 107 IMPLEMENTATION IMPROVEMENTS.**

12 (a) **TRANSPARENCY.**—Not later than 30 days after
13 the date of enactment of this Act, the Administrator of
14 the Federal Aviation Administration shall publish on the
15 Federal Aviation Administration website a representative
16 sample of the safety justifications offered by applicants
17 for waivers or air traffic control authorizations that have
18 been approved by the Administration for each regulation
19 waived or class of airspace authorized, except that any
20 published justification shall not reveal proprietary or com-
21 mercially sensitive information.

22 (b) **TECHNOLOGY IMPROVEMENTS.**—Not later than
23 60 days after the date of enactment of this Act, the Ad-
24 ministrator shall revise the online waiver and air traffic
25 control authorization processes—

1 (1) to provide real time confirmation that an
2 application filed online has been received by the Ad-
3 ministration; and

4 (2) to provide an applicant with an opportunity
5 to review the status of the applicant’s application.

6 **SEC. 2141. REDESIGNATION.**

7 (a) SAFETY STATEMENTS.—

8 (1) IN GENERAL.—Section 2203 of the FAA
9 Extension Safety and Security Act of 2016 (Public
10 Law 114–190; 130 Stat. 615) is redesignated as
11 section 44812 of chapter 448 of title 49, United
12 States Code, and transferred so as to appear after
13 section 44811 of title 49, United States Code, as
14 added by section 2136 of this Act.

15 (2) TECHNICAL AND CONFORMING AMEND-
16 MENTS.—Section 44812(b), as redesignated, is
17 amended—

18 (A) in paragraph (1), by striking “this
19 Act” and inserting “the FAA Extension Safety
20 and Security Act of 2016”; and

21 (B) in clauses (i), (ii), and (iii) of para-
22 graph (2)(D), by striking “section 336 of the
23 FAA Modernization and Reform Act of 2012
24 949 U.S.C. 40101 note)” and inserting “section
25 44808”.

1 (b) EMERGENCY EXEMPTION PROCESS.—

2 (1) IN GENERAL.—Section 2207 of the FAA
3 Extension Safety and Security Act of 2016 (Public
4 Law 114–190; 130 Stat. 615) is redesignated as
5 section 44813 of chapter 448 of title 49, United
6 States Code, and transferred so as to appear after
7 section 44812 of title 49, United States Code, as re-
8 designated by subsection (a)(1) of this section.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENTS.—Section 44813(a), as redesignated, is
11 amended by striking “this Act” and inserting “the
12 FAA Extension Safety and Security Act of 2016”.

13 (c) APPLICATIONS FOR DESIGNATION.—

14 (1) IN GENERAL.—Section 2209 of the FAA
15 Extension Safety and Security Act of 2016 (Public
16 Law 114–190; 130 Stat. 615) is redesignated as
17 section 44814 of chapter 448 of title 49, United
18 States Code, and transferred so as to appear after
19 section 44813 of title 49, United States Code, as re-
20 designated by subsection (b)(1) of this section.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENTS.—Section 44814(a), as redesignated, is
23 amended by striking “this Act” and inserting “the
24 FAA Extension Safety and Security Act of 2016”.

1 (d) OPERATIONS ASSOCIATED WITH CRITICAL IN-
2 FRASTRUCTURE.—

3 (1) IN GENERAL.—Section 2210 of the FAA
4 Extension Safety and Security Act of 2016 (Public
5 Law 114–190; 130 Stat. 615) is redesignated as
6 section 44815 of chapter 448 of title 49, United
7 States Code, and transferred so as to appear after
8 section 44814 of title 49, United States Code, as re-
9 designated by subsection (c)(1) of this section.

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENTS.—Section 44815, as redesignated, is amend-
12 ed—

13 (A) in subsections (a), (d)(2), and (e), by
14 striking “section 333 of the FAA Modernization
15 and Reform Act of 2012 (49 U.S.C. 40101
16 note)” and inserting “section 44805”;

17 (B) in subsection (c)(2), by striking “,
18 United States Code”; and

19 (C) in subsection (d)(1), by striking “this
20 Act” and inserting “the FAA Extension Safety
21 and Security Act of 2016”.

1 **PART III—OTHER MATTERS**

2 **SEC. 2151. FEDERAL AND LOCAL AUTHORITIES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall—

6 (1) conduct a study on the relative roles of the
7 Federal Government and State and local govern-
8 ments in regulating the national airspace system, in-
9 cluding unmanned aircraft systems operations; and

10 (2) submit to the appropriate committees of
11 Congress a report on the study, including the Comp-
12 troller General’s findings, conclusions, and rec-
13 ommendations.

14 (b) CONTENTS.—The study under subsection (a)
15 shall review the following:

16 (1) The current state of the law with respect to
17 Federal authority over airspace in the United States
18 and the operations of aircraft in that airspace.

19 (2) The current state of the law with respect to
20 state and local authority over airspace in the United
21 States and the operations of aircraft in that air-
22 space;

23 (3) Potential gaps between authorities under
24 paragraphs (1) and (2), particularly with respect to
25 unmanned aircraft systems operations at low alti-
26 tudes;

1 (4) The effectiveness of the Federal Govern-
2 ment's efforts to resolve differences between dif-
3 ferent stakeholders on the issue.

4 (5) Potential ways to structure the roles and re-
5 sponsibilities between the Federal Government and
6 State and local governments to ensure the highest
7 level of safety for all aviation operations and in con-
8 sideration of State and local interests on issues such
9 as nuisance, voyeurism, privacy, trespass, harass-
10 ment, reckless endangerment, wrongful death, per-
11 sonal injury, property damage, or other illegal acts
12 arising from the use of unmanned aircraft systems.

13 **SEC. 2152. SPECTRUM.**

14 (a) IN GENERAL.—Small unmanned aircraft systems
15 may use spectrum for wireless control link, tracking,
16 diagnostics, payload communication, and collaborative-col-
17 lision avoidance, such as vehicle-to-vehicle communication,
18 and other uses, consistent with the Communications Act
19 of 1934 (47 U.S.C. 151 et seq.), Federal Communications
20 Commission rules, and the safety-of-life determination
21 made by the Federal Aviation Administration, and
22 through voluntary commercial arrangements with service
23 providers, whether they are operating within a UTM sys-
24 tem under section 2208 of the FAA Extension Safety and

1 Security Act of 2016 (Public Law 114–190; 130 Stat.
2 615) or outside such a system.

3 (b) REPORT.—Not later than 270 days after the date
4 of enactment of this Act, and after consultation with rel-
5 evant stakeholders, the Administrator of the Federal Avia-
6 tion Administration, the National Telecommunications
7 and Information Administration, and the Federal Commu-
8 nications Commission, shall submit to the Committee on
9 Commerce, Science, and Transportation of the Senate, the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives, and the Committee on Energy
12 and Commerce of the House of Representatives a report—

13 (1) on whether small unmanned aircraft sys-
14 tems operations should be permitted to operate on
15 spectrum designated for aviation use, on an unli-
16 censed, shared, or exclusive basis, for operations
17 within the UTM system or outside of such a system;

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

21 (3) that, if it is determined that spectrum des-
22 igned for aviation use is not suitable for operations
23 by small unmanned aircraft systems, includes rec-
24 ommendations of other spectrum frequencies that
25 may be appropriate for such operations.

1 **SEC. 2153. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
2 **STITUTIONS OF HIGHER EDUCATION.**

3 (a) IN GENERAL.—Not later than 270 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall establish procedures
6 and standards, as applicable, to facilitate the safe oper-
7 ation of unmanned aircraft systems by institutions of
8 higher education, including faculty, students, and staff.

9 (b) STANDARDS.—The procedures and standards re-
10 quired under subsection (a) shall outline risk-based oper-
11 ational parameters to ensure the safety of the national air-
12 space system and the uninvolved public that facilitates the
13 use of unmanned aircraft systems for educational or re-
14 search purposes.

15 (c) UNMANNED AIRCRAFT SYSTEM APPROVAL.—The
16 procedures required under subsection (a) shall allow un-
17 manned aircraft systems operated under this section to be
18 modified for research purposes without iterative approval
19 from the Administrator.

20 (d) ADDITIONAL PROCEDURES.—The Administrator
21 shall establish a procedure to provide for streamlined, risk-
22 based operational approval for unmanned aircraft systems
23 operated by institutions of higher education, including fac-
24 ulty, students, and staff, outside of the parameters or pur-
25 poses set forth in subsection (b).

26 (e) DEADLINES.—

1 (1) IN GENERAL.—If, by the date that is 270
2 days after the date of enactment of this Act, the Ad-
3 ministrator has not set forth standards and proce-
4 dures required under subsections (a), (b), and (c),
5 an institution of higher education may—

6 (A) without specific approval from the
7 Federal Aviation Administration, operate small
8 unmanned aircraft at model aircraft fields ap-
9 proved by the Academy of Model Aeronautics
10 and with the permission of the local club of the
11 Academy of Model Aeronautics; and

12 (B) submit to the Federal Aviation Admin-
13 istration applications for approval of the insti-
14 tution’s designation of 1 or more outdoor flight
15 fields.

16 (2) CONSEQUENCE OF FAILURE TO APPROVE.—
17 If the Administrator does not take action with re-
18 spect to an application submitted under paragraph
19 (1)(B) within 30 days of the submission of the appli-
20 cation, the failure to do so shall be treated as ap-
21 proval of the application.

22 (f) DEFINITIONS.—In this section:

23 (1) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given that term by section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (2) UNMANNED AIRCRAFT SYSTEM.—The term
4 “unmanned aircraft system” has the meaning given
5 the term in section 44801 of title 49, United States
6 Code, as added by section 2121 of this Act.

7 (3) EDUCATIONAL OR RESEARCH PURPOSES.—
8 The term “educational or research purposes”, with
9 respect to the operation of an unmanned aircraft
10 system by an institution of higher education, in-
11 cludes—

12 (A) instruction of students at the institu-
13 tion;

14 (B) academic or research related use of
15 unmanned aircraft systems by student organi-
16 zations recognized by the institution, if such
17 use has been approved by the institution;

18 (C) activities undertaken by the institution
19 as part of research projects, including research
20 projects sponsored by the Federal Government;
21 and

22 (D) other academic activities at the insti-
23 tution, including general research, engineering,
24 and robotics.

1 **SEC. 2154. TRANSITION LANGUAGE.**

2 (a) REGULATIONS.—Notwithstanding the repeals
3 under sections 2122(b)(2), 2124(b)(2), 2125(b)(2),
4 2127(b)(2), 2128(b)(2), and 2133(b)(2) of this Act, all
5 orders, determinations, rules, regulations, permits, grants,
6 and contracts, which have been issued under any law de-
7 scribed under subsection (b) of this section on or before
8 the effective date of this Act shall continue in effect until
9 modified or revoked by the Secretary of Transportation,
10 acting through the Administrator of the Federal Aviation
11 Administration, as applicable, by a court of competent ju-
12 risdiction, or by operation of law other than this Act.

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

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

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

19 (3) Section 333 of the FAA Modernization and
20 Reform Act of 2012 (49 U.S.C. 40101 note).

21 (4) Section 334 of the FAA Modernization and
22 Reform Act of 2012 (49 U.S.C. 40101 note).

23 (5) Section 336 of the FAA Modernization and
24 Reform Act of 2012 (49 U.S.C. 40101 note).

1 (6) Section 2206 of the FAA Extension Safety
2 and Security Act of 2016 (Public Law 114–190; 130
3 Stat. 615).

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

7 **PART IV—OPERATOR SAFETY**

8 **SEC. 2161. SHORT TITLE.**

9 This part may be cited as the “Drone Operator Safe-
10 ty Act”.

11 **SEC. 2162. FINDINGS; SENSE OF CONGRESS.**

12 (a) FINDING.—Congress finds that educating opera-
13 tors of unmanned aircraft about Federal law, including
14 regulations, relating to unmanned aircraft will promote
15 the safe operation of such aircraft.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Administrator of the Federal Aviation Ad-
18 ministration should continue to prioritize the education of
19 operators of unmanned aircraft through public outreach
20 efforts like the “Know Before You Fly” campaign.

21 **SEC. 2163. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

22 (a) IN GENERAL.—Chapter 2 of title 18, United
23 States Code, is amended—

24 (1) in section 31—

25 (A) in subsection (a)—

1 (i) by redesignating paragraph (10) as
2 paragraph (11); and

3 (ii) by inserting after paragraph (9)
4 the following:

5 “(10) UNMANNED AIRCRAFT.—The term ‘un-
6 manned aircraft’ has the meaning given such term
7 in section 44801 of title 49.”; and

8 (B) in subsection (b), by inserting “‘air-
9 port’,” before “‘appliance’”; and

10 (2) by inserting after section 39A the following:

11 **“§ 39B. Unsafe operation of unmanned aircraft**

12 “(a) OFFENSE.—Any person who operates an un-
13 manned aircraft and, in so doing, knowingly or recklessly
14 interferes with, or disrupts the operation of, an aircraft
15 carrying 1 or more occupants operating in the special air-
16 craft jurisdiction of the United States, in a manner that
17 poses an imminent safety hazard to such occupants, shall
18 be punished as provided in subsection (b).

19 “(b) PENALTY.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), the punishment for an offense under sub-
22 section (a) shall be a fine under this title, imprison-
23 ment for not more than 1 year, or both.

24 “(2) SERIOUS BODILY INJURY OR DEATH.—Any
25 person who attempts to cause, or knowingly or reck-

1 lessly causes, serious bodily injury or death during
2 the commission of an offense under subsection (a)
3 shall be fined under this title, imprisoned for any
4 term of years or for life, or both.

5 “(c) OPERATION OF UNMANNED AIRCRAFT IN CLOSE
6 PROXIMITY TO AIRPORTS.—

7 “(1) IN GENERAL.—The operation of an un-
8 manned aircraft within a runway exclusion zone
9 shall be considered a violation of subsection (a) un-
10 less such operation is approved by the airport’s air
11 traffic control facility or is the result of a cir-
12 cumstance, such as a malfunction, that could not
13 have been reasonably foreseen or prevented by the
14 operator.

15 “(2) RUNWAY EXCLUSION ZONE DEFINED.—In
16 this subsection, the term ‘runway exclusion zone’
17 means a rectangular area—

18 “(A) centered on the centerline of an ac-
19 tive runway of an airport immediately around
20 which the airspace is designated as class B,
21 class C, or class D airspace at the surface
22 under part 71 of title 14, Code of Federal Reg-
23 ulations; and

24 “(B) the length of which extends parallel
25 to the runway’s centerline to points that are 1

1 statute mile from each end of the runway and
2 the width of which is 1/2 statute mile.”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 chapter 2 of title 18, United States Code, is amended by
5 inserting after the item relating to section 39A the fol-
6 lowing:

“39B. Unsafe operation of unmanned aircraft.”.

7 **Subtitle B—FAA Safety**
8 **Certification Reform**

9 **PART I—GENERAL PROVISIONS**

10 **SEC. 2211. DEFINITIONS.**

11 In this subtitle:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Federal
14 Aviation Administration.

15 (2) ADVISORY COMMITTEE.—The term “Advi-
16 sory Committee” means the Safety Oversight and
17 Certification Advisory Committee established under
18 section 2212.

19 (3) FAA.—The term “FAA” means the Fed-
20 eral Aviation Administration.

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

23 (5) SYSTEMS SAFETY APPROACH.—The term
24 “systems safety approach” means the application of
25 specialized technical and managerial skills to the

1 systematic, forward-looking identification and con-
2 trol of hazards throughout the lifecycle of a project,
3 program, or activity.

4 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
5 **SORY COMMITTEE.**

6 (a) ESTABLISHMENT.—Not later than 60 days after
7 the date of enactment of this Act, the Secretary shall es-
8 tablish a Safety Oversight and Certification Advisory
9 Committee in accordance with this section.

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

15 (1) Aircraft and flight standards certification
16 processes, including efforts to streamline those proc-
17 esses.

18 (2) Implementation and oversight of safety
19 management systems.

20 (3) Risk-based oversight efforts.

21 (4) Utilization of delegation and designation au-
22 thorities, including organization designation author-
23 ization.

24 (5) Regulatory interpretation standardization
25 efforts.

1 (6) Training programs.

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

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

7 (c) FUNCTIONS.—In carrying out its duties under
8 subsection (b) related to FAA safety oversight and certifi-
9 cation programs and activities, the Advisory Committee
10 shall—

11 (1) foster aviation stakeholder collaboration in
12 an open and transparent manner;

13 (2) consult with, and ensure participation by—

14 (A) the private sector, including represent-
15 atives of—

16 (i) general aviation;

17 (ii) commercial aviation;

18 (iii) aviation labor;

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

21 (v) unmanned aircraft systems indus-
22 try; and

23 (B) the public;

24 (3) recommend consensus national goals, stra-
25 tegic objectives, and priorities for the most efficient,

1 streamlined, and cost-effective safety oversight and
2 certification processes in order to maintain the safe-
3 ty of the aviation system while allowing the FAA to
4 meet future needs and ensure that aviation stake-
5 holders remain competitive in the global market-
6 place;

7 (4) provide policy recommendations for the
8 FAA's safety oversight and certification efforts;

9 (5) periodically review and provide rec-
10 ommendations regarding the FAA's safety oversight
11 and certification efforts;

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

14 (7) provide appropriate legislative, regulatory,
15 and guidance recommendations for the air transpor-
16 tation system and the aviation safety regulatory en-
17 vironment;

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

20 (9) recommend performance metrics for the
21 FAA and the aviation industry to be tracked and re-
22 viewed as streamlining certification reform, flight
23 standards reform, and regulation consistency efforts
24 progress;

1 (10) provide a venue for tracking progress to-
2 ward national goals and sustaining joint commit-
3 ments;

4 (11) recommend recruiting, hiring, staffing lev-
5 els, training, and continuing education objectives for
6 FAA aviation safety engineers and aviation safety
7 inspectors;

8 (12) provide advice and recommendations to the
9 FAA on how to prioritize safety rulemaking projects;

10 (13) improve the development of FAA regula-
11 tions by providing information, advice, and rec-
12 ommendations related to aviation issues;

13 (14) promote the validation and acceptance of
14 U.S. manufactured and FAA type-certificate aircraft
15 products and services throughout the world; and

16 (15) any other functions as determined appro-
17 priate by the chairperson of the Advisory Committee
18 and the Administrator.

19 (d) MEMBERSHIP.—

20 (1) VOTING MEMBERS.—The Advisory Com-
21 mittee shall be composed of the following voting
22 members:

23 (A) The Administrator, or the Administra-
24 tor's designee.

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

3 (i) Transport aircraft and engine
4 manufacturers.

5 (ii) General aviation aircraft and en-
6 gine manufacturers.

7 (iii) Avionics and equipment manufac-
8 turers.

9 (iv) Aviation labor organizations, in-
10 cluding collective bargaining representa-
11 tives of FAA aviation safety inspectors and
12 aviation safety engineers.

13 (v) General aviation operators.

14 (vi) Air carriers.

15 (vii) Business aviation operators.

16 (viii) Unmanned aircraft systems
17 manufacturers and operators.

18 (ix) Aviation safety management ex-
19 perts.

20 (2) NONVOTING MEMBERS.—

21 (A) IN GENERAL.—In addition to the
22 members appointed under paragraph (1), the
23 Advisory Committee shall be composed of non-
24 voting members appointed by the Secretary

1 from among individuals representing FAA safe-
2 ty oversight program offices.

3 (B) DUTIES.—A nonvoting member may—

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

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

9 (C) LIMITATION.—A nonvoting member
10 may not represent any stakeholder interest
11 other than that of an FAA safety oversight pro-
12 gram office.

13 (3) TERMS.—Each voting member and non-
14 voting member of the Advisory Committee shall be
15 appointed for a term of 2 years.

16 (4) RULE OF CONSTRUCTION.—Public Law
17 104–65 (2 U.S.C. 1601 et seq.) may not be con-
18 strued to prohibit or otherwise limit the appointment
19 of any individual as a member of the Advisory Com-
20 mittee.

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

23 (1) Each voting member under subsection
24 (d)(1)(B) shall be an executive that has decision au-
25 thority within the member’s organization and can

1 represent and enter into commitments on behalf of
2 that organization in a way that serves the entire
3 group of organizations that member represents
4 under that subsection.

5 (2) The ability to obtain necessary information
6 from experts in the aviation and aerospace commu-
7 nities.

8 (3) A membership size that enables the Advi-
9 sory Committee to have substantive discussions and
10 reach consensus on issues in an expeditious manner.

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

15 (f) CHAIRPERSON.—

16 (1) IN GENERAL.—The chairperson of the Advi-
17 sory Committee shall be appointed by the Secretary
18 from among the voting members under subsection
19 (d)(1)(B).

20 (2) TERM.—Each member appointed under
21 paragraph (1) shall serve a term of 2 years as chair-
22 person.

23 (g) MEETINGS.—

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

4 (2) PUBLIC ATTENDANCE.—Each meeting of
5 the Advisory Committee shall be open and accessible
6 to the public.

7 (h) SPECIAL COMMITTEES.—

8 (1) ESTABLISHMENT.—The Advisory Com-
9 mittee may establish 1 or more special committees
10 composed of private sector representatives, members
11 of the public, labor representatives, and other rel-
12 evant parties in complying with consultation and
13 participation requirements under subsection (c)(2).

14 (2) RULEMAKING ADVICE.—A special com-
15 mittee established by the Advisory Committee may—

16 (A) provide rulemaking advice and rec-
17 ommendations to the Advisory Committee;

18 (B) provide the FAA additional opportuni-
19 ties to obtain firsthand information and insight
20 from those persons that are most affected by
21 existing and proposed regulations; and

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

1 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
2 Federal Advisory Committee Act (5 U.S.C. App.)
3 shall not apply to a special committee under this
4 subsection.

5 (i) SUNSET.—The Advisory Committee shall cease to
6 exist on September 30, 2021.

7 **PART II—AIRCRAFT CERTIFICATION REFORM**

8 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
9 **JECTIVES AND METRICS.**

10 (a) IN GENERAL.—Not later than 120 days after the
11 date the Advisory Committee is established under section
12 2212, the Administrator shall establish performance objec-
13 tives and apply and track performance metrics for the
14 FAA and the aviation industry relating to aircraft certifi-
15 cation in accordance with this section.

16 (b) COLLABORATION.—The Administrator shall carry
17 out this section in collaboration with the Advisory Com-
18 mittee and update agency performance objectives and
19 metrics after considering the proposals recommended by
20 the Advisory Committee under paragraphs (8) and (9) of
21 section 2212(c).

22 (c) PERFORMANCE OBJECTIVES.—In establishing
23 performance objectives under subsection (a), the Adminis-
24 trator shall ensure progress is made toward, at a min-
25 imum—

- 1 (1) eliminating certification delays and improv-
- 2 ing cycle times;
- 3 (2) increasing accountability for both FAA and
- 4 the aviation industry;
- 5 (3) achieving effective utilization of FAA dele-
- 6 gation and designation authorities, including organi-
- 7 zational designation authorization;
- 8 (4) effectively implementing risk management
- 9 principles and a systems safety approach;
- 10 (5) reducing duplication of effort;
- 11 (6) increasing transparency;
- 12 (7) developing and providing training, including
- 13 recurrent training, in auditing and a systems safety
- 14 approach to certification oversight;
- 15 (8) improving the process for approving or ac-
- 16 cepting the certification actions between the FAA
- 17 and bilateral partners;
- 18 (9) maintaining and improving safety;
- 19 (10) streamlining the hiring process for—
- 20 (A) qualified systems safety engineers at
- 21 staffing levels to support the FAA’s efforts to
- 22 implement a systems safety approach; and
- 23 (B) qualified systems safety engineers to
- 24 guide the engineering of complex systems within
- 25 the FAA; and

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

3 (d) PERFORMANCE METRICS.—In carrying out sub-
4 section (a), the Administrator shall—

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

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

11 (e) DATA.—

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

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

24 (f) PUBLICATION.—

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

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

10 (A) protects from disclosure identifying in-
11 formation regarding an individual or entity; and

12 (B) protects from inappropriate disclosure
13 proprietary information.

14 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

15 (a) IN GENERAL.—Chapter 447 is amended by add-
16 ing at the end the following:

17 **“§ 44736. Organization designation authorizations**

18 “(a) DELEGATIONS OF FUNCTIONS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (3), in the oversight of an ODA holder, the
21 Administrator of the Federal Aviation Administra-
22 tion, in accordance with Federal Aviation Adminis-
23 tration standards, shall—

24 “(A) require, based on an application sub-
25 mitted by the ODA holder and approved by the

1 Administrator (or the Administrator’s des-
2 ignee), a procedures manual that addresses all
3 procedures and limitations regarding the speci-
4 fied functions to be performed by the ODA
5 holder subject to regulations prescribed by the
6 Administrator;

7 “(B) delegate fully to the ODA holder each
8 of the functions specified in the procedures
9 manual, unless the Administrator determines,
10 after the date of the delegation and as a result
11 of an accident finding, surveillance, or over-
12 sight, that it is in the public interest and safety
13 of air commerce to require a limitation; and

14 “(C) for each function that is limited
15 under subparagraph (B), work with the ODA
16 holder to develop the ODA holder’s capability to
17 execute that function safely and effectively, and
18 to return to full authority status.

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

21 “(A) perform each specified function dele-
22 gated to the ODA holder in accordance with the
23 approved procedures manual for the delegation;

1 “(B) make the procedures manual avail-
2 able to each member of the appropriate ODA
3 unit; and

4 “(C) cooperate fully with oversight activi-
5 ties conducted by the Administrator in connec-
6 tion with the delegation.

7 “(3) EXISTING ODA HOLDERS.—With regard to
8 an ODA holder operating under a procedures man-
9 ual approved by the Administrator before the date of
10 enactment of the Federal Aviation Administration
11 Reauthorization Act of 2017, the Administrator
12 shall—

13 “(A) at the request of the ODA holder,
14 and in an expeditious manner, consider revi-
15 sions to the ODA holder’s procedures manual;

16 “(B) delegate fully to the ODA holder each
17 of the functions specified in the procedures
18 manual, unless the Administrator determines,
19 after the date of the delegation and as a result
20 of an accident finding, surveillance, or over-
21 sight, that it is in the public interest and safety
22 of air commerce to require a limitation; and

23 “(C) for each function that is limited
24 under subparagraph (B), work with the ODA
25 holder to develop the ODA holder’s capability to

1 execute that function safely and effectively, and
2 to return to full authority status.

3 “(b) ODA OFFICE.—

4 “(1) ESTABLISHMENT.—Not later than 120
5 days after the date of enactment of Federal Aviation
6 Administration Reauthorization Act of 2017, the
7 Administrator shall identify, within the Office of
8 Aviation Safety, a centralized policy office to be re-
9 sponsible for the organization designation authoriza-
10 tion (referred to in this subsection as the ODA Of-
11 fice). The Director of the ODA Office shall report
12 to the Director of the Aircraft Certification Service.

13 “(2) PURPOSE.—The purpose of the ODA Of-
14 fice shall be to provide oversight and ensure consist-
15 ency of the Federal Aviation Administration audit
16 functions under the ODA program across the agen-
17 cy.

18 “(3) FUNCTIONS.—The ODA Office shall—

19 “(A)(i) at the request of an ODA holder,
20 eliminate all limitations specified in a proce-
21 dures manual in place on the date of enactment
22 of the Federal Aviation Administration Reau-
23 thorization Act of 2017 that are low and me-
24 dium risk as determined by a risk analysis
25 using criteria established by the ODA Office

1 and disclosed to the ODA holder, except where
2 an ODA holder's performance warrants the re-
3 tention of a specific limitation due to docu-
4 mented concerns about inadequate current per-
5 formance in carrying out that authorized func-
6 tion;

7 “(ii) require an ODA holder to estab-
8 lish a corrective action plan to regain au-
9 thority for any retained limitations;

10 “(iii) require an ODA holder to notify
11 the ODA Office when all corrective actions
12 have been accomplished; and

13 “(iv) make a reassessment to deter-
14 mine if subsequent performance in car-
15 rying out any retained limitation warrants
16 continued retention and, if such reassess-
17 ment determines performance meets objec-
18 tives, lift such limitation immediately;

19 “(B) improve the Administration and the
20 ODA holder performance and ensure full use of
21 the authorities delegated under the ODA pro-
22 gram;

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

1 “(D) expeditiously review a random sample
2 of limitations on delegated authorities under the
3 ODA program to determine if the limitations
4 are appropriate;

5 “(E) review and approve new limitations to
6 ODA functions; and

7 “(F) ensure national consistency in the in-
8 terpretation and application of the requirements
9 of the ODA program, including any limitations,
10 and in the performance of the ODA program.

11 “(c) DEFINITIONS.—In this section:

12 “(1) ODA OR ORGANIZATION DESIGNATION AU-
13 THORIZATION.—The term ‘ODA’ or ‘organization
14 designation authorization’ means an authorization
15 under section 44702(d) to perform approved func-
16 tions on behalf of the Administrator of the Federal
17 Aviation Administration under subpart D of part
18 183 of title 14, Code of Federal Regulations.

19 “(2) ODA HOLDER.—The term ‘ODA holder’
20 means an entity authorized under section
21 44702(d)—

22 “(A) to which the Administrator of the
23 Federal Aviation Administration issues an ODA
24 letter of designation under subpart D of part
25 183 of title 14, Code of Federal Regulations (or

1 any corresponding similar regulation or ruling);
2 and

3 “(B) that is responsible for administering
4 1 or more ODA units.

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

11 “(4) ODA UNIT.—The term ‘ODA unit’ means
12 a group of 2 or more individuals under the super-
13 vision of an ODA holder who perform the specified
14 functions under an ODA.

15 “(5) ORGANIZATION.—The term ‘organization’
16 means a firm, a partnership, a corporation, a com-
17 pany, an association, a joint-stock association, or a
18 governmental entity.”.

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

“44736. Organization designation authorizations.”.

22 **SEC. 2223. ODA REVIEW.**

23 (a) EXPERT REVIEW PANEL.—

24 (1) ESTABLISHMENT.—Not later than 120 days
25 after the date of enactment of this Act, the Adminis-

1 trator of the FAA shall convene a multidisciplinary
2 expert review panel (referred to in this section as the
3 “Panel”).

4 (2) COMPOSITION.—

5 (A) IN GENERAL.—The Panel shall be
6 composed of not more than 20 members ap-
7 pointed by the Administrator.

8 (B) QUALIFICATIONS.—The members ap-
9 pointed to the Panel shall—

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

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

19 (b) SURVEY.—The Panel shall survey ODA holders
20 and ODA program applicants to document FAA safety
21 oversight and certification programs and activities, includ-
22 ing the FAA’s use of the ODA program and the speed
23 and efficiency of the certification process. In carrying out
24 this subsection, the Administrator shall consult with the

1 appropriate survey experts and the Panel to best design
2 and conduct the survey.

3 (c) ASSESSMENT.—The Panel shall—

4 (1) conduct an assessment of—

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

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

11 (C) the performance incentive policies, re-
12 lated to the ODA program for FAA personnel,
13 that do not conflict with the public interest;

14 (D) the training activities related to the
15 ODA program for FAA personnel and ODA
16 holders; and

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

21 (2) make recommendations for improving FAA
22 safety oversight and certification programs and ac-
23 tivities based on the results of the survey under sub-
24 section (b) and each element of the assessment
25 under paragraph (1) of this subsection.

1 (d) REPORT.—Not later than 180 days after the date
2 the Panel is convened under subsection (a), the Panel shall
3 submit to the Administrator, the Advisory Committee, and
4 the appropriate committees of Congress a report on re-
5 sults of the survey under subsection (b) and the assess-
6 ment and recommendations under subsection (c).

7 (e) DEFINITIONS.—The terms used in this section
8 have the meanings given the terms in section 44736 of
9 title 49, United States Code, as added by section 2222
10 of this Act.

11 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
12 Federal Advisory Committee Act (5 U.S.C. App.) shall not
13 apply to the Panel.

14 (g) SUNSET.—The Panel shall terminate on the date
15 the report is submitted under subsection (d).

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

17 (a) IN GENERAL.—Section 44704(a) is amended by
18 adding at the end the following:

19 “(6) TYPE CERTIFICATION RESOLUTION PROC-
20 ESS.—

21 “(A) IN GENERAL.—Not later than 15
22 months after the date of enactment of the Fed-
23 eral Aviation Administration Reauthorization
24 Act of 2017, the Administrator shall establish
25 an effective, expeditious, and milestone-based

1 issue resolution process for type certification ac-
2 tivities under this subsection.

3 “(B) PROCESS REQUIREMENTS.—The res-
4 olution process shall provide for—

5 “(i) the resolution of technical issues
6 at preestablished stages of the certification
7 process, as agreed to by the Administrator
8 and the type certificate applicant;

9 “(ii) the automatic escalation to ap-
10 propriate management personnel of the
11 Federal Aviation Administration and the
12 type certificate applicant of any major cer-
13 tification process milestone that is not
14 completed or resolved within a specific pe-
15 riod of time agreed to by the Adminis-
16 trator and the type certificate applicant;
17 and

18 “(iii) the resolution of a major certifi-
19 cation process milestone escalated under
20 clause (ii) within a specific period of time
21 agreed to by the Administrator and the
22 type certificate applicant.

23 “(C) DEFINITION OF MAJOR CERTIFI-
24 CATION PROCESS MILESTONE.—In this para-
25 graph, the term ‘major certification process

1 milestone’ means a milestone related to a type
2 certification basis, type certification plan, type
3 inspection authorization, issue paper, or other
4 major type certification activity agreed to by
5 the Administrator and the type certificate appli-
6 cant.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
8 Section 44704 is amended in the heading by striking
9 “**airworthiness certificates,**” and inserting “**air-**
10 **worthiness certificates,**”.

11 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
12 **GENERAL AVIATION AIRPLANES.**

13 (a) POLICY.—In a manner consistent with the Small
14 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
15 note), not later than 180 days after the date of enactment
16 of this Act, the Administrator shall establish and begin
17 implementing a risk-based policy that streamlines the in-
18 stallation of safety enhancing technologies for small gen-
19 eral aviation airplanes in a manner that reduces regu-
20 latory delays and significantly improves safety.

21 (b) INCLUSIONS.—The safety enhancing technologies
22 for small general aviation airplanes described in subsection
23 (a) shall include, at a minimum, the replacement or ret-
24 rofit of primary flight displays, auto pilots, engine mon-
25 itors, and navigation equipment.

1 (c) COLLABORATION.—In carrying out this section,
2 the Administrator shall collaborate with general aviation
3 operators, general aviation manufacturers, and appro-
4 priate FAA labor organizations, including representatives
5 of FAA aviation safety inspectors and aviation safety engi-
6 neers, certified under section 7111 of title 5, United
7 States Code.

8 (d) DEFINITION OF SMALL GENERAL AVIATION AIR-
9 PLANE.—In this section, the term “small general aviation
10 airplane” means an airplane that—

11 (1) is certified to the standards of part 23 of
12 title 14, Code of Federal Regulations;

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

15 (3) is not used in scheduled passenger-carrying
16 operations under part 121 of title 14, Code of Fed-
17 eral Regulations.

18 **PART III—FLIGHT STANDARDS REFORM**

19 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-** 20 **TIVES AND METRICS.**

21 (a) IN GENERAL.—Not later than 120 days after the
22 date the Advisory Committee is established under section
23 2212, the Administrator shall establish performance objec-
24 tives and apply and track performance metrics for the

1 FAA and the aviation industry relating to flight standards
2 activities 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 recommendations of the Ad-
7 visory Committee under paragraphs (8) and (9) of section
8 2212(c).

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

12 (1) eliminating delays with respect to such ac-
13 tivities;

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

16 (3) effectively implementing risk management
17 principles and a systems safety approach;

18 (4) reducing duplication of effort;

19 (5) promoting appropriate compliance activities
20 and eliminating inconsistent regulatory interpreta-
21 tions and inconsistent enforcement activities;

22 (6) improving and providing greater opportuni-
23 ties for training, including recurrent training, in au-
24 diting and a systems safety approach to oversight;

1 (7) developing and allowing the use of a single
2 master source for guidance;

3 (8) providing and using a streamlined appeal
4 process for the resolution of regulatory interpreta-
5 tion questions;

6 (9) maintaining and improving safety; and

7 (10) increasing transparency.

8 (d) PERFORMANCE METRICS.—In carrying out sub-
9 section (a), the Administrator shall—

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

12 (2) transmit to the appropriate committees of
13 Congress an annual report tracking the progress to-
14 ward full implementation of the performance metrics
15 under section 2212.

16 (e) DATA.—

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

24 (2) BENCHMARKS.—The Administrator shall
25 use the performance metrics applied and tracked

1 under this section to generate data on an ongoing
2 basis and to measure progress toward the consensus
3 national goals, strategic objectives, and priorities
4 recommended under section 2212(c)(3).

5 (f) PUBLICATION.—

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

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

15 (A) protects from disclosure identifying in-
16 formation regarding an individual or entity; and

17 (B) protects from inappropriate disclosure
18 proprietary information.

19 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
20 **FORM.**

21 (a) ESTABLISHMENT.—Not later than 90 days after
22 the date of enactment of this Act, the Administrator shall
23 establish the FAA Task Force on Flight Standards Re-
24 form (referred to in this section as the “Task Force”).

25 (b) MEMBERSHIP.—

1 (1) APPOINTMENT.—The membership of the
2 Task Force shall be appointed by the Administrator.

3 (2) NUMBER.—The Task Force shall be com-
4 posed of not more than 20 members.

5 (3) REPRESENTATION REQUIREMENTS.—The
6 membership of the Task Force shall include rep-
7 resentatives, with knowledge of flight standards reg-
8 ulatory processes and requirements, of—

9 (A) air carriers;

10 (B) general aviation;

11 (C) business aviation;

12 (D) repair stations;

13 (E) unmanned aircraft systems operators;

14 (F) flight schools;

15 (G) manufacturers;

16 (H) labor unions, including those rep-
17 resenting FAA aviation safety inspectors and
18 those representing FAA aviation safety engi-
19 neers; and

20 (I) aviation safety experts.

21 (c) DUTIES.—The duties of the Task Force shall in-
22 clude, at a minimum, identifying cost-effective best prac-
23 tices and providing recommendations with respect to—

1 (1) simplifying and streamlining flight stand-
2 ards regulatory processes, including issuance and
3 oversight of certificates;

4 (2) reorganizing the Flight Standards Service
5 to establish an entity organized by function rather
6 than geographic region, if appropriate;

7 (3) FAA aviation safety inspector training op-
8 portunities;

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

11 (5) achieving, across the FAA, consistent—

12 (A) regulatory interpretations; and

13 (B) application of oversight activities.

14 (d) REPORT.—Not later than 1 year after the date
15 the Task Force is established under subsection (a), the
16 Task Force shall submit to the Administrator, Advisory
17 Committee, and appropriate committees of Congress a re-
18 port detailing—

19 (1) the best practices identified and rec-
20 ommendations provided by the Task Force under
21 subsection (c); and

22 (2) any recommendations of the Task Force for
23 additional regulatory action or cost-effective legisla-
24 tive action.

1 (e) FLIGHT STANDARDS SERVICE REALIGNMENT
2 FEASIBILITY REPORT.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator shall sub-
4 mit to the appropriate committees of Congress a report
5 on the findings of the determination of the feasibility of
6 realigning flight standards service regional field offices to
7 specialized areas of aviation safety oversight and technical
8 expertise.

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

12 (g) SUNSET.—The Task Force shall cease to exist on
13 the date that the Task Force submits the report required
14 under subsection (d).

15 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

16 (a) ESTABLISHMENT.—Not later than 1 year after
17 the date of enactment of this Act, the Administrator of
18 the FAA shall establish a centralized safety guidance data-
19 base for all of the regulatory guidance issued by the FAA
20 Office of Aviation Safety regarding compliance with 1 or
21 more aviation safety-related provisions of the Code of Fed-
22 eral Regulations.

23 (b) REQUIREMENTS.—The database under subsection
24 (a) shall—

1 (1) for each guidance, include a link to the spe-
2 cific provision of the Code of Federal Regulations;

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

5 (3) be provided in a manner that—

6 (A) protects from disclosure identifying in-
7 formation regarding an individual or entity; and

8 (B) protects from inappropriate disclosure
9 proprietary information.

10 (c) DATA ENTRY TIMING.—

11 (1) EXISTING DOCUMENTS.—Not later than 14
12 months after the date the database is established,
13 the Administrator shall have completed entering into
14 the database any applicable regulatory guidance that
15 are in effect and were issued before that date.

16 (2) NEW REGULATORY GUIDANCE AND UP-
17 DATES.—Beginning on the date the database is es-
18 tablished, the Administrator shall ensure that any
19 applicable regulatory guidance that are issued on or
20 after that date are entered into the database as they
21 are issued.

22 (d) CONSULTATION REQUIREMENT.—In establishing
23 the database under subsection (a), the Administrator shall
24 consult and collaborate with appropriate stakeholders, in-
25 cluding labor organizations (including those representing

1 aviation workers, FAA aviation safety engineers, and FAA
2 aviation safety inspectors) and aviation industry stake-
3 holders.

4 (e) DEFINITION OF REGULATORY GUIDANCE.—In
5 this section, the term “regulatory guidance” means all
6 forms of written information issued by the FAA that an
7 individual or entity may use to interpret or apply FAA
8 regulations and requirements, including information an in-
9 dividual or entity may use to determine acceptable means
10 of compliance with such regulations and requirements,
11 such as an order, manual, circular, policy statement, legal
12 interpretation memorandum, and rulemaking documents.

13 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATION**
14 **BOARD.**

15 (a) FUNCTIONS.—The Regulatory Consistency Com-
16 munication Board (referred to in this section as the
17 “Board”) shall carry out the following functions:

18 (1) Recommend, at a minimum, processes by
19 which—

20 (A) FAA personnel and persons regulated
21 by the FAA may submit regulatory interpreta-
22 tion questions without fear of retaliation;

23 (B) FAA personnel may submit written
24 questions as to whether a previous approval or
25 regulatory interpretation issued by FAA per-

1 sonnel in another office or region is correct or
2 incorrect; and

3 (C) any other person may submit any-
4 mous regulatory interpretation questions.

5 (2) Meet on a regular basis to discuss and re-
6 solve questions submitted under paragraph (1) and
7 the appropriate application of regulations and policy
8 with respect to each question.

9 (3) Provide to a person that submitted a ques-
10 tion under subparagraph (A) or subparagraph (B) of
11 paragraph (1) an expeditious written response to the
12 question.

13 (4) Recommend a process to make the resolu-
14 tion of common regulatory interpretation questions
15 publicly available to FAA personnel and the public
16 in a manner that—

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

19 (B) protects any proprietary information.

20 (5) Ensure that responses to questions under
21 this subsection are incorporated into regulatory
22 guidance (as defined in section 2233(e)).

23 (b) PERFORMANCE METRICS, TIMELINES, AND
24 GOALS.—Not later than 180 days after the date that the
25 Advisory Committee recommends performance objectives

1 and performance metrics for the FAA and the aviation
2 industry under paragraphs (8) and (9) of section 2212(c),
3 the Administrator, in collaboration with the Advisory
4 Committee, shall—

5 (1) establish performance metrics, timelines,
6 and goals to measure the progress of the Board in
7 resolving regulatory interpretation questions sub-
8 mitted under subsection (a)(1); and

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

12 **PART IV—SAFETY WORKFORCE**

13 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

14 (a) SAFETY WORKFORCE TRAINING STRATEGY.—

15 Not later than 60 days after the date of enactment of this
16 Act, the Administrator of the FAA shall review and revise
17 its safety workforce training strategy to ensure that it—

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

20 (2) best utilizes available resources;

21 (3) allows FAA employees participating in orga-
22 nization management teams or conducting ODA pro-
23 gram audits to complete, expeditiously, appropriate
24 training, including recurrent training, in auditing
25 and a systems safety approach to oversight;

1 (4) seeks knowledge-sharing opportunities be-
2 tween the FAA and the aviation industry in new
3 technologies, best practices, and other areas of inter-
4 est related to safety oversight;

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

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

12 (b) REPORT.—Not later than 270 days after the date
13 the strategy is established under subsection (a), the Ad-
14 ministrators shall submit to the appropriate committees of
15 Congress a report on the implementation of the strategy
16 and progress in meeting any milestones or metrics in-
17 cluded in the strategy.

18 (c) DEFINITIONS.—In this section:

19 (1) ODA HOLDER.—The term “ODA holder”
20 has the meaning given the term in section 44736 of
21 title 49, United States Code, as added by section
22 2222 of this Act.

23 (2) ODA PROGRAM.—The term “ODA pro-
24 gram” has the meaning given the term in section

1 44736(c)(3) of title 49, United States Code, as
2 added by section 2222 of this Act.

3 (3) ORGANIZATION MANAGEMENT TEAM.—The
4 term “organization management team” means a
5 group of FAA employees consisting of FAA aviation
6 safety engineers, flight test pilots, and aviation safe-
7 ty inspectors overseeing an ODA holder and its spec-
8 ified function delegated under section 44702 of title
9 49, United States Code.

10 **PART V—INTERNATIONAL AVIATION**

11 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**
12 **STANDARDS, PRODUCTS, AND SERVICES**
13 **ABROAD.**

14 Section 40104 is amended by adding at the end the
15 following:

16 “(d) PROMOTION OF UNITED STATES AEROSPACE
17 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
18 Secretary shall take appropriate actions—

19 “(1) to promote United States aerospace-re-
20 lated safety standards abroad;

21 “(2) to facilitate and vigorously defend approv-
22 als of United States aerospace products and services
23 abroad;

24 “(3) with respect to bilateral partners, to use
25 bilateral safety agreements and other mechanisms to

1 improve validation of United States type certificated
2 aeronautical products and services and enhance mu-
3 tual acceptance in order to eliminate redundancies
4 and unnecessary costs; and

5 “(4) with respect to the aeronautical safety au-
6 thorities of a foreign country, to streamline that
7 country’s validation of United States aerospace
8 standards, products, and services.”.

9 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
10 **RESPONSIBILITIES.**

11 Section 44701(e) is amended by adding at the end
12 the following:

13 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

14 “(A) ACCEPTANCE.—Subject to subpara-
15 graph (D), the Administrator may accept an
16 airworthiness directive (as defined in section
17 39.3 of title 14, Code of Federal Regulations)
18 issued by an aeronautical safety authority of a
19 foreign country, and leverage that aeronautical
20 safety authority’s regulatory process, if—

21 “(i) the country is the state of design
22 for the product that is the subject of the
23 airworthiness directive;

1 “(ii) the United States has a bilateral
2 safety agreement relating to aircraft cer-
3 tification with the country;

4 “(iii) as part of the bilateral safety
5 agreement with the country, the Adminis-
6 trator has determined that the aero-
7 nautical safety authority has an aircraft
8 certification system relating to safety that
9 produces a level of safety equivalent to the
10 level produced by the system of the Fed-
11 eral Aviation Administration;

12 “(iv) the aeronautical safety authority
13 utilizes an open and transparent public no-
14 tice and comment process, including con-
15 sidering comments from owners and opera-
16 tors of foreign-registered aircraft and other
17 aeronautical products and appliances in
18 the issuance of airworthiness directives;
19 and

20 “(v) the airworthiness directive ad-
21 dresses a specific issue necessary for the
22 safe operation of aircraft subject to the di-
23 rective.

24 “(B) ALTERNATIVE APPROVAL PROCESS.—
25 Notwithstanding subparagraph (A), the Admin-

1 istrator may issue a Federal Aviation Adminis-
2 tration airworthiness directive instead of accept-
3 ing the airworthiness directive issued by the
4 aeronautical safety authority of a foreign coun-
5 try if the Administrator determines that such
6 issuance is necessary for safety or operational
7 reasons due to the complexity or unique fea-
8 tures of the Federal Aviation Administration
9 airworthiness directive or the United States
10 aviation system.

11 “(C) ALTERNATIVE MEANS OF COMPLI-
12 ANCE.—The Administrator—

13 “(i) may accept an alternative means
14 of compliance, with respect to an air-
15 worthiness directive under subparagraph
16 (A), that was approved by the aeronautical
17 safety authority of the foreign country that
18 issued the airworthiness directive; or

19 “(ii) notwithstanding subparagraph
20 (A), and at the request of any person af-
21 fected by an airworthiness directive under
22 that subparagraph—

23 “(I) shall consider an alternative
24 means of compliance with respect to
25 the airworthiness directive; and

1 “(II) may approve such alter-
2 native means, if appropriate.

3 “(D) LIMITATIONS.—The Administrator
4 may not accept an airworthiness directive
5 issued by an aeronautical safety authority of a
6 foreign country if the airworthiness directive
7 addresses matters other than those involving
8 the safe operation of an aircraft.”.

9 **SEC. 2253. FAA LEADERSHIP ABROAD.**

10 (a) IN GENERAL.—To promote United States aero-
11 space safety standards, reduce redundant regulatory activ-
12 ity, and facilitate acceptance of FAA design and produc-
13 tion approvals abroad, the Administrator shall—

14 (1) attain greater expertise in issues related to
15 dispute resolution, intellectual property, and export
16 control laws to better support FAA certification and
17 other aerospace regulatory activities abroad;

18 (2) work with United States companies to more
19 accurately track the amount of time it takes foreign
20 authorities, including bilateral partners, to validate
21 United States type certificated aeronautical prod-
22 ucts;

23 (3) provide assistance to United States compa-
24 nies who have experienced significantly long foreign
25 validation wait times;

1 (4) work with foreign authorities, including bi-
2 lateral partners, to collect and analyze data to deter-
3 mine the timeliness of the acceptance and validation
4 of FAA design and production approvals by foreign
5 authorities and the acceptance and validation of for-
6 eign-certified products by the FAA;

7 (5) establish appropriate benchmarks and
8 metrics to measure the success of bilateral aviation
9 safety agreements and to reduce the validation time
10 for United States type certificated aeronautical
11 products abroad; and

12 (6) work with foreign authorities, including bi-
13 lateral partners, to improve the timeliness of the ac-
14 ceptance and validation of FAA design and produc-
15 tion approvals by foreign authorities and the accept-
16 ance and validation of foreign-certified products by
17 the FAA.

18 (b) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Administrator shall submit
20 to the appropriate committees of Congress a report that—

21 (1) describes the Administrator’s strategic plan
22 for international engagement;

23 (2) describes the structure and responsibilities
24 of all FAA offices that have international respon-
25 sibilities, including the Aircraft Certification Office,

1 and all the activities conducted by those offices re-
2 lated to certification and production;

3 (3) describes current and forecasted staffing
4 and travel needs for the FAA's international engage-
5 ment activities, including the needs of the Aircraft
6 Certification Office in the current and forecasted
7 budgetary environment;

8 (4) provides recommendations, if appropriate,
9 to improve the existing structure and personnel and
10 travel policies supporting the FAA's international
11 engagement activities, including the activities of the
12 Aviation Certification Office, to better support the
13 growth of United States aerospace exports; and

14 (5) identifies policy initiatives, regulatory initia-
15 tives, or cost-effective legislative initiatives needed to
16 improve and enhance the timely acceptance of
17 United States aerospace products abroad.

18 (c) INTERNATIONAL TRAVEL.—The Administrator of
19 the FAA, or the Administrator's designee, may authorize
20 international travel for any FAA employee, without the
21 approval of any other person or entity, if the Adminis-
22 trator determines that the travel is necessary—

23 (1) to promote United States aerospace safety
24 standards; or

1 (2) to support expedited acceptance of FAA de-
2 sign and production approvals.

3 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
4 **FEES.**

5 Section 45305 is amended—

6 (1) in subsection (a), by striking “Subject to
7 subsection (b)” and inserting “Subject to subsection
8 (c)”;

9 (2) by redesignating subsections (b) and (c) as
10 subsections (c) and (d), respectively; and

11 (3) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) CERTIFICATION SERVICES.—Subject to sub-
14 section (c), and notwithstanding section 45301(a), the Ad-
15 ministrators may establish and collect a fee from a foreign
16 government or entity for services related to certification,
17 regardless of where the services are provided, if the fee—

18 “(1) is established and collected in a manner
19 consistent with aviation safety agreements; and

20 “(2) does not exceed the estimated costs of the
21 services.”.

1 **Subtitle C—Airline Passenger**
2 **Safety and Protections**

3 **SEC. 2301. ACCESS TO AIR CARRIER FLIGHT DECKS.**

4 The Administrator of the Federal Aviation Adminis-
5 tration shall collaborate with other aviation authorities to
6 advance a global standard for access to air carrier flight
7 decks and redundancy requirements consistent with the
8 flight deck access and redundancy requirements in the
9 United States.

10 **SEC. 2302. AIRCRAFT TRACKING AND FLIGHT DATA.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Administrator of the
13 Federal Aviation Administration shall assess current per-
14 formance standards, and as appropriate, conduct a rule-
15 making to revise the standards to improve near-term and
16 long-term aircraft tracking and flight data recovery, in-
17 cluding retrieval, access, and protection of such data after
18 an incident or accident.

19 (b) CONSIDERATIONS.—In revising the performance
20 standards under subsection (a), the Administrator may
21 consider—

22 (1) various methods for improving detection
23 and retrieval of flight data, including—

24 (A) low frequency underwater locating de-
25 vices; and

1 (B) extended battery life for underwater
2 locating devices;
3 (2) automatic deployable flight recorders;
4 (3) triggered transmission of flight data, and
5 other satellite-based solutions;
6 (4) distress-mode tracking; and
7 (5) protections against disabling flight recorder
8 systems.

9 (c) COORDINATION.—If the performance standards
10 under subsection (a) are revised, the Administrator shall
11 coordinate with international regulatory authorities and
12 the International Civil Aviation Organization to ensure
13 that any new international standard for aircraft tracking
14 and flight data recovery is consistent with a performance-
15 based approach and is implemented in a globally har-
16 monized manner.

17 **SEC. 2303. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
18 **AND REST REQUIREMENTS.**

19 (a) MODIFICATION OF FINAL RULE.—Not later than
20 1 year after the date of enactment of this Act, the Admin-
21 istrator of the Federal Aviation Administration shall re-
22 vise the flight attendant duty period limitations and rest
23 requirements under section 121.467 of title 14, Code of
24 Federal Regulations.

1 (b) CONTENTS.—Except as provided in subsection
2 (c), in revising the rule under subsection (a), the Adminis-
3 trator shall ensure that a flight attendant scheduled to
4 a duty period of 14 hours or less is given a scheduled rest
5 period of at least 10 consecutive hours.

6 (c) EXCEPTION.—The rest period required under
7 subsection (b) may be scheduled or reduced to 9 consecu-
8 tive hours if the flight attendant is provided a subsequent
9 rest period of at least 11 consecutive hours.

10 (d) FATIGUE RISK MANAGEMENT PLAN.—

11 (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-
12 RIERS.—Not later than 90 days after the date of en-
13 actment of this Act, each air carrier operating under
14 part 121 of title 14, Code of Federal Regulations
15 (referred to in this subsection as a “part 121 air
16 carrier”), shall submit a fatigue risk management
17 plan for the carrier’s flight attendants to the Admin-
18 istrator for review and acceptance.

19 (2) CONTENTS OF PLAN.—Each fatigue risk
20 management plan submitted under paragraph (1)
21 shall include—

22 (A) current flight time and duty period
23 limitations;

24 (B) a rest scheme that is consistent with
25 such limitations and enables the management of

1 flight attendant fatigue, including annual train-
2 ing to increase awareness of—

3 (i) fatigue;

4 (ii) the effects of fatigue on flight at-
5 tendants; and

6 (iii) fatigue countermeasures; and

7 (C) the development and use of method-
8 ology that continually assesses the effectiveness
9 of implementation of the plan, including the
10 ability of the plan—

11 (i) to improve alertness; and

12 (ii) to mitigate performance errors.

13 (3) REVIEW.—Not later than 1 year after the
14 date of enactment of this Act, the Administrator
15 shall—

16 (A) review each fatigue risk management
17 plan submitted under this subsection; and

18 (B)(i) accept the plan; or

19 (ii) reject the plan and provide the
20 part 121 air carrier with suggested modi-
21 fications to be included when the plan is
22 resubmitted.

23 (4) PLAN UPDATES.—

1 (A) IN GENERAL.—Not less frequently
2 than once every 2 years, each part 121 air car-
3 rier shall—

4 (i) update the fatigue risk manage-
5 ment plan submitted under paragraph (1);
6 and

7 (ii) submit the updated plan to the
8 Administrator for review and acceptance.

9 (B) REVIEW.—Not later than 1 year after
10 the date on which an updated plan is submitted
11 under subparagraph (A)(ii), the Administrator
12 shall—

13 (i) review the updated plan; and

14 (ii)(I) accept the updated plan; or

15 (II) reject the updated plan and
16 provide the part 121 air carrier with
17 suggested modifications to be included
18 when the updated plan is resubmitted.

19 (5) COMPLIANCE.—Each part 121 air carrier
20 shall comply with its fatigue risk management plan
21 after the plan is accepted by the Administrator
22 under this subsection.

23 (6) CIVIL PENALTIES.—A violation of this sub-
24 section by a part 121 air carrier shall be treated as
25 a violation of chapter 447 of title 49, United States

1 Code, for the purpose of applying civil penalties
2 under chapter 463 of such title.

3 **SEC. 2304. REPORT ON OBSOLETE TEST EQUIPMENT.**

4 (a) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Administrator of the
6 Federal Aviation Administration shall submit to the ap-
7 propriate committees of Congress a report on the National
8 Test Equipment Program (referred to in this section as
9 the “Program”).

10 (b) CONTENTS.—The report shall include—

11 (1) a list of all known outstanding requests for
12 test equipment, cataloged by type and location,
13 under the Program;

14 (2) a description of the current method under
15 the Program of ensuring calibrated equipment is in
16 place for utilization;

17 (3) a plan by the Administrator for appropriate
18 inventory of such equipment; and

19 (4) the Administrator’s recommendations for
20 increasing multifunctionality in future test equip-
21 ment to be developed and all known and foreseeable
22 manufacturer technological advances.

1 **SEC. 2305. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
2 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

3 (a) IN GENERAL.—Not later than June 30, 2018, the
4 Administrator of the Federal Aviation Administration
5 shall—

6 (1) assess available technologies to determine
7 whether it is feasible, cost-effective, and appropriate
8 to install and deploy, at any airport, systems to pro-
9 vide a direct warning capability to flight crews and
10 air traffic controllers of potential runway incursions;
11 and

12 (2) submit to the appropriate committees of
13 Congress a report on the assessment under para-
14 graph (1), including any recommendations.

15 (b) CONSIDERATIONS.—In conducting the assess-
16 ment under subsection (a), the Administration shall con-
17 sider National Transportation Safety Board findings and
18 relevant aviation stakeholder views relating to runway in-
19 cursions.

20 **SEC. 2306. HELICOPTER AIR AMBULANCE OPERATIONS**
21 **DATA AND REPORTS.**

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 collaboration with hel-
25 icopter air ambulance industry stakeholders, shall assess
26 the availability of information to the general public related

1 to the location of heliports and helipads used by heli-
2 copters providing air ambulance services, including
3 helipads and helipads outside of those listed as part of
4 any existing databases of Airport Master Record (5010)
5 forms.

6 (b) REQUIREMENTS.—Based on the assessment
7 under subsection (a), the Administrator shall—

8 (1) update, as necessary, any existing guidance
9 on what information is included in the current data-
10 bases of Airport Master Record (5010) forms to in-
11 clude information related to heliports and helipads
12 used by helicopters providing air ambulance services;
13 or

14 (2) develop, as appropriate and in collaboration
15 with helicopter air ambulance industry stakeholders,
16 a new database of heliports and helipads used by
17 helicopters providing air ambulance services.

18 (c) REPORTS.—

19 (1) ASSESSMENT.—Not later than 30 days
20 after the date the assessment under subsection (a)
21 is complete, the Administrator shall submit to the
22 appropriate committees of Congress a report on the
23 assessment, including any recommendations on how
24 to make information related to the location of heli-

1 ports and helipads used by helicopters providing air
2 ambulance services available to the general public.

3 (2) IMPLEMENTATION.—Not later than 30 days
4 after completing action under paragraph (1) or
5 paragraph (2) of subsection (b), the Administrator
6 shall submit to the appropriate committees of Con-
7 gress a report on the implementation of that action.

8 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
9 is amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),
12 by striking “not later than 1 year after the date
13 of enactment of this section, and annually
14 thereafter” and inserting “annually”;

15 (B) in paragraph (2), by striking “flights
16 and hours flown, by registration number, dur-
17 ing which helicopters operated by the certificate
18 holder were providing helicopter air ambulance
19 services” and inserting “hours flown by the hel-
20 icopters operated by the certificate holder”;

21 (C) in paragraph (3)—

22 (i) by striking “of flight” and insert-
23 ing “of patients transported and the num-
24 ber of patient transport”;

1 (ii) by inserting “or” after “inter-
2 facility transport,”; and

3 (iii) by striking “, or ferry or repo-
4 sitioning flight”;

5 (D) in paragraph (5)—

6 (i) by striking “flights and”; and

7 (ii) by striking “while providing air
8 ambulance services”; and

9 (E) by amending paragraph (6) to read as
10 follows:

11 “(6) The number of hours flown at night by
12 helicopters operated by the certificate holder.”;

13 (2) in subsection (d)—

14 (A) by striking “Not later than 2 years
15 after the date of enactment of this section, and
16 annually thereafter, the Administrator shall
17 submit” and inserting “The Administrator shall
18 submit annually”; and

19 (B) by adding at the end the following:

20 “The report shall include the number of acci-
21 dents experienced by helicopter air ambulance
22 operations, the number of fatal accidents expe-
23 rienced by helicopter air ambulance operations,
24 and the rate, per 100,000 flight hours, of acci-
25 dents and fatal accidents experienced by opera-

1 tors providing helicopter air ambulance serv-
2 ices.”;

3 (3) by redesignating subsection (e) as sub-
4 section (f); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) IMPLEMENTATION.—In carrying out this sec-
8 tion, the Administrator, in collaboration with part 135 cer-
9 tificate holders providing helicopter air ambulance serv-
10 ices, shall—

11 “(1) propose and develop a method to collect
12 and store the data submitted under subsection (a),
13 including a method to protect the confidentiality of
14 any trade secret or proprietary information sub-
15 mitted; and

16 “(2) ensure that the database under subsection
17 (c) and the report under subsection (d) include data
18 and analysis that will best inform efforts to improve
19 the safety of helicopter air ambulance operations.”.

20 **SEC. 2307. PART 135 ACCIDENT AND INCIDENT DATA.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall—

24 (1) determine, in collaboration with the Na-
25 tional Transportation Safety Board and part 135 in-

1 industry stakeholders, what, if any, additional data
2 should be reported as part of an accident or incident
3 notice—

4 (A) to more accurately measure the safety
5 of on-demand part 135 aircraft activity;

6 (B) to pinpoint safety problems; and

7 (C) to form the basis for critical research
8 and analysis of general aviation issues; and

9 (2) submit to the appropriate committees of
10 Congress a report on the findings under paragraph
11 (1), including a description of the additional data to
12 be collected, a timeframe for implementing the addi-
13 tional data collection, and any potential obstacles to
14 implementation.

15 **SEC. 2308. DEFINITION OF HUMAN FACTORS.**

16 Section 40102(a), as amended by section 2135 of this
17 Act, is further amended—

18 (1) by redesignating paragraphs (24) through
19 (47) as paragraphs (25) through (48), respectively;
20 and

21 (2) by inserting after paragraph (23) the fol-
22 lowing:

23 “(24) ‘human factors’ means a multidisciplinary
24 field that generates and compiles information about
25 human capabilities and limitations and applies it to

1 design, development, and evaluation of equipment,
2 systems, facilities, procedures, jobs, environments,
3 staffing, organizations, and personnel management
4 for safe, efficient, and effective human performance,
5 including people’s use of technology.”.

6 **SEC. 2309. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
7 **THORITY.**

8 It is the sense of Congress that the pilot in command
9 of an aircraft is directly responsible for, and is the final
10 authority as to, the operation of that aircraft, as set forth
11 in section 91.3(a) of title 14, Code of Federal Regulations
12 (or any successor regulation thereto).

13 **SEC. 2310. ENHANCING ASIAS.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Administrator of the
16 Federal Aviation Administration, in consultation with rel-
17 evant aviation industry stakeholders, shall assess what, if
18 any, improvements are needed to develop the predictive
19 capability of the Aviation Safety Information Analysis and
20 Sharing program (referred to in this section as “ASIAS”)
21 with regard to identifying precursors to accidents.

22 (b) CONTENTS.—In conducting the assessment under
23 subsection (a), the Administrator shall—

24 (1) determine what actions are necessary—

1 (A) to improve data quality and standard-
2 ization; and

3 (B) to increase the data received from ad-
4 ditional segments of the aviation industry, such
5 as small airplane, helicopter, and business jet
6 operations;

7 (2) consider how to prioritize the actions de-
8 scribed in paragraph (1); and

9 (3) review available methods for disseminating
10 safety trend data from ASIAS to the aviation safety
11 community, including the inspector workforce, to in-
12 form in their risk-based decision making efforts.

13 (c) REPORT.—Not later than 60 days after the date
14 the assessment under subsection (a) is complete, the Ad-
15 ministrator shall submit to the appropriate committees of
16 Congress a report on the assessment, including rec-
17 ommendations regarding paragraphs (1) through (3) of
18 subsection (b).

19 **SEC. 2311. IMPROVING RUNWAY SAFETY.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Aviation Administration shall expedite the development of
22 metrics—

23 (1) to allow the Federal Aviation Administra-
24 tion to determine whether runway incursions are in-
25 creasing; and

1 (2) to assess the effectiveness of implemented
2 runway safety initiatives.

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 in developing the metrics described in subsection
7 (a).

8 **SEC. 2312. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
9 **AND BATTERIES.**

10 (a) RESTRICTIONS ON TRANSPORTATION OF LITHIUM
11 BATTERIES ON AIRCRAFT.—

12 (1) ADOPTION OF ICAO INSTRUCTIONS.—

13 (A) IN GENERAL.—Pursuant to section
14 828 of the FAA Modernization and Reform Act
15 of 2012 (49 U.S.C. 44701 note), not later than
16 90 days after the date of enactment of this Act,
17 the Secretary of the Department of Transpor-
18 tation shall conform United States regulations
19 on the air transport of lithium cells and bat-
20 teries with the lithium cells and battery require-
21 ments in the 2015–2016 edition of the Inter-
22 national Civil Aviation Organization’s (referred
23 to in this subsection as “ICAO”) Technical In-
24 structions (to include all addenda) including the

1 revised standards adopted by ICAO which be-
2 came effective on April 1, 2016.

3 (B) FURTHER PROCEEDINGS.—Beginning
4 on the date the revised regulations under sub-
5 paragraph (A) are published in the Federal
6 Register, any lithium cell and battery rule-
7 making action or update commenced on or after
8 that date shall continue to comply with the re-
9 quirements under section 828 of the FAA Mod-
10 ernization and Reform Act of 2012 (49 U.S.C.
11 44701 note).

12 (2) REVIEW OF OTHER REGULATIONS.—Pursu-
13 ant to section 828 of the FAA Modernization and
14 Reform Act of 2012 (49 U.S.C. 44701 note), the
15 Secretary of Transportation may initiate a review of
16 other existing regulations regarding the air transpor-
17 tation, including passenger-carrying and cargo air-
18 craft, of lithium batteries and cells.

19 (3) MEDICAL DEVICE BATTERIES.—

20 (A) IN GENERAL.—For United States ap-
21 plicants, the Secretary of Transportation shall
22 consider and either grant or deny, within 45
23 days, applications submitted in compliance with
24 part 107 of title 49, Code of Federal Regula-
25 tions, for special permits or approvals for air

1 transportation of lithium ion cells or batteries
2 specifically used by medical devices. Not later
3 than 30 days after the date of application, the
4 Pipeline and Hazardous Materials Safety Ad-
5 ministration shall provide a draft special permit
6 based on the application to the Federal Aviation
7 Administration. The Federal Aviation Adminis-
8 tration shall conduct an on-site inspection for
9 issuance of the special permit not later than 10
10 days after the date of receipt of the draft spe-
11 cial permit from the Pipeline and Hazardous
12 Materials Safety Administration.

13 (B) DEFINITION OF MEDICAL DEVICE.—In
14 this paragraph, the term “medical device” has
15 the meaning given the term “device” in section
16 201 of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 321).

18 (4) SAVINGS CLAUSE.—Nothing in this section
19 shall be construed as expanding or constricting any
20 other authority the Secretary of Transportation has
21 under section 828 of the FAA Modernization and
22 Reform Act of 2012 (49 U.S.C. 44701 note).

23 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
24 Not later than 90 days after the date of enactment of this
25 Act, the President shall establish a lithium battery safety

1 working group to promote and coordinate efforts related
2 to the promotion of the safe manufacture, use, and trans-
3 portation of lithium batteries and cells.

4 (1) COMPOSITION.—

5 (A) IN GENERAL.—The working group
6 shall be composed of at least 1 representative
7 from each of the following:

8 (i) Department of Transportation.

9 (ii) Consumer Product Safety Com-
10 mission.

11 (iii) National Institute on Standards
12 and Technology.

13 (iv) Food and Drug Administration.

14 (B) ADDITIONAL MEMBERS.—The working
15 group may include not more than 4 additional
16 members with expertise in the safe manufac-
17 ture, use, or transportation of lithium batteries
18 and cells.

19 (C) SUBCOMMITTEES.—The President, or
20 members of the working group, may—

21 (i) establish working group sub-
22 committees to focus on specific issues re-
23 lated to the safe manufacture, use, or
24 transportation of lithium batteries and
25 cells; and

1 (ii) include in a subcommittee the par-
2 ticipation of nonmember stakeholders with
3 expertise in areas that the President or
4 members consider necessary.

5 (2) REPORT.—Not later than 1 year after the
6 date it is established, the working group shall—

7 (A) research—

8 (i) additional ways to decrease the
9 risk of fires and explosions from lithium
10 batteries and cells;

11 (ii) additional ways to ensure uniform
12 transportation requirements for both bulk
13 and individual batteries; and

14 (iii) new or existing technologies that
15 could reduce the fire and explosion risk of
16 lithium batteries and cells; and

17 (B) transmit to the appropriate commit-
18 tees of Congress a report on the research under
19 subparagraph (A), including any legislative rec-
20 ommendations to effectuate the safety improve-
21 ments described in clauses (i) through (iii) of
22 that subparagraph.

23 (3) EXEMPTION FROM FACa.—The Federal Ad-
24 visory Committee Act (5 U.S.C. App.) shall not
25 apply to the working group.

1 (4) **TERMINATION.**—The working group, and
2 any working group subcommittees, shall terminate
3 90 days after the date the report is transmitted
4 under paragraph (2).

5 (c) **PARTICIPATION.**—The Secretary of Transpor-
6 tation shall request that as part of the ICAO deliberations
7 in the dangerous good panel on these issues, that appro-
8 priate experts on issues under consideration be allowed to
9 participate.

10 **SEC. 2313. AIRCRAFT CABIN EVACUATION PROCEDURES.**

11 (a) **REVIEW.**—The Administrator of the Federal
12 Aviation Administration shall review—

13 (1) evacuation certification of transport-cat-
14 egory aircraft used in air transportation, with regard
15 to—

16 (A) emergency conditions, including im-
17 pacts into water;

18 (B) crew procedures used for evacuations
19 under actual emergency conditions;

20 (C) any relevant changes to passenger de-
21 mographics and legal requirements, including
22 the Americans with Disabilities Act of 1990 (42
23 U.S.C. 12101 et seq.), that affect emergency
24 evacuations; and

1 (D) any relevant changes to passenger
2 seating configurations, including changes to
3 seat width, padding, reclining, size, pitch, leg
4 room, and aisle width; and

5 (2) recent accidents and incidents in which pas-
6 sengers evacuated such aircraft.

7 (b) CONSULTATION; REVIEW OF DATA.—In con-
8 ducting the review under subsection (a), the Administrator
9 shall—

10 (1) consult with the National Transportation
11 Safety Board, transport-category aircraft manufac-
12 turers, air carriers, and other relevant experts and
13 Federal agencies, including groups representing pas-
14 sengers, airline crew members, maintenance employ-
15 ees, and emergency responders; and

16 (2) review relevant data with respect to evacu-
17 ation certification of transport-category aircraft.

18 (c) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this Act, the Administrator
20 shall submit to the appropriate committees of Congress
21 a report on the results of the review under subsection (a)
22 and related recommendations, if any, including rec-
23 ommendations for revisions to the assumptions and meth-
24 ods used for assessing evacuation certification of trans-
25 port-category aircraft.

1 **SEC. 2314. ANNUAL SAFETY INCIDENT REPORT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, and annually thereafter,
4 the Administrator of the Federal Aviation Administration,
5 shall submit to the appropriate committees of Congress
6 a report regarding part 121 airline safety oversight.

7 (b) CONTENTS.—The annual report shall include—

8 (1) a description of the Federal Aviation Ad-
9 ministration’s safety oversight process to ensure the
10 safety of the traveling public;

11 (2) a description of risk-based oversight meth-
12 ods applied to ensure aviation safety, including to
13 specific issues addressed in the year preceding the
14 report that in the determination of the Adminis-
15 trator address safety risk; and

16 (3) in the instance of specific reviews of air car-
17 rier performance to safety regulations, a description
18 of cases where the timelines for recurrent reviews
19 are advanced.

20 **Subtitle D—General Aviation**
21 **Safety**

22 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
23 **POLICY.**

24 (a) IN GENERAL.—Not later than 18 months after
25 the date of enactment of this Act, the Administrator of
26 the Federal Aviation Administration shall—

1 (1) update automated weather observing sys-
2 tems standards to maximize the use of new tech-
3 nologies that promote the reduction of equipment or
4 maintenance cost for non-Federal automated weath-
5 er observing systems, including the use of remote
6 monitoring and maintenance, unless demonstrated to
7 be ineffective;

8 (2) review, and if necessary update, existing
9 policies in accordance with the standards developed
10 under paragraph (1); and

11 (3) establish a process under which appropriate
12 on site airport personnel or an aviation official may,
13 with appropriate manufacturer training or alter-
14 native training as determined by the Administrator,
15 be permitted to conduct the minimum tri-annual
16 preventative maintenance checks under the advisory
17 circular for non-Federal automated weather observ-
18 ing systems (AC 150/5220–16E) and any other
19 similar, successor checks.

20 (b) PERMISSION.—Permission to conduct the min-
21 imum tri-annual preventative maintenance checks de-
22 scribed under subsection (a)(3) and any similar, successor
23 checks shall not be withheld but for specific cause.

24 (c) STANDARDS.—In updating the standards under
25 subsection (a)(1), the Administrator shall—

1 (1) ensure the standards are performance-
2 based;

3 (2) use risk analysis to determine the accuracy
4 of the automated weather observing systems outputs
5 required for pilots to perform safe aircraft oper-
6 ations; and

7 (3) provide a cost benefit analysis to determine
8 whether the benefits outweigh the cost for any re-
9 quirement not directly related to safety.

10 (d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—Not-
11 withstanding any other law, the Administrator shall waive
12 any positive benefit-cost ratio requirement for automated
13 weather observing system equipment under subchapter I
14 of chapter 471, United States Code, if—

15 (1) the airport sponsor or State, as applicable,
16 certifies that a grant for such automated weather
17 observing systems equipment under that chapter will
18 assist an applicable airport to respond to regional
19 emergency needs, including medical, firefighting, and
20 search and rescue needs; and

21 (2) the other requirements under that chapter
22 are met.

23 (e) REPORT.—Not later than September 30, 2018,
24 the Administrator shall submit to the appropriate commit-

1 tees of Congress a report on the implementation of the
2 requirements under this section.

3 **SEC. 2402. REQUIREMENT TO CONSULT WITH STAKE-**
4 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
5 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
6 **GRAM.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Administrator of the Federal Aviation Ad-
9 ministration shall consult with general aviation stake-
10 holders in defining the scope and requirements for any
11 new Future Flight Service Program of the Administration
12 to be used in a competitive source selection for the next
13 flight service contract with the Administration.

14 **SEC. 2403. AVIATION FUEL.**

15 (a) USE OF UNLEADED AVIATION GASOLINE.—The
16 Administrator of the Federal Aviation Administration
17 shall allow the use of an unleaded aviation gasoline in an
18 aircraft as a replacement for a leaded gasoline if the Ad-
19 ministrator—

20 (1) determines that the unleaded aviation gaso-
21 line qualifies as a replacement for an approved lead-
22 ed gasoline;

23 (2) identifies the aircraft and engines that are
24 eligible to use the qualified replacement unleaded
25 gasoline; and

1 (c) AIR BALLOON DEFINED.—In this section, the
2 term “air balloon” has the meaning given the term “bal-
3 loon” in section 1.1 of title 14, Code of Federal Regula-
4 tions (or any corresponding similar regulation or ruling).

5 **SEC. 2405. TECHNICAL CORRECTIONS.**

6 Section 2110 of the FAA Extension Safety and Secu-
7 rity Act of 2016 (Public Law 114–190; 130 Stat. 615)
8 is amended to read as follows:

9 **“SEC. 2110. TOWER MARKING.**

10 “(a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Administrator of the
12 Federal Aviation Administration shall issue regulations to
13 implement the requirements of this section with respect
14 to covered towers.

15 “(b) MARKING REQUIRED.—Regulations under sub-
16 section (a) that require that a covered tower be clearly
17 marked shall be consistent with applicable guidance under
18 the Federal Aviation Administration Advisory Circular
19 issued December 4, 2015 (AC 70/7460–1L), or other rel-
20 evant safety guidance, as determined by the Adminis-
21 trator.

22 “(c) APPLICATION.—The regulations issued under
23 subsection (a) shall ensure that—

24 “(1) all covered towers constructed on or after
25 the date on which such regulations take effect are

1 marked in accordance with subsection (b), included
2 in the database in subsection (e), or, in the case of
3 meteorological evaluation towers both; and

4 “(2) a covered tower constructed before the
5 date on which such regulations take effect is marked
6 in accordance with subsection (b), included in the
7 database in subsection (e), or, in the case of mete-
8 orological evaluation towers both, not later than 1
9 year after such effective date.

10 “(d) DEFINITIONS.—

11 “(1) IN GENERAL.—In this section, the fol-
12 lowing definitions apply:

13 “(A) COVERED TOWER.—The term ‘cov-
14 ered tower’ means a structure that—

15 “(i) is a meteorological evaluation
16 tower, a self-standing tower, or a tower
17 supported by guy wires and ground an-
18 chors;

19 “(ii) is 10 feet or less in diameter at
20 the above-ground base, excluding concrete
21 footing;

22 “(iii) at the highest point of the struc-
23 ture is at least 50 feet above ground level;

1 “(iv) at the highest point of the struc-
2 ture is not more than 200 feet above
3 ground level;

4 “(v) has accessory facilities on which
5 an antenna, sensor, camera, meteorological
6 instrument, or other equipment is mount-
7 ed; and

8 “(vi) is located on land that is—

9 “(I) in a remote or rural area;
10 and

11 “(II) used for agricultural pur-
12 poses or immediately adjacent to such
13 land.

14 “(B) EXCLUSIONS.—The term ‘covered
15 tower’ does not include any structure that—

16 “(i) is adjacent to a house, barn, elec-
17 tric utility station, or other building;

18 “(ii) is within the curtilage of a
19 farmstead or adjacent to another building
20 or visible structure;

21 “(iii) supports electric utility trans-
22 mission or distribution lines;

23 “(iv) is a wind-powered electrical gen-
24 erator with a rotor blade radius that ex-
25 ceeds 6 feet;

1 “(v) is a street light erected or main-
2 tained by a Federal, State, local, or tribal
3 entity;

4 “(vi) is designed and constructed to
5 resemble a tree or visible structure other
6 than a tower;

7 “(vii) is an advertising billboard;

8 “(viii) is located within 100 feet from
9 the centerline of the rail line on the right
10 of way of a rail carrier over which service
11 has not been discontinued, or within the
12 boundaries of a rail yard;

13 “(ix)(I) is registered with the Federal
14 Communications Commission under the
15 Antenna Structure Registration program
16 set forth under part 17 of title 47, Code of
17 Federal Regulations; and

18 “(II) after being registered as de-
19 scribed in subclause (I), is determined by
20 the Administrator to pose no hazard to air
21 navigation; or

22 “(x) has already mitigated any hazard
23 to aviation safety in accordance with FAA
24 guidance or as otherwise approved by the
25 Administrator.

1 “(2) OTHER DEFINITIONS.—The Administrator
2 shall define such other terms as may be necessary
3 to carry out this section.

4 “(e) DATABASE.—The Administrator shall—

5 “(1) develop a database that contains the loca-
6 tion and height of each covered tower that is not
7 marked in accordance with this section, except
8 that—

9 “(A) meteorological evaluation towers shall
10 be marked and contained in the database; and

11 “(B) towers excepted under subsection
12 (d)(1)(B)(viii) must be contained in the data-
13 base;

14 “(2) keep the database current, and that towers
15 to be included in the database are entered before
16 their construction;

17 “(3) ensure that any proprietary information in
18 the database is protected from disclosure in accord-
19 ance with law;

20 “(4) ensure that, by virtue of accessing the
21 database, users agree and acknowledge that informa-
22 tion in the database—

23 “(A) may only be used for aviation safety
24 purposes; and

1 “(B) may not be disclosed for purposes
2 other than aviation safety, regardless of wheth-
3 er or not the information is marked or labeled
4 as proprietary or with a similar designation;
5 and

6 “(5) ensure that pilots who intend to conduct
7 low-altitude operations in locations described in sen-
8 tence (d)(1)(A)(vi) consult the relevant parts of the
9 database before conducting such operations.

10 “(f) EXCLUSION AND WAIVER AUTHORITIES.—As
11 part of a rulemaking conducted pursuant to this section,
12 the Administrator—

13 “(1) may exclude a class, category, or type of
14 tower determined by the Administrator, after public
15 notice and comment, to not pose a hazard to avia-
16 tion safety;

17 “(2) shall establish a process to waive indi-
18 vidual or specific covered towers from the marking
19 requirements under this section as required under
20 the rulemaking if the Administrator later determines
21 such towers does not pose a hazard to aviation safe-
22 ty; and

23 “(3) shall consider, in establishing exclusions
24 and granting waivers under this subsection, factors
25 that may sufficiently mitigate risks to aviation safe-

1 ty, such as the length of time the tower has been in
2 existence or alternative marking methods or new
3 technologies that maintains a tower's level of con-
4 spicuousness to a degree which adequately maintains
5 the safety of the airspace.

6 “(g) PERIODIC REVIEW.—The Administrator shall,
7 in consultation with the Federal Communications Com-
8 mission, periodically conduct a safety assessment of any
9 category of tower not more than 200 feet above ground
10 level and, as the Administrator decides appropriate, pro-
11 pose regulations or guidance on the marking of such tow-
12 ers in the interest of safety of low-altitude aircraft oper-
13 ations.

14 “(h) FCC REGULATIONS.—The Federal Communica-
15 tions Commission shall promulgate or amend regulations
16 as necessary to implement the amendments made by sub-
17 section (f)(3), including by amending section 17.7 of title
18 47, Code of Federal Regulations, to require a notification
19 to the Federal Aviation Administration for any construc-
20 tion or alteration of a tower not less than 50 feet in height
21 above ground level at its site.”.

22 **Subtitle E—General Provisions**

23 **SEC. 2501. FAA TECHNICAL TRAINING.**

24 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
25 later than 90 days after the date of enactment of this Act,

1 the Administrator of the Federal Aviation Administration,
2 in collaboration with the exclusive bargaining representa-
3 tives of covered FAA personnel, shall establish an e-learn-
4 ing training pilot program in accordance with the require-
5 ments of this section.

6 (b) CURRICULUM.—The pilot program shall—

7 (1) include a recurrent training curriculum for
8 covered FAA personnel to ensure that the covered
9 FAA personnel receive instruction on the latest avia-
10 tion technologies, processes, and procedures;

11 (2) focus on providing specialized technical
12 training for covered FAA personnel, as determined
13 necessary by the Administrator;

14 (3) include training courses on applicable regu-
15 lations of the Federal Aviation Administration; and

16 (4) consider the efficacy of instructor-led online
17 training.

18 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
19 gram shall terminate 1 year after the date of establish-
20 ment of the pilot program.

21 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
22 nation of the pilot program, the Administrator shall assess
23 and establish or update an e-learning training program
24 that incorporates lessons learned for covered FAA per-
25 sonnel as a result of the pilot program.

1 (e) DEFINITIONS.—In this section:

2 (1) COVERED FAA PERSONNEL.—The term
3 “covered FAA personnel” means airway transpor-
4 tation systems specialists and aviation safety inspec-
5 tors of the Federal Aviation Administration.

6 (2) E-LEARNING TRAINING.—The term “e-
7 learning training” means learning utilizing electronic
8 technologies to access educational curriculum outside
9 of a traditional classroom.

10 **SEC. 2502. SAFETY CRITICAL STAFFING.**

11 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
12 later than 1 year after the date of enactment of this Act,
13 the Inspector General of the Department of Transpor-
14 tation shall conduct and complete an audit of the staffing
15 model used by the Federal Aviation Administration to de-
16 termine the number of aviation safety inspectors that are
17 needed to fulfill the mission of the Federal Aviation Ad-
18 ministration and adequately ensure aviation safety.

19 (b) CONTENTS.—The audit shall include, at a min-
20 imum—

21 (1) a review of the staffing model and an anal-
22 ysis of how consistently the staffing model is applied
23 throughout the Federal Aviation Administration’s
24 aviation safety lines of business;

1 (2) a review of the assumptions and methods
2 used in devising and implementing the staffing
3 model to assess the adequacy of the staffing model
4 to predict the number of aviation safety inspectors
5 needed to properly fulfill the mission of the Federal
6 Aviation Administration and meet the future growth
7 of the aviation industry; and

8 (3) a determination on whether the current
9 staffing model takes into account the Federal Avia-
10 tion Administration's authority to fully utilize des-
11 ignees.

12 (c) REPORT.—Not later than 30 days after the date
13 of completion of the audit, the Inspector General shall
14 submit to the appropriate committees of Congress a report
15 on the results of the audit.

16 **SEC. 2503. APPROACH CONTROL RADAR.**

17 The Administrator of the Federal Aviation Adminis-
18 tration shall—

19 (1) identify airports that are currently served
20 by Federal Aviation Administration towers with
21 nonradar approach and departure control (type 4
22 tower); and

23 (2) develop an implementation plan, including
24 budgetary considerations, to provide an airport iden-

1 tified under paragraph (1), if appropriate, with ap-
2 proach control radar.

3 **SEC. 2504. AIRSPACE MANAGEMENT ADVISORY COM-**
4 **MITTEE.**

5 (a) **IN GENERAL.**—Not later than 180 days after the
6 date of the enactment of this Act, the Administrator of
7 the Federal Aviation Administration shall establish an ad-
8 visory committee to carry out the duties described in sub-
9 section (b).

10 (b) **DUTIES.**—The advisory committee shall—

11 (1) conduct a review of the practices and proce-
12 dures of the Federal Aviation Administration for de-
13 veloping proposals with respect to changes in regula-
14 tions, policies, or guidance of the Federal Aviation
15 Administration relating to airspace that affect air-
16 port operations, airport capacity, the environment,
17 or communities in the vicinity of airports, includ-
18 ing—

19 (A) an assessment of the extent to which
20 there is consultation, or a lack of consultation,
21 with respect to such proposals—

22 (i) between and among the affected
23 elements of the Federal Aviation Adminis-
24 tration, including the Air Traffic Organiza-
25 tion, the Office of Airports, the Flight

1 Standards Service, the Office of NextGen,
2 and the Office of Energy and Environ-
3 ment; and

4 (ii) between the Federal Aviation Ad-
5 ministration and affected entities, includ-
6 ing airports, aircraft operators, commu-
7 nities, and State and local governments;

8 (2) recommend revisions to such practices and
9 procedures to improve communications and coordi-
10 nation between and among affected elements of the
11 Federal Aviation Administration and with other af-
12 fected entities with respect to proposals described in
13 paragraph (1) and the potential effects of such pro-
14 posals;

15 (3) conduct a review of the management by the
16 Federal Aviation Administration of systems and in-
17 formation used to evaluate data relating to obstruc-
18 tions to air navigation or navigational facilities
19 under part 77 of title 14, Code of Federal Regula-
20 tions; and

21 (4) make recommendations to ensure that the
22 data described in paragraph (3) is publicly accessible
23 and streamlined to ensure developers, airport opera-
24 tors, and other interested parties may obtain rel-
25 evant information concerning potential obstructions

1 when working to preserve and create a safe and effi-
2 cient navigable airspace.

3 (c) MEMBERSHIP.—The membership of the advisory
4 committee established under subsection (a) shall include
5 representatives of—

6 (1) air carriers, including passenger and cargo
7 air carriers;

8 (2) general aviation, including business aviation
9 and fixed wing aircraft and rotorcraft;

10 (3) airports of various sizes and types;

11 (4) air traffic controllers; and

12 (5) State aviation officials.

13 (d) REPORT REQUIRED.—Not later than 1 year after
14 the date the advisory committee is established under sub-
15 section (a), the advisory committee shall submit to the ap-
16 propriate committees of Congress a report on the actions
17 taken by the advisory committee to carry out the duties
18 described in subsection (b).

19 **Subtitle F—General Aviation Pilot** 20 **Protections**

21 **SEC. 2601. SHORT TITLE.**

22 This subtitle may be cited as the “Fairness for Pilots
23 Act”.

1 **SEC. 2602. EXPANSION OF PILOT'S BILL OF RIGHTS.**

2 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
3 CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of
4 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
5 44703 note) is amended by striking “or imposing a puni-
6 tive civil action or an emergency order of revocation under
7 subsections (d) and (e) of section 44709 of such title” and
8 inserting “suspending or revoking an airman certificate
9 under section 44709(d) of such title, or imposing an emer-
10 gency order of revocation under subsections (d) and (e)
11 of section 44709 of such title”.

12 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
13 OF PROOF.—Section 2(e) of the Pilot's Bill of Rights
14 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
15 note) is amended—

16 (1) by amending paragraph (1) to read as fol-
17 lows:

18 “(1) IN GENERAL.—In an appeal filed under
19 subsection (d) in a United States district court with
20 respect to a denial, suspension, or revocation of an
21 airman certificate by the Administrator—

22 “(A) the district court shall review the de-
23 nial, suspension, or revocation de novo, includ-
24 ing by—

1 “(i) conducting a full independent re-
2 view of the complete administrative record
3 of the denial, suspension, or revocation;

4 “(ii) permitting additional discovery
5 and the taking of additional evidence; and

6 “(iii) making the findings of fact and
7 conclusions of law required by Rule 52 of
8 the Federal Rules of Civil Procedure with-
9 out being bound to any findings of fact of
10 the Administrator or the National Trans-
11 portation Safety Board.”;

12 (2) by redesignating paragraph (2) as para-
13 graph (3); and

14 (3) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) BURDEN OF PROOF.—In an appeal filed
17 under subsection (d) in a United States district
18 court after an exhaustion of administrative remedies,
19 the burden of proof shall be as follows:

20 “(A) In an appeal of the denial of an ap-
21 plication for the issuance or renewal of an air-
22 man certificate under section 44703 of title 49,
23 United States Code, the burden of proof shall
24 be upon the applicant denied an airman certifi-
25 cate by the Administrator.

1 “(B) In an appeal of an order issued by
2 the Administrator under section 44709 of title
3 49, United States Code, the burden of proof
4 shall be upon the Administrator.”; and

5 (4) by adding at the end the following:

6 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
7 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
8 this subsection or subsection (a)(1) of section 554 of
9 title 5, United States Code, section 554 of such title
10 shall apply to adjudications of the Administrator
11 and the National Transportation Safety Board to
12 the same extent as that section applied to such adju-
13 dications before the date of enactment of the Fair-
14 ness for Pilots Act.”.

15 (c) NOTIFICATION OF INVESTIGATION.—Subsection
16 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
17 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
18 amended—

19 (1) in paragraph (2)(A), by inserting “and the
20 specific activity on which the investigation is based”
21 after “nature of the investigation”;

22 (2) in paragraph (3), by striking “timely”; and

23 (3) in paragraph (5), by striking “section
24 44709(c)(2)” and inserting “section 44709(e)(2)”.

1 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
2 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
3 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
4 adding at the end the following:

5 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

6 “(1) IN GENERAL.—

7 “(A) EMERGENCY ORDERS.—In any pro-
8 ceeding conducted under part 821 of title 49,
9 Code of Federal Regulations, relating to the
10 amendment, modification, suspension, or rev-
11 ocation of an airman certificate, in which the
12 Administrator issues an emergency order under
13 subsections (d) and (e) of section 44709, sec-
14 tion 44710, or section 46105(c) of title 49,
15 United States Code, or another order that takes
16 effect immediately, the Administrator shall pro-
17 vide to the individual holding the airman certifi-
18 cate the releasable portion of the investigative
19 report at the time the Administrator issues the
20 order. If the complete Report of Investigation is
21 not available at the time the Emergency Order
22 is issued, the Administrator shall issue all por-
23 tions of the report that are available at the time
24 and shall provide the full report within 5 days
25 of its completion.

1 “(B) OTHER ORDERS.—In any non-emer-
2 gency proceeding conducted under part 821 of
3 title 49, Code of Federal Regulations, relating
4 to the amendment, modification, suspension, or
5 revocation of an airman certificate, in which the
6 Administrator notifies the certificate holder of a
7 proposed certificate action under subsections
8 (b) and (c) of section 44709 or section 44710
9 of title 49, United States Code, the Adminis-
10 trator shall, upon the written request of the
11 covered certificate holder and at any time after
12 that notification, provide to the covered certifi-
13 cate holder the releasable portion of the inves-
14 tigative report.

15 “(2) MOTION FOR DISMISSAL.—If the Adminis-
16 trator does not provide the releasable portions of the
17 investigative report to the individual holding the air-
18 man certificate subject to the proceeding referred to
19 in paragraph (1) by the time required by that para-
20 graph, the individual may move to dismiss the com-
21 plaint of the Administrator or for other relief and,
22 unless the Administrator establishes good cause for
23 the failure to provide the investigative report or for
24 a lack of timeliness, the administrative law judge

1 shall order such relief as the judge considers appro-
2 priate.

3 “(3) RELEASABLE PORTION OF INVESTIGATIVE
4 REPORT.—For purposes of paragraph (1), the re-
5 leasable portion of an investigative report is all in-
6 formation in the report, except for the following:

7 “(A) Information that is privileged.

8 “(B) Information that constitutes work
9 product or reflects internal deliberative process.

10 “(C) Information that would disclose the
11 identity of a confidential source.

12 “(D) Information the disclosure of which is
13 prohibited by any other provision of law.

14 “(E) Information that is not relevant to
15 the subject matter of the proceeding.

16 “(F) Information the Administrator can
17 demonstrate is withheld for good cause.

18 “(G) Sensitive security information, as de-
19 fined in section 15.5 of title 49, Code of Fed-
20 eral Regulations (or any corresponding similar
21 ruling or regulation).

22 “(4) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to prevent the Ad-
24 ministrator from releasing to an individual subject
25 to an investigation described in subsection (b)(1)—

1 “(A) information in addition to the infor-
2 mation included in the releasable portion of the
3 investigative report; or

4 “(B) a copy of the investigative report be-
5 fore the Administrator issues a complaint.”.

6 **SEC. 2603. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
7 **CATE HOLDERS.**

8 (a) IN GENERAL.—Section 44709(a) is amended—
9 (1) by striking “The Administrator” and insert-
10 ing the following:

11 “(1) IN GENERAL.—The Administrator”;

12 (2) by striking “reexamine” and inserting “, ex-
13 cept as provided in paragraph (2), reexamine”; and

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

15 “(2) LIMITATION ON THE REEXAMINATION OF
16 AIRMAN CERTIFICATES.—

17 “(A) IN GENERAL.—The Administrator
18 may not reexamine an airman holding a stu-
19 dent, sport, recreational, or private pilot certifi-
20 cate issued under section 44703 of this title if
21 the reexamination is ordered as a result of an
22 event involving the fault of the Federal Aviation
23 Administration or its designee, unless the Ad-
24 ministrator has reasonable grounds—

1 “(i) to establish that the airman may
2 not be qualified to exercise the privileges of
3 a particular certificate or rating, based
4 upon an act or omission committed by the
5 airman while exercising those privileges,
6 after the certificate or rating was issued by
7 the Federal Aviation Administration or its
8 designee; or

9 “(ii) to demonstrate that the airman
10 obtained the certificate or the rating
11 through fraudulent means or through an
12 examination that was substantially and de-
13 monstrably inadequate to establish the air-
14 man’s qualifications.

15 “(B) NOTIFICATION REQUIREMENTS.—Be-
16 fore taking any action to reexamine an airman
17 under subparagraph (A), the Administrator
18 shall provide to the airman—

19 “(i) a reasonable basis, described in
20 detail, for requesting the reexamination;
21 and

22 “(ii) any information gathered by the
23 Federal Aviation Administration, that the
24 Administrator determines is appropriate to
25 provide, such as the scope and nature of

1 the requested reexamination, that formed
2 the basis for that justification.”.

3 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
4 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
5 INATION.—Section 44709(b) is amended—

6 (1) in paragraph (1), by redesignating subpara-
7 graphs (A) and (B) as clauses (i) and (ii), respec-
8 tively, and indenting appropriately;

9 (2) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and indent-
11 ing appropriately;

12 (3) in the matter preceding subparagraph (A),
13 as redesignated, by striking “The Administrator”
14 and inserting the following:

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Administrator”; and

17 (4) by adding at the end the following:

18 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
19 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
20 AFTER REEXAMINATION.—

21 “(A) IN GENERAL.—The Administrator
22 may not issue an order to amend, modify, sus-
23 pend, or revoke an airman certificate held by a
24 student, sport, recreational, or private pilot and
25 issued under section 44703 of this title after a

1 reexamination of the airman holding the certifi-
2 cate unless the Administrator determines that
3 the airman—

4 “(i) lacks the technical skills and com-
5 petency, or care, judgment, and responsi-
6 bility, necessary to hold and safely exercise
7 the privileges of the certificate; or

8 “(ii) materially contributed to the
9 issuance of the certificate by fraudulent
10 means.

11 “(B) STANDARD OF REVIEW.—Any order
12 of the Administrator under this paragraph shall
13 be subject to the standard of review provided
14 for under section 2 of the Pilot’s Bill of Rights
15 (49 U.S.C. 44703 note).”.

16 (c) CONFORMING AMENDMENTS.—Section
17 44709(d)(1) is amended—

18 (1) in subparagraph (A), by striking “sub-
19 section (b)(1)(A)” and inserting “subsection
20 (b)(1)(A)(i)”; and

21 (2) in subparagraph (B), by striking “sub-
22 section (b)(1)(B)” and inserting “subsection
23 (b)(1)(A)(ii)”.

1 **SEC. 2604. EXPEDITING UPDATES TO NOTAM PROGRAM.**

2 (a) IN GENERAL.—Beginning on the date that is 180
3 days after the date of enactment of this Act, the Adminis-
4 trator of the Federal Aviation Administration may not
5 take any enforcement action against any individual for a
6 violation of a NOTAM (as defined in section 3 of the Pi-
7 lot’s Bill of Rights (49 U.S.C. 44701 note)) until the Ad-
8 ministrator certifies to the appropriate committees of Con-
9 gress that the Administrator has complied with the re-
10 quirements of section 3 of the Pilot’s Bill of Rights, as
11 amended by this section.

12 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
13 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
14 44701 note) is amended—

15 (1) in subsection (a)(2)—

16 (A) in the matter preceding subparagraph

17 (A)—

18 (i) by striking “this Act” and insert-
19 ing “the Fairness for Pilots Act”; and

20 (ii) by striking “begin” and inserting
21 “complete the implementation of”;

22 (B) by amending subparagraph (B) to read
23 as follows:

24 “(B) to continue developing and modern-
25 izing the NOTAM repository, in a public cen-
26 tral location, to maintain and archive all

1 NOTAMs, including the original content and
2 form of the notices, the original date of publica-
3 tion, and any amendments to such notices with
4 the date of each amendment, in a manner that
5 is Internet-accessible, machine-readable, and
6 searchable;”;

7 (C) in subparagraph (C), by striking the
8 period at the end and inserting “; and”; and

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

10 “(D) to specify the times during which
11 temporary flight restrictions are in effect and
12 the duration of a designation of special use air-
13 space in a specific area.”; and

14 (2) by amending subsection (d) to read as fol-
15 lows:

16 “(d) DESIGNATION OF REPOSITORY AS SOLE
17 SOURCE FOR NOTAMS.—

18 “(1) IN GENERAL.—The Administrator—

19 “(A) shall consider the repository for
20 NOTAMs under subsection (a)(2)(B) to be the
21 sole location for airmen to check for NOTAMs;
22 and

23 “(B) may not consider a NOTAM to be
24 announced or published until the NOTAM is in-

1 cluded in the repository for NOTAMs under
2 subsection (a)(2)(B).

3 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
4 LATIONS OF NOTAMS NOT IN REPOSITORY.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), beginning on the date that
7 the repository under subsection (a)(2)(B) is
8 final and published, the Administrator may not
9 take any enforcement action against an airman
10 for a violation of a NOTAM during a flight if—

11 “(i) that NOTAM is not available
12 through the repository before the com-
13 mencement of the flight; and

14 “(ii) that NOTAM is not reasonably
15 accessible and identifiable to the airman.

16 “(B) EXCEPTION FOR NATIONAL SECUR-
17 RITY.—Subparagraph (A) shall not apply in the
18 case of an enforcement action for a violation of
19 a NOTAM that directly relates to national se-
20 curity.”.

21 **SEC. 2605. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

22 (a) IN GENERAL.—Subchapter I of chapter 471 is
23 amended by inserting after section 47124 the following:

24 **“§ 47124a. Accessibility of certain flight data**

25 “(a) DEFINITIONS.—In this section:

1 “(1) ADMINISTRATION.—The term ‘Administra-
2 tion’ means the Federal Aviation Administration.

3 “(2) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Federal Avia-
5 tion Administration.

6 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
7 plicable individual’ means an individual who is the
8 subject of an investigation initiated by the Adminis-
9 trator related to a covered flight record.

10 “(4) CONTRACT TOWER.—The term ‘contract
11 tower’ means an air traffic control tower providing
12 air traffic control services pursuant to a contract
13 with the Administration under section 47124.

14 “(5) COVERED FLIGHT RECORD.—The term
15 ‘covered flight record’ means any air traffic data (as
16 defined in section 2(b)(4)(B) of the Pilot’s Bill of
17 Rights (49 U.S.C. 44703 note)), created, main-
18 tained, or controlled by any program of the Adminis-
19 tration, including any program of the Administration
20 carried out by employees or contractors of the Ad-
21 ministration, such as contract towers, flight service
22 stations, and controller training programs.

23 “(b) PROVISION OF COVERED FLIGHT RECORD TO
24 ADMINISTRATION.—

1 “(1) REQUESTS.—Whenever the Administration
2 receives a written request for a covered flight record
3 from an applicable individual and the covered flight
4 record is not in the possession of the Administration,
5 the Administrator shall request the covered flight
6 record from the contract tower or other contractor
7 of the Administration in possession of the covered
8 flight record.

9 “(2) PROVISION OF RECORDS.—Any covered
10 flight record created, maintained, or controlled by a
11 contract tower or another contractor of the Adminis-
12 tration that maintains covered flight records shall be
13 provided to the Administration if the Administration
14 requests the record pursuant to paragraph (1).

15 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
16 TION.—If the Administrator has issued, or subse-
17 quently issues, a Notice of Proposed Certificate Ac-
18 tion relying on evidence contained in the covered
19 flight record and the individual who is the subject of
20 an investigation has requested the record, the Ad-
21 ministrator shall promptly produce the record and
22 extend the time the individual has to respond to the
23 Notice of Proposed Certificate Action until the cov-
24 ered flight record is provided.

25 “(c) IMPLEMENTATION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of the Fairness for Pi-
3 lots Act, the Administrator shall promulgate regula-
4 tions or guidance to ensure compliance with this sec-
5 tion.

6 “(2) COMPLIANCE BY CONTRACTORS.—

7 “(A) IN GENERAL.—Compliance with this
8 section by a contract tower or other contractor
9 of the Administration that maintains covered
10 flight records shall be included as a material
11 term in any contract between the Administra-
12 tion and the contract tower or contractor en-
13 tered into or renewed on or after the date of en-
14 actment of the Fairness for Pilots Act.

15 “(B) NONAPPLICABILITY.—Subparagraph
16 (A) shall not apply to any contract or agree-
17 ment in effect on the date of enactment of the
18 Fairness for Pilots Act unless the contract or
19 agreement is renegotiated, renewed, or modified
20 after that date.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 The table of contents for chapter 471 is amended by in-
23 serting after the item relating to section 47124 the fol-
24 lowing:

“47124a. Accessibility of certain flight data.”.

1 **SEC. 2606. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
2 **CERTAIN NOTICES.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall revise section 13.11 of title 14, Code
6 of Federal Regulations, to authorize legal counsel of the
7 Federal Aviation Administration to close enforcement ac-
8 tions covered by that section with a warning notice, letter
9 of correction, or other administrative action.

10 **TITLE III—AIR SERVICE**
11 **IMPROVEMENTS**

12 **SEC. 3001. DEFINITIONS.**

13 In this title:

14 (1) **COVERED AIR CARRIER.**—The term “cov-
15 ered air carrier” means an air carrier or a foreign
16 air carrier as those terms are defined in section
17 40102 of title 49, United States Code.

18 (2) **ONLINE SERVICE.**—The term “online serv-
19 ice” means any service available over the Internet,
20 or that connects to the Internet or a wide-area net-
21 work.

22 (3) **TICKET AGENT.**—The term “ticket agent”
23 has the meaning given the term in section 40102 of
24 title 49, United States Code.

1 **Subtitle A—Passenger Air Service**
2 **Improvements**

3 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-**
4 **TIONS.**

5 (a) REVIEW.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary of
8 Transportation shall review the categorization of
9 delays and cancellations with respect to air carriers
10 that are required to report such data.

11 (2) CONSIDERATIONS.—In conducting the re-
12 view under paragraph (1), the Secretary shall con-
13 sider, at a minimum—

14 (A) whether delays and cancellations at-
15 tributed by an air carrier to weather were un-
16 avoidable, including—

17 (i) due to operational issues, air traf-
18 fic control issues, or groundstop or delay
19 management programs;

20 (ii) due to the air carrier's discretion
21 in determining which flights to delay or
22 cancel during a weather event, including
23 an attempt to impact the fewest pas-
24 sengers; or

25 (iii) due to other factors;

1 (B) whether and to what extent delays and
2 cancellations attributed by an air carrier to
3 weather disproportionately impact service to
4 smaller airports and communities; and

5 (C) whether it is an unfair or deceptive
6 practice in violation of section 41712 of title
7 49, United States Code, for an air carrier to in-
8 form a passenger that a flight is delayed or
9 cancelled due to weather, without any other
10 context or explanation for the delay or cancella-
11 tion, when the air carrier has discretion as to
12 which flights to delay or cancel.

13 (3) CONSULTATION.—The Secretary may con-
14 sult air carriers and the Advisory Committee for
15 Aviation Consumer Protection, established under
16 section 411 of the FAA Modernization and Reform
17 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
18 in conducting the review and providing recommenda-
19 tions.

20 (b) REPORT.—Not later than 90 days after the date
21 the review under subsection (a) is complete, the Secretary
22 shall submit to the appropriate committees of Congress
23 a report on the review under subsection (a), including any
24 recommendations.

1 (c) SAVINGS PROVISION.—Nothing in this section
2 shall be construed as affecting the decision of an air car-
3 rier to maximize its system capacity during weather-re-
4 lated events to accommodate the greatest number of pas-
5 sengers.

6 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

7 (a) REVIEW.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary of
10 Transportation shall review whether it is an unfair
11 or deceptive practice in violation of section 41712 of
12 title 49, United States Code, for an air carrier to
13 change the itinerary of a passenger, more than 24
14 hours before departure, if the new itinerary involves
15 additional stops or departs 3 hours earlier or later
16 and compensation or other more suitable air trans-
17 portation is not offered. In conducting the review,
18 the Secretary shall consider the refund policy and al-
19 ternative travel options provided or offered by the
20 air carrier in such situations.

21 (2) CONSULTATION.—The Secretary may con-
22 sult with air carriers and the Advisory Committee
23 for Aviation Consumer Protection, established under
24 section 411 of the FAA Modernization and Reform
25 Act of 2012 (49 U.S.C. 42301 prec. note), to assist

1 in conducting the review and providing recommenda-
2 tions.

3 (b) REPORT.—Not later than 90 days after the date
4 the review under subsection (a) is complete, the Secretary
5 shall submit to appropriate committees of Congress a re-
6 port on the review under subsection (a), including any rec-
7 ommendations.

8 **SEC. 3103. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
9 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
10 **DENTS.**

11 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
12 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
13 amended—

14 (1) in subsection (a), by striking “a major” and
15 inserting “any”;

16 (2) in subsection (b)—

17 (A) in paragraph (9), by striking “(and
18 any other victim of the accident)” and inserting
19 “(and any other victim of the accident, includ-
20 ing any victim on the ground)”;

21 (B) in paragraph (16), by striking “major”
22 and inserting “any”; and

23 (C) in paragraph (17)(A), by striking “sig-
24 nificant” and inserting “any”; and

1 (3) by amending subsection (e) to read as fol-
2 lows:

3 “(e) DEFINITIONS.—In this section:

4 “(1) ‘Aircraft accident’ means any aviation dis-
5 aster, regardless of its cause or suspected cause, for
6 which the National Transportation Safety Board is
7 the lead investigative agency.

8 “(2) ‘Passenger’ has the meaning given the
9 term in section 1136.”.

10 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
11 AIR TRANSPORTATION.—Section 41313 is amended—

12 (1) in subsection (b), by striking “a major” and
13 inserting “any”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking “a sig-
16 nificant” and inserting “any”;

17 (B) in paragraph (2), by striking “a sig-
18 nificant” and inserting “any”;

19 (C) in paragraph (16), by striking “major”
20 and inserting “any”; and

21 (D) in paragraph (17)(A), by striking “sig-
22 nificant” and inserting “any”.

23 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—
24 Section 1136(a) is amended by striking “aircraft accident
25 within the United States involving an air carrier or foreign

1 air carrier and resulting in a major loss of life” and insert-
2 ing “aircraft accident involving an air carrier or foreign
3 air carrier, resulting in any loss of life, and for which the
4 National Transportation Safety Board will serve as the
5 lead investigative agency”.

6 **SEC. 3104. TRAVELERS WITH DISABILITIES.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Comptroller General
9 of the United States shall—

10 (1) conduct a study of airport accessibility best
11 practices for individuals with disabilities; and

12 (2) submit to the appropriate committees of
13 Congress a report on the study, including the Comp-
14 troller General’s findings, conclusions, and rec-
15 ommendations.

16 (b) CONTENTS.—The study under subsection (a)
17 shall include accessibility best practices beyond those rec-
18 ommended under the Architectural Barriers Act of 1968
19 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
20 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
21 Stat. 1080; Public Law 99–435), or Americans with Dis-
22 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
23 prove infrastructure and communications, such as with re-
24 gard to wayfinding, amenities, and passenger care.

1 **SEC. 3105. EXTENSION OF ADVISORY COMMITTEE FOR**
2 **AVIATION CONSUMER PROTECTION.**

3 (a) **TERMINATION.**—Section 411(h) of the FAA Mod-
4 ernization and Reform Act of 2012 (Public Law 112–95;
5 49 U.S.C. 42301 prec. note) is amended by striking “Sep-
6 tember 30, 2017” and inserting “September 30, 2021”.

7 (b) **FINANCIAL DISCLOSURE.**—Section 411 of the
8 FAA Modernization and Reform Act of 2012 (Public Law
9 112–95; 49 U.S.C. 42301 prec. note) is further amend-
10 ed—

11 (1) by redesignating subsection (h) as sub-
12 section (i); and

13 (2) by inserting before subsection (i), the fol-
14 lowing:

15 “(h) **CONFLICT OF INTEREST DISCLOSURE.**—Begin-
16 ning on the date of enactment of the Federal Aviation Ad-
17 ministration Reauthorization Act of 2017, each member
18 of the advisory committee who is not a government em-
19 ployee shall disclose, on an annual basis, any potential
20 conflicts of interest, including financial conflicts of inter-
21 est, to the Secretary in such form and manner as pre-
22 scribed by the Secretary.”.

23 (c) **RECOMMENDATIONS.**—Section 411(g) of the FAA
24 Modernization and Reform Act of 2012 (Public Law 112–
25 95; 49 U.S.C. 42301 prec. note) is amended—

1 (1) by striking “of the first 2 calendar years be-
2 ginning after the date of enactment of this Act” and
3 inserting “calendar year”; and

4 (2) by inserting “and post on the Department
5 of Transportation Web site” after “Congress”.

6 **SEC. 3106. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

7 Section 47107(r)(3) is amended by striking “October
8 1, 2017” and inserting “October 1, 2021”.

9 **SEC. 3107. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
10 **ORED BY A COVERED AIR CARRIER.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Secretary of Transportation shall promul-
13 gate regulations that require each covered air carrier to
14 promptly provide an automated refund to a passenger of
15 any ancillary fees paid for services related to air travel
16 that the passenger does not receive, including on the pas-
17 senger’s scheduled flight, on a subsequent replacement
18 itinerary if there has been a rescheduling, or for a flight
19 not taken by the passenger.

20 **SEC. 3108. DISCLOSURE OF FEES TO CONSUMERS.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary of Transpor-
23 tation shall issue final regulations requiring—

24 (1) each covered air carrier to disclose to a con-
25 sumer the baggage fee, cancellation fee, change fee,

1 ticketing fee, and seat selection fee of that covered
2 air carrier in a standardized format; and

3 (2) notwithstanding the manner in which infor-
4 mation regarding the fees described in paragraph
5 (1) is collected, each ticket agent to disclose to a
6 consumer such fees of a covered air carrier in the
7 standardized format described in paragraph (1).

8 (b) REQUIREMENTS.—The regulations under sub-
9 section (a) shall require that each disclosure—

10 (1) if ticketing is done on an Internet Web site
11 or other online service—

12 (A) be prominently displayed to the con-
13 sumer prior to the point of purchase; and

14 (B) set forth the fees described in sub-
15 section (a)(1) in clear and plain language and
16 a font of easily readable size; and

17 (2) if ticketing is done on the telephone, be ex-
18 pressly stated to the consumer during the telephone
19 call and prior to the point of purchase.

20 **SEC. 3109. SEAT ASSIGNMENTS.**

21 (a) IN GENERAL.—Not later than 15 months after
22 the date of enactment of this Act, the Secretary of Trans-
23 portation shall complete such actions as may be necessary
24 to require each covered air carrier and ticket agent to dis-
25 close to a consumer that seat selection for which a fee

1 is charged is an optional service, and that if a consumer
2 does not pay for a seat assignment, a seat will be assigned
3 to the consumer from available inventory.

4 (b) REQUIREMENTS.—The disclosure under sub-
5 section (a) shall—

6 (1) if ticketing is done on an Internet Web site
7 or other online service, be prominently displayed to
8 the consumer on that Internet Web site or online
9 service during the selection of seating or prior to the
10 point of purchase;

11 (2) if ticketing is done on the telephone, be ex-
12 pressly stated to the consumer during the telephone
13 call and prior to the point of purchase;

14 (3) be made at the time the consumer checks
15 in for the flight; and

16 (4) be made at other ancillary seat assignment
17 purchase opportunities prior to departure.

18 **SEC. 3110. ADVANCED BOARDING DURING PREGNANCY.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Transportation shall review
21 air carrier policies regarding traveling during pregnancy
22 and, if appropriate, may revise regulations, as the Sec-
23 retary considers necessary, to require an air carrier to
24 offer advanced boarding of an aircraft to a pregnant pas-
25 senger who requests such assistance.

1 **SEC. 3111. CONSUMER COMPLAINT PROCESS IMPROVE-**
2 **MENT.**

3 (a) IN GENERAL.—Section 42302 is amended—

4 (1) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively;

6 (2) by inserting after subsection (a), the fol-
7 lowing:

8 “(b) POINT OF SALE.—Each air carrier, foreign air
9 carrier, and ticket agent shall inform each consumer of
10 a carrier service, at the point of sale, that the consumer
11 can file a complaint about that service with the carrier
12 and with the Aviation Consumer Protection Division of the
13 Department of Transportation.”;

14 (3) by amending subsection (c), as redesign-
15 nated, to read as follows:

16 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
17 ICE NOTICE.—Each air carrier, foreign air carrier, and
18 ticket agent shall include on its Internet Web site, any
19 related mobile device application, and online service—

20 “(1) the hotline telephone number established
21 under subsection (a) or for the Aviation Consumer
22 Protection Division of the Department of Transpor-
23 tation;

24 “(2) an active link and the email address, tele-
25 phone number, and mailing address of the air car-
26 rier, foreign air carrier, or ticket agent, as applica-

1 ble, for a consumer to submit a complaint to the
2 carrier about the quality of service;

3 “(3) notice that the consumer can file a com-
4 plaint with the Aviation Consumer Protection Divi-
5 sion of the Department of Transportation;

6 “(4) an active link to the Internet Web site of
7 the Aviation Consumer Protection Division of the
8 Department of Transportation for a consumer to file
9 a complaint; and

10 “(5) the active link described in paragraph (2)
11 on the same Internet Web site page as the active
12 link described in paragraph (4).”; and

13 (4) in subsection (d), as redesignated—

14 (A) in the matter preceding paragraph (1),
15 by striking “An air carrier or foreign air carrier
16 providing scheduled air transportation using
17 any aircraft that as originally designed has a
18 passenger capacity of 30 or more passenger
19 seats” and inserting “Each air carrier and for-
20 eign air carrier”;

21 (B) in paragraph (1), by striking “air car-
22 rier” and inserting “carrier”; and

23 (C) in paragraph (2), by striking “air car-
24 rier” and inserting “carrier”.

1 (b) RULEMAKING.—Not later than 1 year after the
2 date of enactment of this Act, the Secretary of Transpor-
3 tation shall promulgate regulations to implement the re-
4 quirements of section 42302 of title 49, United States
5 Code, as amended.

6 **SEC. 3112. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
7 **TECTION INFORMATION.**

8 (a) INTERNET WEB SITE.—Not later than 180 days
9 after the date of enactment of this Act, the Secretary of
10 Transportation shall—

11 (1) complete an evaluation of the aviation con-
12 sumer protection portion of the Department of
13 Transportation’s public Internet Web site to identify
14 any changes to the user interface that will improve
15 usability, accessibility, consumer satisfaction, and
16 Web site performance;

17 (2) in completing the evaluation under para-
18 graph (1)—

19 (A) consider the best practices of other
20 Federal agencies with effective Web sites; and

21 (B) consult with the Federal Web Man-
22 agers Council;

23 (3) develop a plan, including an implementation
24 timeline, for—

1 (A) making the changes identified under
2 paragraph (1); and

3 (B) making any necessary changes to that
4 portion of the Web site that will enable a con-
5 sumer, in a manner that protects the privacy of
6 consumers and employees, to—

7 (i) access information regarding each
8 complaint filed with the Aviation Con-
9 sumer Protection Division of the Depart-
10 ment of Transportation;

11 (ii) search the complaints described in
12 clause (i) by the name of the air carrier,
13 the dates of departure and arrival, the air-
14 ports of origin and departure, and the type
15 of complaint; and

16 (iii) determine the date a complaint
17 was filed and the date a complaint was re-
18 solved; and

19 (4) submit the evaluation and plan to appro-
20 priate committees of Congress.

21 (b) MOBILE APPLICATION SOFTWARE.—Not later
22 than 1 year after the date of enactment of this Act, the
23 Secretary of Transportation shall—

24 (1) implement a program to develop application
25 software for wireless devices that will enable a user

1 to access information and perform activities related
2 to aviation consumer protection, such as—

3 (A) information regarding airline pas-
4 senger protections, including protections related
5 to lost baggage and baggage fees, disclosure of
6 additional fees, bumping, cancelled or delayed
7 flights, damaged or lost baggage, and tarmac
8 delays; and

9 (B) file an aviation consumer complaint,
10 including a safety and security, airline service,
11 disability and discrimination, or privacy com-
12 plaint, with the Aviation Consumer Protection
13 Division of the Department of Transportation;
14 and

15 (2) make the application software available to
16 the public at no cost.

17 **SEC. 3113. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
18 **SYSTEMS.**

19 Not later than 2 years after the date of enactment
20 of this Act, the Architectural and Transportation Barriers
21 Compliance Board, in consultation with the Secretary of
22 Transportation, including the Aviation Consumer Protec-
23 tion Division of the Department of Transportation and the
24 Office of Aviation Safety at the Federal Aviation Adminis-
25 tration, shall conduct a study to determine the ways in

1 which particular individuals with significant disabilities
2 who use wheelchairs, including power wheelchairs, can be
3 safely accommodated through in-cabin wheelchair re-
4 straint systems.

5 **SEC. 3114. ADVISORY COMMITTEE ON THE AIR TRAVEL**
6 **NEEDS OF PASSENGERS WITH DISABILITIES.**

7 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
8 tation shall establish an advisory committee for the air
9 travel needs of passengers with disabilities (referred to in
10 this section as the “Advisory Committee”).

11 (b) **DUTIES.**—The Advisory Committee shall advise
12 the Secretary with regard to the implementation of the
13 Air Carrier Access Act of 1986 (Public Law 99–435; 100
14 Stat. 1080), including—

15 (1) assessing the disability-related access bar-
16 riers encountered by passengers with disabilities;

17 (2) determining the extent to which the pro-
18 grams and activities of the Department of Transpor-
19 tation are addressing the barriers described in para-
20 graph (1);

21 (3) recommending improvements to the air
22 travel experience of passengers with disabilities; and

23 (4) such activities as the Secretary considers
24 necessary to carry out this section.

25 (c) **MEMBERSHIP.**—

1 (1) IN GENERAL.—The Advisory Committee
2 shall be comprised of at least 1 representative of
3 each of the following groups:

4 (A) Passengers with disabilities.

5 (B) National disability organizations.

6 (C) Air carriers.

7 (D) Airport operators.

8 (E) Contractor service providers.

9 (2) APPOINTMENT.—The Secretary of Trans-
10 portation shall appoint each member of the Advisory
11 Committee.

12 (3) VACANCIES.—A vacancy in the Advisory
13 Committee shall be filled in the manner in which the
14 original appointment was made.

15 (d) CHAIRPERSON.—The Secretary of Transportation
16 shall designate, from among the members appointed under
17 subsection (c), an individual to serve as chairperson of the
18 Advisory Committee.

19 (e) TRAVEL EXPENSES.—Members of the Advisory
20 Committee shall serve without pay, but shall receive travel
21 expenses, including per diem in lieu of subsistence, in ac-
22 cordance with subchapter I of chapter 57 of title 5, United
23 States Code.

24 (f) REPORTS.—

1 (1) IN GENERAL.—Not later than February 1
2 of each year, the Advisory Committee shall submit
3 to the Secretary of Transportation a report on the
4 needs of passengers with disabilities in air travel, in-
5 cluding—

6 (A) an assessment of disability-related ac-
7 cess barriers, both those that were evident in
8 the preceding calendar year and those that will
9 likely be an issue in the subsequent 5 calendar
10 years;

11 (B) an evaluation of the extent to which
12 the Department of Transportation’s programs
13 and activities are eliminating disability-related
14 access barriers;

15 (C) a description of the Advisory Commit-
16 tee’s actions during the preceding calendar
17 year;

18 (D) a description of activities that the Ad-
19 visory Committee has planned for the subse-
20 quent calendar year; and

21 (E) any recommendations for legislation,
22 administrative action, or other action that the
23 Advisory Committee considers appropriate.

24 (2) REPORT TO CONGRESS.—Not later than 60
25 days after the date the Secretary receives the report

1 under paragraph (1), the Secretary shall submit to
2 the appropriate committees of Congress a copy of
3 the report, including any additional findings or rec-
4 ommendations that the Secretary considers appro-
5 priate.

6 (g) TERMINATION.—The Advisory Committee shall
7 terminate 2 years after the date it is established under
8 subsection (a).

9 **SEC. 3115. ENFORCEMENT OF AVIATION CONSUMER PRO-**
10 **TECTION RULES.**

11 (a) IN GENERAL.—The Comptroller General of the
12 United States shall conduct a study to consider and evalu-
13 ate Department of Transportation enforcement of aviation
14 consumer protection rules.

15 (b) CONTENTS.—The study under subsection (a)
16 shall include an evaluation of—

- 17 (1) available enforcement mechanisms;
- 18 (2) any obstacles to enforcement; and
- 19 (3) trends in Department of Transportation en-
20 forcement actions.

21 (c) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General shall
23 submit to the appropriate committees of Congress a report
24 on the study, including the Comptroller General's findings,
25 conclusions, and recommendations.

1 **SEC. 3116. DIMENSIONS FOR PASSENGER SEATS.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Administrator of
4 the Federal Aviation Administration shall initiate a pro-
5 ceeding to study the minimum seat pitch for passenger
6 seats on aircraft operated by air carriers (as defined in
7 section 40102 of title 49, United States Code).

8 (b) CONSIDERATIONS.—In reviewing any minimum
9 seat pitch under subsection (a), the Administrator shall
10 consider the safety of passengers, including passengers
11 with disabilities.

12 **SEC. 3117. CELL PHONE VOICE COMMUNICATIONS.**

13 (a) IN GENERAL.—Subchapter I of chapter 417 is
14 amended by adding at the end the following:

15 **“§ 41725. Cell phone voice communications**

16 “(a) PROHIBITION AUTHORITY.—The Secretary of
17 Transportation may issue regulations—

18 “(1) to prohibit an individual on an aircraft
19 from engaging in voice communications using a mo-
20 bile communications device during a flight of that
21 aircraft in scheduled passenger interstate or intra-
22 state air transportation; and

23 “(2) that exempt from the prohibition described
24 in paragraph (1)—

25 “(A) any member of the flight crew on
26 duty on an aircraft;

1 “(B) any flight attendant on duty on an
2 aircraft; and

3 “(C) any Federal law enforcement officer
4 acting in an official capacity.

5 “(b) DEFINITIONS.—In this section:

6 “(1) FLIGHT.—The term ‘flight’ means, with
7 respect to an aircraft, the period beginning when the
8 aircraft takes off and ending when the aircraft
9 lands.

10 “(2) MOBILE COMMUNICATIONS DEVICE.—

11 “(A) IN GENERAL.—The term ‘mobile
12 communications device’ means any portable
13 wireless telecommunications equipment utilized
14 for the transmission or reception of voice data.

15 “(B) LIMITATION.—The term ‘mobile com-
16 munications device’ does not include a phone in-
17 stalled on an aircraft.”.

18 “(b) TABLE OF CONTENTS.—The table of contents at
19 the beginning of chapter 417 is amended by inserting after
20 the item relating to section 41724 the following:

 “41725. Cell phone voice communications.”.

21 **SEC. 3118. TICKETS ACT.**

22 “(a) SHORT TITLE.—This section may be cited as the
23 “Transparency Improvements and Compensation to Keep
24 Every Ticketholder Safe Act of 2017” or the “TICKETS
25 Act”.

1 (b) **BOARDED PASSENGERS.**—Beginning on the date
2 of enactment of this Act, once a revenue passenger is ap-
3 proved by a gate attendant to clear the boarding area and
4 board an aircraft, the applicable air carrier may not deny
5 that passenger permission to board the aircraft without
6 the consent of the passenger unless—

7 (1) the passenger poses a safety, security, or
8 health risk to oneself or to the other passengers; or

9 (2) the passenger is engaging in behavior that
10 is obscene, disruptive, or otherwise unlawful .

11 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
12 tion may be construed to limit or otherwise affect the re-
13 sponsibility or authority of a pilot in command of an air-
14 craft under section 121.533 of title 14, Code of Federal
15 Regulations, or any penalty under section 46504 of title
16 49, United States Code.

17 (d) **ELIMINATION OF LIMITATION ON COMPENSATION**
18 **FOR BEING DENIED BOARDING.**—Not later than 1 year
19 after the date of the enactment of this Act, the Secretary
20 of Transportation shall review air carrier policies and re-
21 vise the regulations under part 250 of title 14, Code of
22 Federal Regulations, to eliminate the dollar amount limi-
23 tations under paragraphs (2) and (3) of subsections (a)
24 and (b) of section 250.5 of that part on the amount of

1 compensation that may be provided to a passenger who
2 is denied boarding involuntarily.

3 (e) OVERSALES.—

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall review airline policies and
6 practices related to oversales of flights.

7 (2) CONSIDERATIONS.—In conducting the re-
8 view under paragraph (1), the Comptroller Generals
9 shall examine—

10 (A) impact on passengers, including the
11 prevalence of a negative impact on passengers,
12 as a result of an oversale;

13 (B) economic and operational factors
14 which results in oversales;

15 (C) whether, and if so how, the incidence
16 of oversales varies depending on markets; and

17 (D) potential consequences on the limiting
18 of oversales.

19 (3) REPORT.—Not later than 1 year after the
20 date of enactment of this Act, the Comptroller Gen-
21 eral shall submit to the appropriate committees of
22 Congress a report on the review under paragraph
23 (2).

24 (f) NOTICE OF POLICIES OF AIR CARRIERS.—Not
25 later than 1 year after the date of the enactment of this

1 Act, the Secretary of Transportation shall prescribe regu-
2 lations requiring an air carrier, or other entity selling tick-
3 ets for flights in passenger air transportation, to specify,
4 on a passenger’s flight itinerary, receipt, or other direct
5 customer communication, the policies of the air carrier op-
6 erating the flight regarding oversold flights.

7 (g) DEFINITION OF AIR CARRIER.—In this section,
8 the term “air carrier” means an air carrier or foreign air
9 carrier, as those terms are defined in section 40102 of
10 title 49, United States Code.

11 **SEC. 3119. TRANSPARENCY FOR DISABLED PASSENGERS.**

12 The compliance date of the final rule, dated Novem-
13 ber 2, 2016, on the reporting of data for mishandled bag-
14 gage and wheelchairs in aircraft cargo compartments (81
15 Fed. Reg. 76300) shall be effective January 1, 2018.

16 **Subtitle B—Essential Air Service**

17 **SEC. 3201. ESSENTIAL AIR SERVICE.**

18 (a) AUTHORIZATION EXTENSION.—Section 41742(a)
19 is amended—

20 (1) in paragraph (2), by striking
21 “\$150,000,000” and all that follows though “2017”
22 and inserting “\$175,000,000 for each of fiscal years
23 2018 through 2021”; and

24 (2) by striking paragraph (3).

1 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
2 amended by striking clause (ii) and inserting the following:

3 “(ii) was determined, on or after Oc-
4 tober 1, 1988, and before December 1,
5 2012, under this subchapter by the Sec-
6 retary of Transportation to be eligible to
7 receive subsidized small community air
8 service under section 41736(a);”.

9 (c) SEASONAL SERVICE.—The Secretary of Trans-
10 portation may consider the flexibility of current oper-
11 ational dates and airport accessibility to meet local com-
12 munity needs when issuing requests for proposal of essen-
13 tial air service at seasonal airports.

14 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
15 **MENT PROGRAM.**

16 (a) EXTENSION OF AUTHORIZATION.—Section
17 41743(e)(2) is amended by striking “\$6,000,000 for each
18 of fiscal years 2012 through 2017” and inserting
19 “\$10,000,000 for each of fiscal years 2018 through
20 2021”.

21 (b) ELIGIBILITY.—Section 41743(c)(1) is amended
22 to read as follows:

23 “(1) SIZE.—On the date of the most recent no-
24 tice of order soliciting community proposals issued

1 by the Secretary under this section, the airport serv-
2 ing the community or consortium—

3 “(A) was not larger than a small hub air-
4 port, as determined using the Department of
5 Transportation’s most recent published classi-
6 fication; and

7 “(B)(i) had insufficient air carrier service;
8 or

9 “(ii) had unreasonably high air
10 fares.”.

11 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

12 (a) IN GENERAL.—Section 41743(c)(4) is amend-
13 ed—

14 (1) by inserting “(B) SAME PROJECTS.—.”
15 before the second sentence and indenting appro-
16 priately;

17 (2) by inserting “(A) IN GENERAL.—” before
18 the first sentence and indenting appropriately;

19 (3) in subparagraph (B), as designated by this
20 subsection, by striking “No community” and insert-
21 ing “Except as provided in subparagraph (C)”; and

22 (4) by adding at the end the following:

23 “(C) EXCEPTION.—The Secretary may
24 waive the limitation under subparagraph (B)
25 related to projects that are the same if the Sec-

1 retary determines that the community or con-
2 sortium spent little or no money on its previous
3 project or encountered industry or environ-
4 mental challenges, due to circumstances that
5 were reasonably beyond the control of the com-
6 munity or consortium.”.

7 (b) **AUTHORITY TO MAKE AGREEMENTS.**—Section
8 41743(e)(1) is amended by adding at the end the fol-
9 lowing: “The Secretary may amend the scope of a grant
10 agreement at the request of the community or consortium
11 and any participating air carrier, and may limit the scope
12 of a grant agreement to only the elements using grant as-
13 sistance or to only the elements achieved, if the Secretary
14 determines that the amendment is reasonably consistent
15 with the original purpose of the project.”.

16 **SEC. 3204. WAIVERS.**

17 Section 41732 is amended by adding at the end the
18 following:

19 “(c) **WAIVERS.**—Notwithstanding section 41733(e),
20 upon request by an eligible place, the Secretary may waive,
21 in whole or in part, subsections (a) and (b) of this section
22 or subsections (a) through (e) of section 41734. A waiver
23 issued under this subsection shall remain in effect for a
24 limited period of time, as determined by the Secretary.”.

1 **TITLE IV—NEXTGEN AND FAA**
2 **ORGANIZATION**

3 **SEC. 4001. DEFINITIONS.**

4 In this title:

5 (1) ADMINISTRATION.—The term “Administra-
6 tion” means the Federal Aviation Administration.

7 (2) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Federal
9 Aviation Administration.

10 (3) ADS-B.—The term “ADS-B” means auto-
11 matic dependent surveillance-broadcast.

12 (4) ADS-B OUT.—The term “ADS-B Out”
13 means automatic dependent surveillance-broadcast
14 with the ability to transmit information from the
15 aircraft to ground stations and to other equipped
16 aircraft.

17 (5) NEXTGEN.—The term “NextGen” means
18 the Next Generation Air Transportation System.

19 **Subtitle A—NextGen Air**
20 **Transportation System**

21 **SEC. 4101. RETURN ON INVESTMENT REPORT.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, and annually thereafter
24 until the date that each NextGen program has a positive
25 return on investment, the Administrator shall submit to

1 the appropriate committees of Congress a report on the
2 status of each NextGen program, including the most re-
3 cent NextGen priority list under subsection (c).

4 (b) CONTENTS.—The report under subsection (a)
5 shall include, for each NextGen program—

6 (1) an estimate of the date the program will
7 have a positive return on investment;

8 (2) an explanation for any delay in the delivery
9 of expected benefits from previously published esti-
10 mates on delivery of such benefits, in implementing
11 or utilizing the program;

12 (3) an estimate of the completion date;

13 (4) an assessment of the long-term and near-
14 term user benefits of the program for—

15 (A) the Federal Government; and

16 (B) the users of the national airspace sys-
17 tem; and

18 (5) a description of how the program directly
19 contributes to a safer and more efficient air traffic
20 control system.

21 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
22 ment under subsection (a), the Administrator shall—

23 (1) develop, in coordination with the NextGen
24 Advisory Committee and considering the need for a

1 balance between long-term and near-term user bene-
2 fits, a prioritization of the NextGen programs;

3 (2) annually update the priority list under para-
4 graph (1); and

5 (3) prepare budget submissions to reflect the
6 current status of NextGen programs and projected
7 returns on investment for each NextGen program.

8 (d) DEFINITION OF RETURN ON INVESTMENT.—In
9 this section, the term “return on investment” means the
10 cost associated with technologies that are required by law
11 or policy as compared to the financial benefits derived
12 from such technologies by a government or a user of air-
13 space.

14 (e) REPEAL OF NEXTGEN PRIORITIES.—Section 202
15 of the FAA Modernization and Reform Act of 2012 (Pub-
16 lic Law 112–95; 49 U.S.C. 40101 note) and the item re-
17 lating to that section in the table of contents under section
18 1(b) of that Act are repealed.

19 **SEC. 4102. ENSURING FAA READINESS TO PROVIDE SEAM-**
20 **LESS OCEANIC OPERATIONS.**

21 Not later than September 30, 2018, the Adminis-
22 trator shall make a final investment decision regarding a
23 reduced oceanic separation capability that, if a positive
24 business case is provided, would result in operational use
25 by the end of 2020.

1 **SEC. 4103. ANNUAL NEXTGEN PERFORMANCE GOALS.**

2 (a) IN GENERAL.—This section may be cited as the
3 “NextGen Accountability Act”.

4 (b) NEXTGEN ANNUAL PERFORMANCE GOALS.—
5 Section 214 of the FAA Modernization and Reform Act
6 of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is
7 amended by adding at the end the following:

8 “(e) ANNUAL NEXTGEN PERFORMANCE GOALS.—
9 The Administrator shall establish annual NextGen per-
10 formance goals for each of the performance metrics set
11 forth in subsection (a) to meet the performance metric
12 baselines identified under subsection (b). Such goals shall
13 be established in consultation with public and private
14 NextGen stakeholders, including the NextGen Advisory
15 Committee.”.

16 (c) NEXTGEN METRICS REPORT.—Section 710(e)(2)
17 of the Vision 100—Century of Aviation Reauthorization
18 Act (Public Law 108–176; 49 U.S.C. 40101 note) is
19 amended—

20 (1) in subparagraph (D), by striking “and” at
21 the end;

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

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

25 “(F) a description of the progress made in
26 meeting the annual NextGen performance goals

1 relative to the performance metrics established
2 under section 214 of the FAA Modernization
3 and Reform Act of 2012 (Public Law 112–95;
4 49 U.S.C. 40101 note).”.

5 (d) CHIEF NEXTGEN OFFICER.—Section 106(s) is
6 amended—

7 (1) in paragraph (2)(B), by adding at the end
8 the following: “In evaluating the performance of the
9 Chief NextGen Officer for the purpose of awarding
10 a bonus under this subparagraph, the Administrator
11 shall consider the progress toward meeting the
12 NextGen performance goals established pursuant to
13 section 214(e) of the FAA Modernization and Re-
14 form Act of 2012 (Public Law 112–95; 49 U.S.C.
15 40101 note).”; and

16 (2) in paragraph (3), by adding at the end the
17 following: “The annual organizational performance
18 goals set forth in the agreement shall include quan-
19 tifiable NextGen airspace performance objectives re-
20 garding efficiency, productivity, capacity, and safety,
21 which shall be established in consultation with public
22 and private NextGen stakeholders, including the
23 NextGen Advisory Committee.”.

1 **SEC. 4104. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
2 **GENCY PLANS.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) On September 26, 2014, an Administration
6 contract employee deliberately started a fire that de-
7 stroyed critical equipment at the Administration’s
8 Chicago Air Route Traffic Control Center (referred
9 to in this section as the “Chicago Center”) in Au-
10 rora, Illinois.

11 (2) As a result of the damage, Chicago Center
12 was unable to control air traffic for more than 2
13 weeks, thousands of flights were delayed or cancelled
14 into and out of O’Hare International Airport and
15 Midway Airport in Chicago, and aviation stake-
16 holders and airlines reportedly lost over
17 \$350,000,000.

18 (3) According to the Office of the Inspector
19 General of the Department of Transportation, al-
20 though the Administration has taken steps to im-
21 prove the effectiveness of its operational contingency
22 plans since the incident at the Chicago Center, sig-
23 nificant work remains to be done.

24 (b) AIR TRAFFIC CONTROL OPERATIONAL CONTIN-
25 GENCY PLANS.—Not later than 1 year after the date of
26 enactment of this Act, and every 5 years thereafter, the

1 Administrator shall update the Administration’s air traffic
2 control operational contingency plans (FAA Order JO
3 1900.47E) to address potential air traffic facility outages
4 that could have a major impact on the operation of the
5 national airspace system, including the most recent find-
6 ings and recommendations in the report under subsection
7 (d).

8 (c) UPDATES.—Not later than 60 days after the date
9 the air traffic control operational contingency plans are
10 updated under subsection (b), the Administrator shall sub-
11 mit to the appropriate committees of Congress a report
12 on the update, including any recommendations for ensur-
13 ing air traffic facility outages do not have a major impact
14 on the operation of the national airspace system.

15 (d) RESILIENCY RECOMMENDATIONS.—Not later
16 than 180 days after the date of enactment of this Act,
17 and periodically thereafter as the Administrator considers
18 appropriate, the Administrator shall convene NextGen
19 program officials to evaluate, expedite, and complete a re-
20 port on how planned NextGen capabilities can enhance the
21 resiliency and continuity of national airspace system oper-
22 ations and mitigate the impact of future air traffic control
23 disruptions.

1 **SEC. 4105. 2020 ADS-B OUT MANDATE PLAN.**

2 The Administrator, in collaboration with the NextGen
3 Advisory Committee, shall—

4 (1) not later than 180 days after the date of
5 enactment of this Act—

6 (A) identify any known and potential bar-
7 riers to compliance with the 2020 ADS-B Out
8 mandate under section 91.225 of title 14, Code
9 of Federal Regulations;

10 (B) develop a plan to address the known
11 barriers identified in paragraph (1), including a
12 schedule for—

13 (i) periodically reevaluating the poten-
14 tial barriers identified in paragraph (1);
15 and

16 (ii) developing solutions and imple-
17 menting actions to address the known and
18 potential barriers; and

19 (C) submit the plan to the appropriate
20 committees of Congress;

21 (2) periodically update the plan and, not later
22 than 30 days after the completion date, submit the
23 update to the appropriate committees of Congress;
24 and

25 (3) not later than 30 days after the date the
26 plan is submitted under paragraph (2), and annually

1 thereafter until January 1, 2020, submit to the ap-
2 propriate committees of Congress a report on the
3 progress made toward meeting the 2020 ADS-B Out
4 mandate.

5 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

6 (a) **IN GENERAL.**—To implement a more effective
7 international strategy for achieving NextGen interoper-
8 ability with foreign countries, the Administrator shall take
9 the following actions:

10 (1) Conduct a gap analysis to identify potential
11 risks to NextGen interoperability with other Air
12 Navigation Service Providers and establish a sched-
13 ule for periodically reevaluating such risks.

14 (2) Develop a plan that identifies and docu-
15 ments actions the Administrator will undertake to
16 mitigate such risks, using information from the gap
17 analysis as a basis for making management deci-
18 sions about how to allocate resources for such ac-
19 tions.

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 analysis conducted under paragraph (1) of subsection (a)
24 and on the actions the Administrator has taken under
25 paragraph (2) of such subsection.

1 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

2 (a) IN GENERAL.—The Administrator shall—

3 (1) identify and analyze technical and oper-
4 ational maturity gaps in NextGen transition and im-
5 plementation plans; and

6 (2) develop a plan to mitigate the gaps identi-
7 fied in paragraph (1).

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Administrator shall submit
10 to the appropriate committees of Congress a report on the
11 actions taken to carry out the plan required by subsection
12 (a)(2).

13 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
14 **IMPROVEMENTS.**

15 (a) IN GENERAL.—To help ensure that NextGen
16 operational improvements are fully implemented in the
17 midterm, the Administrator shall—

18 (1) collaborate with air carriers and other users
19 of the national airspace system (referred to in this
20 section as “NAS”) to develop and implement a sys-
21 tem to systematically track the use of existing per-
22 formance based navigation (referred to in this sec-
23 tion as “PBN”) procedures;

24 (2) identify and consider other key operational
25 improvements, including the identification of—

1 (A) additional metroplexes for PBN
2 projects;

3 (B) non-metroplex PBN procedures; and

4 (C) unused flight routes for decommis-
5 sioning;

6 (3) develop and implement guidelines for the
7 timely inclusion of appropriate stakeholders, includ-
8 ing airport representatives, in the planning and im-
9 plementation of NextGen operational improvement
10 efforts; and

11 (4) ensure that NextGen planning documents
12 inform stakeholders of how and when operational
13 improvements are expected to achieve NextGen na-
14 tional goals and strategic objectives.

15 (b) REPORTS.—Each year, as part of the submission
16 of the NextGen Integrated Work Plan, the Administrator
17 shall submit to the appropriate committees of Congress
18 a report on—

19 (1) the progress made toward implementing the
20 requirements under subsection (a); and

21 (2) the schedule and process that will be used
22 to implement PBN at additional airports, including
23 information on how the Administration will partner
24 and coordinate with private industry to ensure expe-

1 ditionous implementation of PBN at additional air-
2 ports.

3 **SEC. 4109. SECURING AIRCRAFT AVIONICS SYSTEMS.**

4 (a) IN GENERAL.—The Administrator of the Federal
5 Aviation Administration shall consider, where appropriate,
6 revising Federal Aviation Administration regulations re-
7 garding airworthiness certification—

8 (1) to address cybersecurity for avionics sys-
9 tems, including software components; and

10 (2) to require that aircraft avionics systems
11 used for flight guidance or aircraft control be se-
12 cured against unauthorized access via passenger in-
13 flight entertainment systems through such means as
14 the Administrator determines appropriate to protect
15 the avionics systems from unauthorized external and
16 internal access.

17 (b) CONSIDERATION.—In carrying out subsection (a),
18 the Administrator shall consider the recommendations of
19 the Aircraft Systems Information Security Protection
20 Working Group under section 2111 of the FAA Extension
21 Safety and Security Act of 2016 (Public Law 114–190;
22 130 Stat. 615).

1 **SEC. 4110. DEFINING NEXTGEN.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall—

5 (1) assess how the line items included in the
6 Administration's NextGen budget request relate to
7 the goals and expected outcomes of NextGen, includ-
8 ing whether and how NextGen programs directly
9 contribute to a measurably safer and more efficient
10 air traffic control system; and

11 (2) submit to the appropriate committees of
12 Congress a report on the results of the assessment
13 under paragraph (1), including any recommenda-
14 tions for the removal of line items that do not di-
15 rectly contribute to a measurably safer and more ef-
16 ficient air traffic control system.

17 **SEC. 4111. HUMAN FACTORS.**

18 (a) IN GENERAL.—In order to avoid having to subse-
19 quently modify products and services developed as a part
20 of NextGen, the Administrator shall—

21 (1) recognize and incorporate, in early design
22 phases of all relevant NextGen programs, the human
23 factors and procedural and airspace implications of
24 stated goals and associated technical changes; and

1 (2) ensure that a human factors specialist, sep-
2 arate from the research and certification groups, is
3 directly involved with the NextGen approval process.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall submit
6 to the appropriate committees of Congress a report on the
7 progress made toward implementing the requirements
8 under subsection (a).

9 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

10 (a) IN GENERAL.—The Administrator shall evaluate
11 the current acquisition practices of the Administration to
12 ensure that such practices—

13 (1) identify the current estimated costs for each
14 acquisition system, including all segments;

15 (2) separately identify cumulative amounts for
16 acquisition costs, technical refresh, and other en-
17 hancements in order to identify the total baselined
18 and re-baselined costs for each system; and

19 (3) account for the way funds are being used
20 when reporting to managers, Congress, and other
21 stakeholders.

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, and biennially thereafter, the Ad-
24 ministrator shall submit to the appropriate committees of

1 Congress a report on the progress made toward imple-
2 menting the requirements under subsection (a).

3 **SEC. 4113. EQUIPAGE MANDATES.**

4 (a) IN GENERAL.—Before NextGen-related equipage
5 mandates are imposed on users of the national airspace
6 system, the Administrator, in collaboration with relevant
7 stakeholders, shall—

8 (1) provide a statement of estimated costs and
9 benefits based on mature and stable technical speci-
10 fications; and

11 (2) create a schedule for Administration
12 deliverables and investments by both the users and
13 the Administration, including for procedure and air-
14 space design, infrastructure deployment, and train-
15 ing.

16 **SEC. 4114. WORKFORCE.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator shall—

19 (1) identify and assess barriers to attracting,
20 developing, training, and retaining a talented work-
21 force in the areas of systems engineering, architec-
22 ture, systems integration, digital communications,
23 and cybersecurity;

1 (2) develop a comprehensive plan to attract, de-
2 velop, train, and retain talented individuals in those
3 fields; and

4 (3) identify existing authorities available to the
5 Administrator, through personnel reform, to attract,
6 develop, and retain this talent.

7 (b) REPORT.—The Administrator shall submit to the
8 appropriate committees of Congress a report on the
9 progress made toward implementing the requirements
10 under subsection (a).

11 **SEC. 4115. PROGRAMMATIC RISK MANAGEMENT.**

12 (a) IN GENERAL.—To better inform the Administra-
13 tion’s decisions regarding the prioritization of efforts and
14 allocation of resources for NextGen, the Administrator
15 shall—

16 (1) solicit input from specialists in probability
17 and statistics to identify and prioritize the pro-
18 grammatic and implementation risks to NextGen;
19 and

20 (2) develop a method to manage and mitigate
21 the risks identified in paragraph (1).

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Administrator shall submit
24 to the appropriate committees of Congress a report on the

1 progress made toward implementing the requirements
2 under subsection (a).

3 **SEC. 4116. PROGRAM MANAGEMENT.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator, in collaboration with the
6 NextGen Advisory Committee and the National Academies
7 of Sciences, Engineering, and Medicine, shall—

8 (1) identify industry best practices regarding
9 highly integrated program management;

10 (2) determine whether, and identify how, the
11 Administration is applying the best practices identi-
12 fied in paragraph (1) in the management of
13 NextGen;

14 (3) identify, in detail, the lessons learned re-
15 garding the complex integration of NextGen pro-
16 grams into the national airspace system;

17 (4) identify and assess the key risks for the full
18 implementation of—

19 (A) multiple runway operations;

20 (B) performance based navigation;

21 (C) surface operations and data sharing;

22 and

23 (D) data communications; and

24 (5) develop a detailed plan to mitigate the risks
25 identified under paragraph (4); and

1 (6) submit to the appropriate committees of
2 Congress a report on the activities under paragraphs
3 (1) through (5), including the plan.

4 **SEC. 4117. SYSTEM-WIDE IMPROVEMENTS.**

5 (a) **IN GENERAL.**—Not later than 1 year after the
6 date of enactment of this Act, the Administrator shall sub-
7 mit to the appropriate committees of Congress a report
8 identifying any improvements and benefits to the national
9 airspace system, as a whole, as a result of—

- 10 (1) multiple runway operations;
11 (2) performance based navigation;
12 (3) surface operations and data sharing; and
13 (4) data communications.

14 (b) **CONSIDERATIONS.**—In identifying improvements
15 and benefits under subsection (a) as a result of the
16 NextGen programs listed under subparagraphs (A)
17 through (D) of that subsection, the Administrator shall
18 consider, at a minimum—

- 19 (1) reduced overall delays in the national air-
20 space system;
21 (2) increased overall throughput in the national
22 airspace system;
23 (3) decreased overall emissions and fuel con-
24 sumption in the national airspace system; and

1 (4) improved safety in the national airspace
2 system.

3 **SEC. 4118. NEXTGEN RESEARCH.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator shall submit to the appro-
6 priate committees of Congress a report specifying the top
7 5 priority research areas for the implementation and ad-
8 vancement of NextGen, including—

9 (1) an assessment of why the research areas are
10 a priority for the implementation and advancement
11 of NextGen;

12 (2) an identification of the other Federal agen-
13 cies and private organizations assisting the Adminis-
14 tration with the research; and

15 (3) an estimate of when the research will be
16 completed.

17 **Subtitle B—Administration**
18 **Organization and Employees**

19 **SEC. 4201. COST-SAVING INITIATIVES.**

20 (a) **IN GENERAL.**—To ensure that Administration
21 initiatives are being implemented in a timely and fiscally
22 responsible manner, the Administrator shall—

23 (1) identify and implement agencywide cost-sav-
24 ing initiatives; and

1 (2) develop appropriate schedules and metrics
2 to measure whether the initiatives are successful in
3 reducing costs.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall submit
6 to the appropriate committees of Congress a report on the
7 progress made toward implementing the requirements
8 under subsection (a).

9 **SEC. 4202. FEDERAL AVIATION ADMINISTRATION PER-**
10 **FORMANCE MEASURES AND TARGETS.**

11 (a) PERFORMANCE MEASURES.—Not later than 180
12 days after the date of enactment of this Act, the Secretary
13 of Transportation shall establish performance measures
14 relating to the administration of the Administration,
15 which shall, at a minimum, include measures to assess—

16 (1) the reduction of delays in the completion of
17 projects; and

18 (2) the effectiveness of the Administration in
19 achieving the goals described in section 47171 of
20 title 49, United States Code.

21 (b) PERFORMANCE TARGETS.—Not later than 180
22 days after the date on which the Secretary establishes per-
23 formance measures in accordance with subsection (a), the
24 Secretary shall establish performance targets relating to
25 each of the measures described in that subsection.

1 (c) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Inspector General of the De-
3 partment of Transportation shall submit to the appro-
4 priate committees of Congress a report describing the
5 progress of the Secretary in meeting the performance tar-
6 gets established under subsection (b).

7 **SEC. 4203. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
8 **FURLOUGHS.**

9 (a) DEFINITION OF ESSENTIAL EMPLOYEE.—In this
10 section, the term “essential employee” means an employee
11 of the Administration who performs work involving the
12 safety of human life or the protection of property, as de-
13 termined by the Administrator.

14 (b) IN GENERAL.—In implementing spending reduc-
15 tions under Federal law, the Administrator may furlough
16 1 or more employees of the Administration, except an es-
17 sential employee, if the Administrator determines the fur-
18 lough is necessary to achieve the required spending reduc-
19 tions.

20 (c) TRANSFER OF BUDGETARY RESOURCES.—The
21 Administrator may transfer budgetary resources within
22 the Administration to carry out subsection (b), except that
23 the transfer may only be made to maintain essential em-
24 ployees.

1 **SEC. 4204. CONTROLLER CANDIDATE INTERVIEWS.**

2 (a) IN GENERAL.—Not later than 60 days after the
3 date of enactment of this Act, the Administrator shall re-
4 quire that an in-person interview be conducted with each
5 individual applying for an air traffic control specialist po-
6 sition before that individual may be hired to fill that posi-
7 tion.

8 (b) GUIDANCE.—Not later than 30 days after the
9 date of enactment of this Act, the Administrator shall es-
10 tablish guidelines regarding the in-person interview proc-
11 ess described in subsection (a).

12 **SEC. 4205. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
13 **FACILITIES IN THE NEW YORK CITY AND**
14 **NEWARK REGION.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Administrator shall submit to the appro-
17 priate committees of Congress a report on the Administra-
18 tion's staffing and scheduling plans for air traffic control
19 facilities in the New York City and Newark region for the
20 1-year period beginning on such date of enactment.

21 **SEC. 4206. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
22 **PHILADELPHIA METROPOLITAN AREA AIR-**
23 **SPACE PROJECT.**

24 Not later than 90 days after the date of enactment
25 of this Act, the Administrator shall develop and publish
26 in the Federal Register a work plan for the New York/

1 New Jersey/Philadelphia Metropolitan Area Airspace
2 Project.

3 **SEC. 4207. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

4 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
5 LATED SUPPORT.—The Administrator shall provide air
6 traffic services and aviation safety support for aviation
7 events, including airshows and fly-ins, without the imposi-
8 tion or collection of any fee, tax, or other charge for that
9 purpose. Amounts for the provision of such services and
10 support shall be derived from amounts appropriated or
11 otherwise available for the Administration.

12 (b) DETERMINATION OF SERVICES AND SUPPORT TO
13 BE PROVIDED.—In determining the services and support
14 to be provided for an aviation event for purposes of sub-
15 section (a), the Administrator shall take into account the
16 following:

17 (1) The services and support required to meet
18 levels of activity at prior events, if any, similar to
19 the event.

20 (2) The anticipated need for services and sup-
21 port at the event.

1 **SEC. 4208. ANNUAL REPORT ON INCLUSION OF DISABLED**
2 **VETERAN LEAVE IN PERSONNEL MANAGE-**
3 **MENT SYSTEM.**

4 Not later than 1 year after the date of enactment
5 of this Act, and not less frequently than annually there-
6 after until the date that is 5 years after the date of enact-
7 ment of this Act, the Administrator shall publish on a pub-
8 licly accessible Internet Web site a report on—

9 (1) the effect of section 40122(g)(4) of title 49,
10 United States Code, on the Administration’s work-
11 force; and

12 (2) the number of disabled veterans benefitting
13 from that section.

14 **TITLE V—MISCELLANEOUS**

15 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
16 **VESTIGATIVE OFFICERS.**

17 Section 1113 is amended by striking subsection (h).

18 **SEC. 5002. OVERFLIGHTS OF NATIONAL PARKS.**

19 Section 40128 is amended—

20 (1) in subsection (a)(3), by striking “the” be-
21 fore “title 14”; and

22 (2) by amending subsection (f) to read as fol-
23 lows:

24 “(f) TRANSPORTATION ROUTES.—

25 “(1) IN GENERAL.—This section shall not apply
26 to any air tour operator while flying over or near

1 any Federal land managed by the Director of the
2 National Park Service, including Lake Mead Na-
3 tional Recreation Area, solely as a transportation
4 route, to conduct an air tour over the Grand Canyon
5 National Park.

6 “(2) EN ROUTE.—For purposes of this sub-
7 section, an air tour operator flying over the Hoover
8 Dam in the Lake Mead National Recreation Area en
9 route to the Grand Canyon National Park shall be
10 deemed to be flying solely as a transportation
11 route.”.

12 **SEC. 5003. AERONAUTICAL STUDIES FOR COMMERCIAL**
13 **SPACE LAUNCH SITE RUNWAYS.**

14 (a) IN GENERAL.—Section 44718(b)(1) is amended—

15 (1) in the matter preceding subparagraph (A),
16 by striking “air navigation facilities and equipment”
17 and inserting “air or space navigation facilities and
18 equipment”; and

19 (2) in subparagraph (A)—

20 (A) by redesignating clauses (v) and (vi) as
21 clauses (vi) and (vii), respectively; and

22 (B) by inserting after clause (iv) the fol-
23 lowing:

24 “(v) the impact on launch and reentry
25 for launch and reentry vehicles arriving or

1 departing from a launch site or reentry
2 site licensed by the Secretary.”.

3 (b) RULEMAKING.—Not later than 18 months after
4 the date of enactment of this Act, the Administrator of
5 the Federal Aviation Administration shall initiate a rule-
6 making to implement the amendments made by subsection
7 (a).

8 **SEC. 5004. COMPREHENSIVE AVIATION PREPAREDNESS**
9 **PLAN.**

10 (a) IN GENERAL.—No later than 1 year after the
11 date of enactment of this Act, the Secretary of Transpor-
12 tation and the Secretary of Health and Human Services,
13 in coordination with the Secretary of Homeland Security,
14 the Secretary of Labor, the Secretary of State, the Sec-
15 retary of Defense, and representatives of other Federal de-
16 partments and agencies, as necessary, shall develop a com-
17 prehensive national aviation communicable disease pre-
18 paredness plan.

19 (b) MINIMUM COMPONENTS.—The plan developed
20 under subsection (a) shall—

21 (1) be developed in consultation with other rel-
22 evant stakeholders, including State, local, tribal, and
23 territorial governments, air carriers, first respond-
24 ers, and the general public;

1 (2) provide for the development of a commu-
2 nications system or protocols for providing com-
3 prehensive, appropriate, and up-to-date information
4 regarding communicable disease threats and pre-
5 paredness between all relevant stakeholders;

6 (3) document the roles and responsibilities of
7 relevant Federal department and agencies, including
8 coordination requirements;

9 (4) provide guidance to air carriers, airports,
10 and other appropriate aviation stakeholders on how
11 to develop comprehensive communicable disease pre-
12 paredness plans for their respective organizations, in
13 accordance with the plan to be developed under sub-
14 section (a);

15 (5) be scalable and adaptable so that the plan
16 can be used to address the full range of commu-
17 nicable disease threats and incidents;

18 (6) provide information on communicable
19 threats and response training resources for all rel-
20 evant stakeholders, including Federal, State, local,
21 tribal, and territorial government employees, airport
22 officials, aviation industry employees and contrac-
23 tors, first responders, and health officials;

24 (7) develop protocols for the dissemination of
25 comprehensive, up-to-date, and appropriate informa-

1 tion to the traveling public concerning communicable
2 disease threats and preparedness;

3 (8) be updated periodically to incorporate les-
4 sons learned with supplemental information; and

5 (9) be provided to relevant government agencies
6 and stakeholders in writing, and electronically, and
7 accessible via the Internet.

8 (c) INTERAGENCY FRAMEWORK.—The plan devel-
9 oped under subsection (a) shall—

10 (1) be conducted under the existing interagency
11 framework for national level all hazards emergency
12 preparedness planning or another appropriate frame-
13 work; and

14 (2) be consistent with the obligations of the
15 United States under international agreements.

16 **SEC. 5005. ADVANCED MATERIALS CENTER OF EXCEL-**
17 **LENCE.**

18 (a) IN GENERAL.—Chapter 445 is amended by add-
19 ing at the end the following:

20 **“§ 44518. Advanced Materials Center of Excellence**

21 “(a) IN GENERAL.—The Administrator of the Fed-
22 eral Aviation Administration shall continue operation of
23 the Advanced Materials Center of Excellence (referred to
24 in this section as the ‘Center’) under its structure as in
25 effect on March 1, 2016, which shall focus on applied re-

1 search and training on the durability and maintainability
2 of advanced materials in transport airframe structures.

3 “(b) RESPONSIBILITIES.—The Center shall—

4 “(1) promote and facilitate collaboration among
5 academia, the Transportation Division of the Fed-
6 eral Aviation Administration, and the commercial
7 aircraft industry, including manufacturers, commer-
8 cial air carriers, and suppliers; and

9 “(2) establish goals set to advance technology,
10 improve engineering practices, and facilitate con-
11 tinuing education in relevant areas of study.

12 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to the Administrator
14 \$500,000 for each of the fiscal years 2018 and 2021 to
15 carry out this section.”.

16 (b) TABLE OF CONTENTS.—The table of contents for
17 chapter 445 is amended by adding at the end the fol-
18 lowing:

“44518. Advanced Materials Center of Excellence.”.

19 **SEC. 5006. INTERFERENCE WITH AIRLINE EMPLOYEES.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Comptroller General
22 of the United States shall—

23 (1) complete a study of crimes of violence (as
24 defined in section 16 of title 18, United States
25 Code) committed against airline customer service

1 trator of the Federal Aviation Administration shall carry
2 out a program for the research and development of air-
3 craft pavement technologies under which the Adminis-
4 trator makes grants to, and enters into cooperative agree-
5 ments with, institutions of higher education and nonprofit
6 organizations that—

7 (1) research concrete and asphalt airfield pave-
8 ment technologies that extend the life of airfield
9 pavements;

10 (2) develop and conduct training;

11 (3) provide for demonstration projects; and

12 (4) promote the latest airfield pavement tech-
13 nologies to aid in the development of safer, more
14 cost effective, and more durable airfield pavements.

15 **SEC. 5009. INCREASE IN DURATION OF GENERAL AVIATION**

16 **AIRCRAFT REGISTRATION.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Administrator of the Federal Aviation Ad-
19 ministration shall initiate a rulemaking to increase the du-
20 ration of aircraft registrations for noncommercial general
21 aviation aircraft to 5 years.

22 **SEC. 5010. MODIFICATION OF LIMITATION OF LIABILITY**

23 **RELATING TO AIRCRAFT.**

24 Section 44112(b) is amended—

25 (1) by striking “on land or water”; and

1 (2) by inserting “operational” before “control”.

2 **SEC. 5011. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
3 **OF ILLEGAL DRUGS SEIZED AT INTER-**
4 **NATIONAL AIRPORTS IN THE UNITED STATES.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct a study of illegal drugs, in-
7 cluding heroin, fentanyl, and cocaine, seized by Federal
8 authorities at international airports in the United States.

9 (b) ELEMENTS.—In conducting the study required by
10 subsection (a), the Comptroller General shall address, at
11 a minimum—

- 12 (1) the types and quantities of drugs seized;
13 (2) the origin of the drugs seized;
14 (3) the airport at which the drugs were seized;
15 (4) the manner in which the drugs were seized;
16 and
17 (5) the manner in which the drugs were trans-
18 ported.

19 (c) USE OF DATA; RECOMMENDATIONS FOR ADDI-
20 TIONAL DATA COLLECTION.—In conducting the study re-
21 quired by subsection (a), the Comptroller General shall
22 use all available data. If the Comptroller General deter-
23 mines that additional data is needed to fully understand
24 the extent to which illegal drugs enter the United States
25 through international airports in the United States, the

1 Comptroller General shall develop recommendations for
2 the collection of that data.

3 (d) SUBMISSION TO CONGRESS.—Not later than 180
4 days after the date of enactment of this Act, the Comp-
5 troller General shall submit to the appropriate committees
6 of Congress a report on the study conducted under sub-
7 section (a) that includes any recommendations developed
8 under subsection (c).

9 **SEC. 5012. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
10 **VIEW OF UNMANNED AIRCRAFT SYSTEMS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall submit to the appropriate com-
14 mittees of Congress a report examining law enforcement
15 challenges posed by the use of unmanned aircraft systems
16 for illegal drug trafficking.

17 (b) CONTENTS.—The report submitted under sub-
18 section (a) shall examine how unmanned aircraft systems
19 are being used to transport illegal drugs across the inter-
20 national borders of the United States, including—

21 (1) how international drug traffickers have used
22 unmanned aircraft systems to fly packages of illegal
23 drugs into the United States;

24 (2) how international drug traffickers have used
25 unmanned aircraft systems to survey international

1 borders, providing intelligence to smugglers on
2 vulnerabilities in the border security efforts of the
3 United States; and

4 (3) other ways in which international drug traf-
5 fickers have used unmanned aircraft systems to as-
6 sist their efforts to smuggle illegal drugs into the
7 United States.

8 **SEC. 5013. SENSE OF CONGRESS ON PREVENTING THE**
9 **TRANSPORTATION OF DISEASE-CARRYING**
10 **MOSQUITOES AND OTHER INSECTS ON COM-**
11 **MERCIAL AIRCRAFT.**

12 It is the sense of Congress that the Secretary of
13 Transportation and the Secretary of Agriculture should,
14 in coordination and consultation with the World Health
15 Organization, develop a framework and guidance for the
16 use of safe, effective, and nontoxic means of preventing
17 the transportation of disease-carrying mosquitoes and
18 other insects on commercial aircraft.

19 **SEC. 5014. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
20 **AND TURBINE-POWERED MULTIENGINE AIR-**
21 **CRAFT.**

22 The Secretary of Transportation shall revise such
23 regulations as may be necessary to ensure that multi-year
24 lessees and owners of large and turbine-powered multien-

1 gine aircraft are treated equally for purposes of joint own-
2 ership policies of the Federal Aviation Administration.

3 **SEC. 5015. STUDENT OUTREACH REPORT.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Administrator of the Federal Aviation Ad-
6 ministration shall submit to the appropriate committees
7 of Congress a report that describes the Administration's
8 existing outreach efforts, such as the STEM Aviation and
9 Space Education Outreach Program, to elementary and
10 secondary students who are interested in careers in
11 science, technology, engineering, art, and mathematics—

12 (1) to prepare and inspire such students for
13 aeronautical careers; and

14 (2) to mitigate an anticipated shortage of pilots
15 and other aviation professionals.

16 **SEC. 5016. AUTHORIZATION OF CERTAIN FLIGHTS BY**
17 **STAGE 2 AIRCRAFT.**

18 (a) IN GENERAL.—Notwithstanding chapter 475 of
19 title 49, United States Code, not later than 180 days after
20 the date of enactment of this Act, the Administrator of
21 the Federal Aviation Administration shall initiate a pilot
22 program to permit 1 or more operators of a stage 2 air-
23 craft to operate that aircraft in nonrevenue service into
24 not more than 4 medium hub airports or nonhub airports
25 if—

1 (1) the airport—

2 (A) is certified under part 139 of title 14,
3 Code of Federal Regulations;

4 (B) has a runway that—

5 (i) is longer than 8,000 feet and not
6 less than 200 feet wide; and

7 (ii) is load bearing with a pavement
8 classification number of not less than 38;
9 and

10 (C) has a maintenance facility with a
11 maintenance certificate issued under part 145
12 of such title; and

13 (2) the operator of the stage 2 aircraft operates
14 not more than 10 flights per month using that air-
15 craft..

16 (b) TERMINATION.—The pilot program shall termi-
17 nate on the earlier of—

18 (1) the date that is 10 years after the date of
19 the enactment of this Act; or

20 (2) the date on which the Administrator deter-
21 mines that no stage 2 aircraft remain in service.

22 (c) DEFINITIONS.—In this section:

23 (1) MEDIUM HUB AIRPORT; NONHUB AIR-
24 PORT.—The terms “medium hub airport” and
25 “nonhub airport” have the meanings given those

1 terms in section 40102 of title 49, United States
2 Code.

3 (2) STAGE 2 AIRCRAFT.—The term “stage 2
4 aircraft” has the meaning given the term “stage 2
5 airplane” in section 91.851 of title 14, Code of Fed-
6 eral Regulations (as in effect on the day before the
7 date of the enactment of this Act).

8 **SEC. 5017. SUPERSONIC AIRCRAFT.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall—

12 (1) review Federal law, including regulations
13 and policies, regarding the operation of supersonic
14 aircraft over land in the United States; and

15 (2) submit to the appropriate committees of
16 Congress a report on the findings under paragraph
17 (1), that includes—

18 (A) the identification and evaluation of any
19 advancements in supersonic aircraft design, in-
20 cluding airframe and engine design, that would
21 mitigate the concerns that led to restrictions on
22 the operation of supersonic aircraft, such as
23 noise, and support amending the laws under
24 paragraph (1); and

1 (B) recommendations regarding the laws
2 under paragraph (1) that would need to be
3 amended to allow the operation of supersonic
4 aircraft over land in the United States.

5 **SEC. 5018. TERMINAL AERODROME FORECAST.**

6 (a) **TERMINAL AERODROME FORECAST.**—The Ad-
7 ministrator of the Federal Aviation Administration shall
8 permit a covered air carrier operation to operate to a des-
9 tination in a noncontiguous State determined to be under
10 visual flight rules without a Terminal Aerodrome Forecast
11 (referred to in this section as “TAF”) or Meteorological
12 Aerodrome Report (METAR) if a current Area Forecast,
13 supplemented by other local weather observations or re-
14 ports, is available, and an alternate airport that has an
15 available TAF and weather report is specified. The air car-
16 rier shall have approved procedures for dispatch and
17 enroute weather evaluation and shall operate under instru-
18 ment flight rules enroute to the destination.

19 (b) **LIMITATION.**—Without a written finding of neces-
20 sity, based on objective evidence of imminent threat to
21 safety, the Administrator shall not promulgate any oper-
22 ation specification, policy, or guidance document that is
23 more restrictive than, or requires procedures that are not
24 expressly stated in, the regulations.

1 (c) COVERED AIR CARRIER OPERATION.—In this
2 section, the term “covered air carrier operation” means
3 a Part 121 air carrier operating in a noncontiguous State.

4 **SEC. 5019. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
6 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
7 by striking “47176” and inserting “47175”.

8 (b) CONSULTATION ON CARRIER RESPONSE NOT
9 COVERED BY PLAN.—Section 41313(c)(16), as amended
10 by section 3103 of this Act, is further amended by striking
11 “the foreign air carrier will consult” and inserting “will
12 consult”.

13 (c) WEIGHING MAIL.—Section 41907 is amended by
14 striking “and –administrative” and inserting “and admin-
15 istrative”.

16 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
17 44728 is amended—

18 (1) in subsection (c), by striking “chapter” and
19 inserting “title”; and

20 (2) in subsection (d)(3), by striking “is” and
21 inserting “be”.

22 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
23 amended by striking “United States government” and in-
24 serting “United States Government”.

1 (f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
2 is amended by striking “(18 U.S.C. App.)” and inserting
3 “(18 U.S.C. App.)”.

4 (g) ALLOWABLE COST STANDARDS.—Section
5 47110(b)(2) is amended—

6 (1) in subparagraph (B), by striking
7 “compatability” and inserting “compatibility”; and

8 (2) in subparagraph (D)(i), by striking “cli-
9 mactic” and inserting “climatic”.

10 (h) DEFINITION OF QUALIFIED HUBZONE SMALL
11 BUSINESS CONCERN.—Section 47113(a)(3) is amended
12 by striking “(15 U.S.C. 632(o))” and inserting “(15
13 U.S.C. 632(p))”.

14 (i) DISCRETIONARY FUND.—Section 47115, as
15 amended by section 1006 of this Act, is further amend-
16 ed—

17 (1) by striking subsection (i); and

18 (2) by redesignating subsection (j) as sub-
19 section (i).

20 (j) SPECIAL APPORTIONMENT CATEGORIES.—Section
21 47117(e)(1)(B) is amended by striking “at least” and in-
22 serting “At least”.

23 (k) SOLICITATION AND CONSIDERATION OF COM-
24 MENTS.—Section 47171(l) is amended by striking “4371”
25 and inserting “4321”.

1 (l) OPERATIONS AND MAINTENANCE.—Section
2 48104 is amended by striking “(a) AUTHORIZATION OF
3 APPROPRIATIONS.—the” and inserting “The”.

4 (m) EXPENDITURES FROM AIRPORT AND AIRWAY
5 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
6 enue Code of 1986 is amended by striking “farms” and
7 inserting “farms)”. .