

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

H. R. 636

To amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Aviation Administration Reauthorization Act of
6 2016”.

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. Contract weather observers.
- Sec. 1220. Federal share adjustment.
- Sec. 1221. Miscellaneous technical amendments.
- Sec. 1222. Mothers' rooms at airports.
- Sec. 1223. Eligibility for airport development grants at airports that enter into certain leases with components of the Armed Forces.
- Sec. 1224. Clarification of definition of aviation-related activity for hangar use.
- Sec. 1225. Use of airport improvement program funds for runway safety repairs.
- Sec. 1226. Definition of small business concern.

Subtitle C—Passenger Facility Charges

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

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- 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. National Telecommunications and Information Administration multi-stakeholder process.
- Sec. 2105. Identification standards.
- Sec. 2106. Commercial and governmental operators.
- Sec. 2107. Analysis of current remedies under Federal, State, and local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.
- Sec. 2122. Utilization of unmanned aircraft system test sites.
- Sec. 2123. Additional research, development, and testing.
- Sec. 2124. Safety standards.
- Sec. 2125. Unmanned aircraft systems in the Arctic.
- Sec. 2126. Special authority for certain unmanned aircraft systems.
- Sec. 2127. Additional rulemaking authority.
- Sec. 2128. Governmental unmanned aircraft systems.
- Sec. 2129. Special rules for model aircraft.
- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.
- Sec. 2131. Safety statements.
- Sec. 2132. Treatment of unmanned aircraft operating underground.
- Sec. 2133. Enforcement.
- Sec. 2134. Aviation emergency safety public services disruption.
- Sec. 2135. Pilot project for airport safety and airspace hazard mitigation.
- Sec. 2136. Contribution to financing of regulatory functions.
- Sec. 2137. Sense of Congress regarding small UAS rulemaking.
- Sec. 2138. Unmanned aircraft systems traffic management.
- Sec. 2139. Emergency exemption process.
- Sec. 2140. Public use operations by tribal governments.
- Sec. 2141. Carriage of property by small unmanned aircraft systems for compensation or hire.
- Sec. 2142. Collegiate Training Initiative program for unmanned aircraft systems.
- Sec. 2143. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the Administration.

PART III—TRANSITION AND SAVINGS PROVISIONS

- Sec. 2151. Senior advisor for unmanned aircraft systems integration.
- Sec. 2152. Effect on other laws.
- Sec. 2153. Spectrum.
- Sec. 2154. Applications for designation.
- Sec. 2155. Use of unmanned aircraft systems at institutions of higher education.
- Sec. 2156. 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.
- Sec. 2226. Streamlining certification of small general aviation airplanes.

PART III—FLIGHT STANDARDS REFORM

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

PART IV—SAFETY WORKFORCE

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

PART V—INTERNATIONAL AVIATION

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

Subtitle C—Airline Passenger Safety and Protections

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

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- Sec. 2318. Prohibition on implementation of policy change to permit small, non-locking knives on aircraft.
- Sec. 2319. Aircraft cabin evacuation procedures.
- Sec. 2320. GAO study of universal deployment of advanced imaging technologies.

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.
- Sec. 2402. Tower marking.
- Sec. 2403. Crash-resistant fuel systems.
- Sec. 2404. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.
- Sec. 2405. Heads-up guidance system technologies.

Subtitle E—General Provisions

- Sec. 2501. Designated agency safety and health officer.
- Sec. 2502. Repair stations located outside United States.
- Sec. 2503. FAA technical training.
- Sec. 2504. Safety critical staffing.
- Sec. 2505. Approach control radar in all air traffic control towers.
- Sec. 2506. Airspace management advisory committee.

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

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

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.
- Sec. 3102. Involuntary changes to itineraries.
- Sec. 3103. Additional consumer protections.
- Sec. 3104. Addressing the needs of families of passengers involved in aircraft accidents.
- Sec. 3105. Emergency medical kits.
- Sec. 3106. Travelers with disabilities.
- Sec. 3107. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 3108. Extension of competitive access reports.
- Sec. 3109. Refunds for delayed baggage.
- Sec. 3110. Refunds for other fees that are not honored by a covered air carrier.
- Sec. 3111. Disclosure of fees to consumers.
- Sec. 3112. Seat assignments.
- Sec. 3113. Lasting improvements to family travel.
- Sec. 3114. Consumer complaint process improvement.
- Sec. 3115. Online access to aviation consumer protection information.

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- Sec. 3116. Study on in cabin wheelchair restraint systems.
- Sec. 3117. Training policies regarding assistance for persons with disabilities.
- Sec. 3118. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 3119. Report on covered air carrier change, cancellation, and baggage fees.
- Sec. 3120. Enforcement of aviation consumer protection rules.
- Sec. 3121. Dimensions for passenger seats.
- Sec. 3122. Cell phone voice communications.
- Sec. 3123. Availability of slots for new entrant air carriers at Newark Liberty International Airport.

Subtitle B—Essential Air Service

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

TITLE IV—NEXTGEN AND FAA ORGANIZATION

- Sec. 4001. Definitions.

Subtitle A—Next Generation Air Transportation System

- Sec. 4101. Return on investment assessment.
- Sec. 4102. Ensuring FAA readiness to use new technology.
- Sec. 4103. NextGen annual performance goals.
- Sec. 4104. Facility outage contingency plans.
- Sec. 4105. ADS-B mandate assessment.
- Sec. 4106. Nextgen interoperability.
- Sec. 4107. NextGen transition management.
- Sec. 4108. Implementation of NextGen operational improvements.
- Sec. 4109. Cybersecurity.
- Sec. 4110. Securing aircraft avionics systems.
- Sec. 4111. Defining NextGen.
- Sec. 4112. Human factors.
- Sec. 4113. Major acquisition reports.
- Sec. 4114. Equipage mandates.
- Sec. 4115. Workforce.
- Sec. 4116. Architectural leadership.
- Sec. 4117. Programmatic risk management.
- Sec. 4118. NextGen prioritization.

Subtitle B—Administration Organization and Employees

- Sec. 4201. Cost-saving initiatives.
- Sec. 4202. Treatment of essential employees during furloughs.
- Sec. 4203. Controller candidate interviews.
- Sec. 4204. Hiring of air traffic controllers.
- Sec. 4205. Computation of basic annuity for certain air traffic controllers.
- Sec. 4206. Air traffic services at aviation events.
- Sec. 4207. Full annuity supplement for certain air traffic controllers.
- Sec. 4208. Inclusion of disabled veteran leave in Federal Aviation Administration personnel management system.

TITLE V—MISCELLANEOUS

- Sec. 5001. National Transportation Safety Board investigative officers.
- Sec. 5002. Performance-Based Navigation.
- Sec. 5003. Overflights of national parks.
- Sec. 5004. Navigable airspace analysis for commercial space launch site runways.
- Sec. 5005. Survey and report on spaceport development.
- Sec. 5006. Aviation fuel.
- Sec. 5007. Comprehensive Aviation Preparedness Plan.
- Sec. 5008. Advanced Materials Center of Excellence.
- Sec. 5009. Interference with airline employees.
- Sec. 5010. Secondary cockpit barriers.
- Sec. 5011. GAO evaluation and audit.
- Sec. 5012. Federal Aviation Administration performance measures and targets.
- Sec. 5013. Staffing of certain air traffic control towers.
- Sec. 5014. Critical airfield markings.
- Sec. 5015. Research and deployment of certain airfield pavement technologies.
- Sec. 5016. Report on general aviation flight sharing.
- Sec. 5017. Increase in duration of general aviation aircraft registration.
- Sec. 5018. Modification of limitation of liability relating to aircraft.
- Sec. 5019. Government Accountability Office study of illegal drugs seized at international airports in the United States.
- Sec. 5020. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
- Sec. 5021. Work plan for the New York/New Jersey/Philadelphia metroplex program.
- Sec. 5022. Report on plans for air traffic control facilities in the New York City and Newark region.
- Sec. 5023. GAO study of international airline alliances.
- Sec. 5024. Treatment of multi-year lessees of large and turbine-powered multi-engine aircraft.
- Sec. 5025. Evaluation of emerging technologies.
- Sec. 5026. Student outreach report.
- Sec. 5027. Right to privacy when using air traffic control system.
- Sec. 5028. Conduct of security screening by the Transportation Security Administration at certain airports.
- Sec. 5029. Aviation cybersecurity.
- Sec. 5030. Prohibitions against smoking on passenger flights.
- Sec. 5031. National multimodal freight advisory committee.
- Sec. 5032. Technical and conforming amendments.
- Sec. 5033. Visible Deterrent.
- Sec. 5034. Law enforcement training for mass casualty and active shooter incidents.
- Sec. 5035. Assistance to airports and surface transportation systems.
- Sec. 5036. Authorization of certain flights by Stage 2 airplanes.

TITLE VI—TRANSPORTATION SECURITY AND TERRORISM PREVENTION

Subtitle A—Airport Security Enhancement and Oversight Act

- Sec. 6101. Short title.
- Sec. 6102. Findings.
- Sec. 6103. Definitions.
- Sec. 6104. Threat assessment.
- Sec. 6105. Oversight.
- Sec. 6106. Credentials.

- Sec. 6107. Vetting.
- Sec. 6108. Metrics.
- Sec. 6109. Inspections and assessments.
- Sec. 6110. Covert testing.
- Sec. 6111. Security directives.
- Sec. 6112. Implementation report.
- Sec. 6113. Miscellaneous amendments.

Subtitle B—TSA PreCheck Expansion Act

- Sec. 6201. Short title.
- Sec. 6202. Definitions.
- Sec. 6203. PreCheck Program authorization.
- Sec. 6204. PreCheck Program enrollment expansion.

Subtitle C—Securing Aviation From Foreign Entry Points and Guarding
Airports Through Enhanced Security Act of 2016

- Sec. 6301. Short title.
- Sec. 6302. Last point of departure airport security assessment.
- Sec. 6303. Security coordination enhancement plan.
- Sec. 6304. Workforce assessment.
- Sec. 6305. Donation of screening equipment to protect the United States.
- Sec. 6306. National cargo security program.

Subtitle D—Miscellaneous

- Sec. 6401. International training and capacity development.
- Sec. 6402. Checkpoints of the future.

TITLE VII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND
RELATED TAXES

- Sec. 7101. Expenditure authority from Airport and Airway Trust Fund.
- Sec. 7102. Extension of taxes funding Airport and Airway Trust Fund.

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, unless expressly provided otherwise, the
10 term “appropriate committees of Congress” means the

1 Committee on Commerce, Science, and Transportation of
2 the Senate and the Committee on Transportation and In-
3 frastructure of the House of Representatives.

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

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

8 **TITLE I—AUTHORIZATIONS**

9 **Subtitle A—Funding of FAA**

10 **Programs**

11 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
12 **NOISE COMPATIBILITY PLANNING AND PRO-**
13 **GRAMS.**

14 (a) AUTHORIZATION.—Section 48103(a) is amended
15 by striking “section 47505(a)(2), and carrying out noise
16 compatibility programs under section 47504(c)
17 \$3,350,000,000 for each of fiscal years 2012 through
18 2015 and \$2,652,083,333 for the period beginning on Oc-
19 tober 1, 2015, and ending on July 15, 2016” and inserting
20 “section 47505(a)(2), carrying out noise compatibility
21 programs under section 47504(c), for an airport coopera-
22 tive research program under section 44511, for Airports
23 Technology-Safety research, and Airports Technology-Ef-
24 ficiency research, \$3,350,000,000 for fiscal year 2016 and
25 \$3,750,000,000 for fiscal year 2017”.

1 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
2 is amended in the matter preceding paragraph (1) by
3 striking “July 15, 2016” and inserting “September 30,
4 2017”.

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

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

8 “(1) \$2,855,241,025 for fiscal year 2016.

9 “(2) \$2,862,020,524 for fiscal year 2017.”.

10 **SEC. 1003. FAA OPERATIONS.**

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

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

15 and

16 “(B) \$10,025,361,111 for fiscal year
17 2017.”.

18 (b) AUTHORIZED EXPENDITURES.—Section
19 106(k)(2) is amended by striking “for fiscal years 2012
20 through 2015” each place it appears and inserting “for
21 fiscal years 2016 through 2017”.

22 (c) AUTHORITY TO TRANSFER FUNDS.—Section
23 106(k)(3) is amended by striking “2012 through 2015
24 and for the period beginning on October 1, 2015, and end-

1 ing on July 15, 2016” and inserting “2016 through
2 2017”.

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

4 Section 48102 is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “44511-44513” and in-
9 serting “44512-44513”; and

10 (ii) by striking “and, for each of fiscal
11 years 2012 through 2015, under sub-
12 section (g)”;

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

15 (C) by striking paragraph (9) and insert-
16 ing the following:

17 “(9) \$166,000,000 for fiscal year 2016; and

18 “(10) \$169,000,000 for fiscal year 2017.”; and

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

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

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

24 “(A) IN GENERAL.—The total budget re-
25 sources made available from the Airport and

1 Airway Trust Fund each fiscal year under sec-
2 tions 48101, 48102, 48103, and 106(k)—

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

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

9 “(II) the actual level of receipts
10 plus interest credited to the Airport
11 and Airway Trust Fund for the sec-
12 ond preceding fiscal year minus the
13 total amount made available for obli-
14 gation from the Airport and Airway
15 Trust Fund for the second preceding
16 fiscal year; and

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

20 (b) ENFORCEMENT OF GUARANTEES.—Section
21 48114(c)(2) is amended by striking “2016” and inserting
22 “2017”.

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

24 (a) MARSHALL ISLANDS, MICRONESIA, AND
25 PALAU.—Section 47115(j) is amended by striking “2015

1 and for the period beginning on October 1, 2015, and end-
2 ing on July 15, 2016,” and inserting “2017”.

3 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
4 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
5 MENTS.—Section 47141(f) is amended by striking “July
6 15, 2016” and inserting “September 30, 2017”.

7 (c) INSPECTOR GENERAL REPORT ON PARTICIPA-
8 TION IN FAA PROGRAMS BY DISADVANTAGED SMALL
9 BUSINESS CONCERNS.—

10 (1) IN GENERAL.—For each of fiscal years
11 2016 through 2017, the Inspector General of the
12 Department of Transportation shall submit to Con-
13 gress a report on the number of new small business
14 concerns owned and controlled by socially and eco-
15 nomically disadvantaged individuals, including those
16 owned by veterans, that participated in the pro-
17 grams and activities funded using the amounts made
18 available under this Act.

19 (2) NEW SMALL BUSINESS CONCERNS.—For
20 purposes of paragraph (1), a new small business
21 concern is a small business concern that did not par-
22 ticipate in the programs and activities described in
23 paragraph (1) in a previous fiscal year.

24 (3) CONTENTS.—The report shall include—

1 (A) a list of the top 25 and bottom 25
2 large and medium hub airports in terms of pro-
3 viding opportunities for small business concerns
4 owned and controlled by socially and economi-
5 cally disadvantaged individuals to participate in
6 the programs and activities funded using the
7 amounts made available under this Act;

8 (B) the results of an assessment, to be
9 conducted by the Inspector General, on the rea-
10 sons why the top airports have been successful
11 in providing such opportunities; and

12 (C) recommendations to the Administrator
13 of the Federal Aviation Administration and
14 Congress on methods for other airports to
15 achieve results similar to those of the top air-
16 ports.

17 (d) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
18 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
19 the FAA Modernization and Reform Act of 2012 (49
20 U.S.C. 47141 note) is amended by striking “July 15,
21 2016” and inserting “September 30, 2017”.

1 **Subtitle B—Airport Improvement**
2 **Program Modifications**

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

4 Section 47114(c)(1)(F) is amended to read as fol-
5 lows:

6 “(F) SPECIAL RULE FOR FISCAL YEARS
7 2016 THROUGH 2017.—Notwithstanding sub-
8 paragraph (A), the Secretary shall apportion to
9 a sponsor of an airport under that subpara-
10 graph for each of fiscal years 2016 through
11 2017 an amount based on the number of pas-
12 senger boardings at the airport during calendar
13 year 2012 if the airport—

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

16 “(ii) had fewer than 10,000 passenger
17 boardings during the calendar year used to
18 calculate the apportionment for fiscal year
19 2016 or 2017 under subparagraph (A);
20 and

21 “(iii) had scheduled air service in the
22 calendar year used to calculate the appor-
23 tionment.”.

1 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
2 **PROJECTS IN COLD WEATHER STATES.**

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

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

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

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

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

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

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

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

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

8 (d) COST BENEFIT RATIO REVISION.—Section
9 47124 is amended by adding at the end the following:

10 “(d) COST BENEFIT RATIOS.—

11 “(1) CONTRACT AIR TRAFFIC CONTROL TOWER
12 PROGRAM AT COST-SHARE AIRPORTS.—Beginning on
13 the date of enactment of the Federal Aviation Ad-
14 ministration Reauthorization Act of 2016, if an air
15 traffic control tower is operating under the Cost-
16 share Program, the Secretary shall annually cal-
17 culate a new benefit-to-cost ratio for the tower.

18 “(2) CONTRACT TOWER PROGRAM AT NON-
19 COST-SHARE AIRPORTS.—Beginning on the date of
20 enactment of the Federal Aviation Administration
21 Reauthorization Act of 2016, if a tower is operating
22 under the Contract Tower Program and continued
23 under subsection (b)(1), the Secretary shall not cal-
24 culate a new benefit-to-cost ratio for the tower un-
25 less the annual aircraft traffic at the airport where

1 the tower is located decreases by more than 25 per-
2 cent from the previous year or by more than 60 per-
3 cent over a 3-year period.

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

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

11 “(B) The Federal Aviation Administra-
12 tion’s actual telecommunications costs of the
13 tower.

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

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

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

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

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

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

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

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

21 “(F) Other expenses of the Federal Avia-
22 tion Administration not directly associated with
23 the actual operation of the tower.

24 “(5) MARGIN OF ERROR.—The Secretary shall
25 add a 5 percent margin of error to a benefit-to-cost

1 ratio determination to acknowledge and account for
2 any direct or indirect factors that are not included
3 in the criteria the Secretary used in calculating the
4 benefit-to-cost ratio.

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

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

13 “(i) to request the Secretary recon-
14 sider that determination; and

15 “(ii) to submit updated or additional
16 data to the Secretary in support of the re-
17 consideration;

18 “(B) to allow the Secretary not more than
19 90 days to review the data submitted under
20 subparagraph (A)(ii) and respond to the re-
21 quest under subparagraph (A)(i);

22 “(C) to allow the airport, State, or political
23 subdivision of a State, as applicable, 30 days
24 following the date of the response under sub-
25 paragraph (B) to review the response before

1 any action is taken based on a benefit-to-cost
2 determination; and

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

11 “(e) DEFINITIONS.—In this section:

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

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

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

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

25 (2) in paragraph (3)—

1 (A) in the heading, by striking “CONTRACT
2 AIR TRAFFIC CONTROL TOWER PROGRAM” and
3 inserting “COST-SHARE PROGRAM”;

4 (B) in subparagraph (A), by striking “con-
5 tract tower program established under sub-
6 section (a) and continued under paragraph (1)
7 (in this paragraph referred to as the ‘Contract
8 Tower Program’)” and inserting “Contract
9 Tower Program”;

10 (C) in subparagraph (B), by striking “In
11 carrying out the program” and inserting “In
12 carrying out the Cost-share Program”;

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

16 (E) in subparagraph (D), by striking
17 “under the program” and inserting “under the
18 Cost-share Program”; and

19 (F) in subparagraph (F), by striking “the
20 program continued under paragraph (1)” and
21 inserting “the Contract Tower Program”; and

22 (3) in paragraph (4)(B)(i)(I), by striking “con-
23 tract tower program established under subsection (a)
24 and continued under paragraph (1) or the pilot pro-
25 gram established under paragraph (3)” and insert-

1 the Contract Tower Program if the Administrator deter-
2 mines the tower is eligible under the criteria set forth in
3 the Federal Aviation Administration report, Establish-
4 ment and Discontinuance Criteria for Airport Traffic Con-
5 trol Towers, dated August 1990 (FAA-APO-90-7).

6 (b) REQUESTS FOR ADDITIONAL AUTHORITY.—The
7 Administrator shall respond not later than 30 days after
8 the date the Administrator receives a formal request from
9 an airport and air traffic control contractor for additional
10 authority to expand contract tower operational hours and
11 staff to accommodate flight traffic outside of current
12 tower operational hours.

13 (c) DEFINITION OF CONTRACT TOWER PROGRAM.—
14 In this section, the term “Contract Tower Program” has
15 the meaning given the term in section 47124(e) of title
16 49, United States Code.

17 **SEC. 1206. REMOTE TOWERS.**

18 (a) PILOT PROGRAM.—

19 (1) ESTABLISHMENT.—The Administrator of
20 the Federal Aviation Administration shall estab-
21 lish—

22 (A) in consultation with airport operators
23 and general aviation users, a pilot program at
24 public-use airports to construct and operate re-
25 mote towers; and

1 (B) a selection process for participation in
2 the pilot program.

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

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

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

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

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

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

24 (A) how inclusion of that airport will add
25 research value to assist the Administrator in

1 evaluating the feasibility, safety, and cost-bene-
2 fits of remote towers;

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

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

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

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

16 (A) detailing any benefits, costs, or safety
17 improvements associated with the use of the re-
18 mote towers; and

19 (B) evaluating the feasibility of using re-
20 mote towers, particularly in the Contract Tower
21 Program and for airports without any air traf-
22 fic control tower, or to improve safety at air-
23 ports with towers.

24 (7) DEADLINE.—Not later than 1 year after
25 the date of enactment of this Act, the Administrator

1 shall select airports for participation in the pilot pro-
2 gram.

3 (8) DEFINITIONS.—In this subsection:

4 (A) CONTRACT TOWER PROGRAM.—The
5 term “Contract Tower Program” has the mean-
6 ing given the term in section 47124(e) of title
7 49, United States Code.

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

13 (b) AIP FUNDING ELIGIBILITY.—For purposes of
14 the pilot program under subsection (a), and after certifi-
15 cated systems are available, constructing a remote tower
16 or acquiring and installing air traffic control, communica-
17 tions, or related equipment for a remote tower shall be
18 considered airport development (as defined in section
19 47102 of title 49, United States Code) for purposes of
20 subchapter I of chapter 471 of that title if components
21 are installed and used at the airport, except for off-airport
22 sensors installed on leased towers, as needed.

23 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

24 Section 186(d) of the Vision 100—Century of Avia-
25 tion Reauthorization Act (Public Law 108–176; 117 Stat.

1 2518) is amended by striking “and for the period begin-
2 ning on October 1, 2015, and ending on July 15, 2016,”
3 and inserting “and for fiscal years 2016 through 2017”.

4 **SEC. 1208. AIRPORT ROAD FUNDING.**

5 (a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—
6 Section 47107(b) is amended by adding at the end the
7 following:

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

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

3 (1) by inserting “(1)” before “Nothing” and in-
4 denting appropriately; and

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

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

11 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
12 **PORT VEHICLE PILOT PROGRAM.**

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

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
15 The table of contents for chapter 471 is amended by strik-
16 ing the item relating to section 47136 and inserting the
17 following:

“47136. [Reserved].”.

18 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
19 **HICLES AND INFRASTRUCTURE PILOT PRO-**
20 **GRAM.**

21 Section 47136a is amended—

22 (1) in subsection (a), by striking “, including”
23 and inserting “used exclusively for transporting pas-
24 sengers on-airport or for employee shuttle buses
25 within the airport, including”; and

1 (2) in subsection (f), by inserting “, as in effect
2 on the day before the date of enactment of the Fed-
3 eral Aviation Administration Reauthorization Act of
4 2016,” after “section 47136”.

5 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
6 **MENT EMISSIONS RETROFIT PILOT PRO-**
7 **GRAM.**

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

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

 “47140. [Reserved].”.

13 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
14 **EFFICIENCY ASSESSMENTS.**

15 (a) COST REIMBURSEMENTS.—Section 47140a(a) is
16 amended by striking “airport.” and inserting “airport,
17 and to reimburse the airport sponsor for the costs incurred
18 in conducting the assessment.”.

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

23 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
24 **CLASSIFIED AIRPORTS.**

25 Section 47106(a) is amended—

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

3 (2) in paragraph (6)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “for an airport that has an air-
6 port master plan, the master plan addresses”
7 and inserting “a master plan project, it will ad-
8 dress”; and

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

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

12 “(7) if the project is at an unclassified airport,
13 the project will be funded with an amount appor-
14 tioned under subsection 47114(d)(3)(B) and is—

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

17 “(B) for obstruction removal for the pri-
18 mary runway;

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

21 “(D) a project that the Secretary considers
22 necessary for the safe operation of the air-
23 port.”.

1 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYS-**
2 **TEMS.**

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

13 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
14 **PROGRAM.**

15 (a) IN GENERAL.—Subchapter I of chapter 471 is
16 amended by adding at the end the following:

17 **“§ 47143. Non-movement area surveillance surface**
18 **display systems pilot program**

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

24 “(1) the Administrator determines that acquisi-
25 tion and installation of qualifying non-movement
26 area surveillance surface display systems and sen-

1 sors improve safety or capacity in the National Air-
2 space System; and

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

8 “(b) PROJECT GRANTS.—

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

23 “(2) PROCEDURES.—In accordance with the au-
24 thority under section 106, the Administrator may es-
25 tablish procurement procedures applicable to grants

1 issued under this subsection. The procedures may
2 permit the sponsor to carry out the project with ven-
3 dors that have been accepted in the procurement
4 procedure or using Federal Aviation Administration
5 contracts. The procedures may provide for the direct
6 reimbursement (including administrative costs) of
7 the Administrator by the sponsor using grant funds
8 under this subsection, for the ordering of system-re-
9 lated equipment and its installation, or for the direct
10 ordering of system-related equipment and its instal-
11 lation by the sponsor, using such grant funds, from
12 the suppliers with which the Administrator has con-
13 tracted.

14 “(3) DATA EXCHANGE PROCESSES.—The Ad-
15 ministrator may establish data exchange processes to
16 allow airport participation in the Federal Aviation
17 Administration’s Airport Collaborative Decision
18 Making process and fusion of the non-movement
19 surveillance data with the Administration’s move-
20 ment area systems.

21 “(c) DEFINITIONS.—In this section:

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

1 “(2) NON-MOVEMENT AREA SURVEILLANCE
2 SURFACE DISPLAY SYSTEM AND SENSORS.—The
3 term ‘non-movement area surveillance surface dis-
4 play system and sensors’ is a non-Federal surveil-
5 lance system that uses on-airport sensors that track
6 vehicles or aircraft that are equipped with tran-
7 sponders in the non-movement area.

8 “(3) QUALIFYING NON-MOVEMENT AREA SUR-
9 VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-
10 SORS.—The term ‘qualifying non-movement area
11 surveillance surface display system and sensors’ is a
12 non-movement area surveillance surface display sys-
13 tem that—

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

18 “(B) is on-airport; and

19 “(C) is airport operated.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

23 **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

24 Section 47102 is amended—

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

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

5 (3) in paragraph (3)—

6 (A) in subparagraph (B)—

7 (i) by redesignating clauses (iii)
8 through (x) as clauses (iv) through (xi), re-
9 spectively; and

10 (ii) by striking clause (ii) and insert-
11 ing the following:

12 “(II) security equipment owned
13 and operated by the airport, including
14 explosive detection devices, universal
15 access control systems, perimeter
16 fencing, and emergency call boxes,
17 which the Secretary may require by
18 regulation for, or approve as contrib-
19 uting significantly to, the security of
20 individuals and property at the air-
21 port;

22 “(III) safety apparatus owned
23 and operated by the airport, which the
24 Secretary may require by regulation
25 for, or approve as contributing signifi-

1 cantly to, the safety of individuals and
2 property at the airport, and inte-
3 grated in-pavement lighting systems
4 for runways and taxiways and other
5 runway and taxiway incursion preven-
6 tion devices;”;

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

11 (C) in subparagraph (L)—

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

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

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

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

1 (5) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) ‘categorized airport’ means a nonprimary
4 airport that has an identified role in the National
5 Plan of Integrated Airport Systems.”;

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

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

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

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

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

18 “(I) 100 based aircraft that are
19 currently registered with the Federal
20 Aviation Administration under chap-
21 ter 445 of this title; and

22 “(II) 1 based jet aircraft that is
23 currently registered with the Federal
24 Aviation Administration where, for
25 the purposes of this clause, ‘based’

1 means the aircraft or jet aircraft over-
2 nights at the airport for the greater
3 part of the year; or”; and

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

5 “(31) ‘unclassified airport’ means a nonprimary
6 airport that is included in the National Plan of Inte-
7 grated Airport Systems that is not categorized by
8 the Administrator of the Federal Aviation Adminis-
9 tration in the most current report entitled General
10 Aviation Airports: A National Asset.”.

11 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**
12 **DATES.**

13 Section 47503(b) is amended—

14 (1) by striking “a change in the operation of
15 the airport would establish” and inserting “there is
16 a change in the operation of the airport that would
17 establish”; and

18 (2) by inserting after “reduction” the following:
19 “if the change has occurred during the longer of—

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

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

1 **SEC. 1218. PROVISION OF FACILITIES.**

2 Section 44502 is amended by adding at the end the
3 following:

4 “(f) AIRPORT SPACE.—

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

9 “(A) Building construction, maintenance,
10 utilities, or expenses for services relating to air
11 traffic control, air navigation, or weather re-
12 porting.

13 “(B) Space in a facility owned by the air-
14 port owner or sponsor for services relating to
15 air traffic control, air navigation, or weather re-
16 porting.

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

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

25 “(B) any grant assurance that requires an
26 airport owner or sponsor to provide land to the

1 Administration without cost for an air traffic
2 control facility.”.

3 **SEC. 1219. CONTRACT WEATHER OBSERVERS.**

4 (a) IN GENERAL.—Not later than 1 year 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—

8 (1) which includes public and stakeholder input,
9 and examines all safety risks, hazard effects, effi-
10 ciency and operational effects on airports, airlines,
11 and other stakeholders that could result from loss of
12 contract weather observer service at the 57 airports
13 targeted for the loss of this service;

14 (2) detailing how the Federal Aviation Adminis-
15 tration will accurately report rapidly changing severe
16 weather conditions at these airports, including thun-
17 derstorms, lightning, fog, visibility, smoke, dust,
18 haze, cloud layers and ceilings, ice pellets, and freez-
19 ing rain or drizzle without contract weather observ-
20 ers;

21 (3) indicating how airports can comply with ap-
22 plicable Federal Aviation Administration orders gov-
23 erning weather observations given the current docu-
24 mented limitations of automated surface observing
25 systems; and

1 (4) identifying the process through which the
2 Federal Aviation Administration analyzed the safety
3 hazards associated with the elimination of the con-
4 tract weather observer program.

5 (b) CONTINUED USE OF CONTRACT WEATHER OB-
6 SERVERS.—The Administrator may not discontinue the
7 contract weather observer program at any airport until
8 October 1, 2017.

9 (c) REPORT ON GOLDEN TRIANGLE INITIATIVE OF
10 NOAA.—

11 (1) REPORT REQUIRED.—Not later than 1 year
12 after the date of enactment of this Act, the Adminis-
13 trator of the National Oceanic and Atmospheric Ad-
14 ministration and the Administrator of the Federal
15 Aviation Administration shall jointly submit to the
16 appropriate committees of Congress a report on the
17 Golden Triangle Initiative of the National Oceanic
18 and Atmospheric Administration.

19 (2) ELEMENTS.—The report shall include the
20 following:

21 (A) An assessment of the impacts of en-
22 hanced aviation forecast services provided as
23 part of the Golden Triangle Initiative on weath-
24 er-related air traffic delays.

1 (B) A description of the costs of providing
2 such enhanced aviation forecast services.

3 (C) A description of potential alternative
4 mechanisms to provide enhanced aviation fore-
5 cast services comparable to such enhanced avia-
6 tion forecast services for airports in rural or low
7 population density areas.

8 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

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

10 “(5) 95 percent for a project at an airport for
11 which the United States Government’s share would
12 otherwise be capped at 90 percent under paragraph
13 (2) or paragraph (3) if the Administrator determines
14 that the project is a successive phase of a multi-
15 phased construction project for which the sponsor
16 received a grant in fiscal year 2011 or earlier.”.

17 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

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

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

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

1 (3) in subsection (g), by inserting “of Trans-
2 portation” after “Secretary” the first place it ap-
3 pears.

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

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

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

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

13 (a) LACTATION AREA DEFINED.—Section 47102, as
14 amended by section 1216 of this Act, is further amend-
15 ed—

16 (1) by redesignating paragraphs (12) through
17 (31) as paragraphs (13) through (32), respectively;
18 and

19 (2) by inserting after paragraph (11) the fol-
20 lowing:

21 “(12) ‘lactation area’ means a room or other lo-
22 cation in a commercial service airport that—

23 “(A) provides a location for members of
24 the public to express breast milk that is shield-

1 ed from view and free from intrusion from the
2 public;

3 “(B) has a door that can be locked;

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

6 “(D) is readily accessible to and usable by
7 individuals with disabilities, including individ-
8 uals who use wheelchairs; and

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

10 (b) PROJECT GRANTS WRITTEN ASSURANCES FOR
11 LARGE AND MEDIUM HUB AIRPORTS.—

12 (1) IN GENERAL.—Section 47107(a) is amend-
13 ed—

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

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

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

19 “(22) with respect to a medium or large hub
20 airport, the airport owner or operator will maintain
21 a lactation area in each passenger terminal building
22 of the airport in the sterile area (as defined in sec-
23 tion 1540.5 of title 49, Code of Federal Regulations)
24 of the building.”.

25 (2) APPLICABILITY.—

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

6 (B) SPECIAL RULE.—The requirement in
7 the amendments made by paragraph (1) that a
8 lactation area be located in the sterile area of
9 a passenger terminal building shall not apply
10 with respect to a project grant application for
11 a period of time, determined by the Secretary
12 of Transportation, if the Secretary determines
13 that construction or maintenance activities
14 make it impracticable or unsafe for the lacta-
15 tion area to be located in the sterile area of the
16 building.

17 (c) TERMINAL DEVELOPMENT COSTS.—Section
18 47119(a) is amended by adding at the end the following:

19 “(3) LACTATION AREAS.—In addition to the
20 projects described in paragraph (1), the Secretary
21 may approve a project for terminal development for
22 the construction or installation of a lactation area at
23 a commercial service airport.”.

24 (d) PRE-EXISTING FACILITIES.—On application by
25 an airport sponsor, the Secretary of Transportation may

1 determine that a lactation area in existence on the date
2 of enactment of this Act complies with the requirement
3 of paragraph (22) of section 47107(a) of title 49, United
4 States Code, as added by subsection (b), notwithstanding
5 the absence of one of the facilities or characteristics re-
6 ferred to in the definition of the term “lactation area”
7 in paragraph (12) of section 47102 of such title, as added
8 by subsection (a).

9 **SEC. 1223. ELIGIBILITY FOR AIRPORT DEVELOPMENT**
10 **GRANTS AT AIRPORTS THAT ENTER INTO**
11 **CERTAIN LEASES WITH COMPONENTS OF**
12 **THE ARMED FORCES.**

13 Section 47107, as amended by section 1208 of this
14 Act, is further amended by adding at the end the fol-
15 lowing:

16 “(t) AIRPORTS THAT ENTER INTO CERTAIN LEASES
17 WITH THE ARMED FORCES.—The Secretary of Transpor-
18 tation may not disapprove a project grant application
19 under this subchapter for an airport development project
20 at an airport solely because the airport renews a lease for
21 the use, at a nominal rate, of airport property by a regular
22 or reserve component of the Armed Forces, including the
23 National Guard, without regard to whether that compo-
24 nent operates aircraft at the airport.”.

1 **SEC. 1224. CLARIFICATION OF DEFINITION OF AVIATION-**
2 **RELATED ACTIVITY FOR HANGAR USE.**

3 Section 47107, as amended by section 1223 of this
4 Act, is further amended by adding at the end the fol-
5 lowing:

6 “(u) CONSTRUCTION OF RECREATIONAL AIR-
7 CRAFT.—

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

11 “(A) determining an airport’s compliance
12 with a grant assurance made under this section
13 or any other provision of law; and

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

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

19 “(A) used or intended to be used exclu-
20 sively for recreational purposes; and

21 “(B) constructed or under construction, re-
22 pair, or restoration by a private individual at a
23 general aviation airport.”.

1 **SEC. 1225. USE OF AIRPORT IMPROVEMENT PROGRAM**
2 **FUNDS FOR RUNWAY SAFETY REPAIRS.**

3 (a) IN GENERAL.—Subchapter I of chapter 471, as
4 amended by this subtitle, is further amended by adding
5 at the end the following:

6 **“§47144. Use of funds for repairs for runway safety**
7 **repairs**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 may make project grants under this subchapter to an air-
10 port described in subsection (b) from funds under section
11 47114 apportioned to that airport or funds available for
12 discretionary grants to that airport under section 47115
13 to conduct airport development to repair the runway safe-
14 ty area of the airport damaged as a result of a natural
15 disaster in order to maintain compliance with the regula-
16 tions of the Federal Aviation Administration relating to
17 runway safety areas, without regard to whether construc-
18 tion of the runway safety area damaged was carried out
19 using amounts the airport received under this subchapter.

20 “(b) AIRPORTS DESCRIBED.—An airport is described
21 in this subsection if—

22 “(1) the airport is a public-use airport;

23 “(2) the airport is listed in the National Plan
24 of Integrated Airport Systems of the Federal Avia-
25 tion Administration;

1 “(3) the runway safety area of the airport was
2 damaged as a result of a natural disaster;

3 “(4) the airport was denied funding under the
4 Robert T. Stafford Disaster Relief and Emergency
5 Assistance Act (42 U.S.C. 4121 et seq.) with respect
6 to the disaster;

7 “(5) the operator of the airport has exhausted
8 all legal remedies, including legal action against any
9 parties (or insurers thereof) whose action or inaction
10 may have contributed to the need for the repair of
11 the runway safety area;

12 “(6) there is still a demonstrated need for the
13 runway safety area to accommodate current or im-
14 minent aeronautical demand; and

15 “(7) the cost of repairing or replacing the run-
16 way safety area is reasonable in relation to the an-
17 ticipated operational benefit of repairing the runway
18 safety area, as determined by the Administrator of
19 the Federal Aviation Administration.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents for chapter 471, as amended by this subtitle, is fur-
22 ther amended by inserting after the item relating to sec-
23 tion 47143 the following:

 “47144. Use of funds for repairs for runway safety repairs.”.

24 **SEC. 1226. DEFINITION OF SMALL BUSINESS CONCERN.**

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

1 “(1) ‘small business concern’—

2 “(A) except as provided in subparagraph
3 (B), has the same meaning given that term in
4 section 3 of the Small Business Act (15 U.S.C.
5 632); and

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

13 **Subtitle C—Passenger Facility**
14 **Charges**

15 **SEC. 1301. PFC STREAMLINING.**

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

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

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

22 (b) PILOT PROGRAM FOR PASSENGER FACILITY
23 CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Sec-
24 tion 40117(l) is amended—

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

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

6 **SEC. 1302. INTERMODAL ACCESS PROJECTS.**

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

9 “(n) PFC ELIGIBILITY FOR INTERMODAL GROUND
10 ACCESS PROJECTS.—

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

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

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

21 “(B) is directly and substantially related to
22 the movement of passengers or property trav-
23 eling in air transportation.

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

4 “(A) the total capital cost of the project
5 multiplied by the ratio that the number of indi-
6 viduals projected to use the project to gain ac-
7 cess to or depart from the airport bears to the
8 total number of individuals projected to use the
9 local facility; or

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

12 “(4) DETERMINATIONS.—The Secretary shall
13 determine the projected use and cost of a project for
14 purposes of paragraph (3) at the time the project is
15 approved under this subsection, except that, in the
16 case of a project to be financed in part using funds
17 administered by the Federal Transit Administration,
18 the Secretary shall use the travel forecasting model
19 for the project at the time the project is approved
20 by the Federal Transit Administration to enter pre-
21 liminary engineering to determine the projected use
22 and cost of the project for purposes of paragraph
23 (3).

24 “(5) NONATTAINMENT AREAS.—For airport
25 property, any area of which is located in a non-

1 the control of the same eligible agency that had con-
2 trolled the airport described in paragraph (1).”.

3 **SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FI-**
4 **NANCING STUDY.**

5 (a) FUTURE AVIATION INFRASTRUCTURE AND FI-
6 NANCING STUDY.—Not later than 60 days after the date
7 of enactment of this Act, the Secretary of Transportation
8 shall enter into an agreement with the Transportation Re-
9 search Board of the National Academies to conduct a
10 study and make recommendations on the actions needed
11 to upgrade and restore the national aviation infrastructure
12 system to its role as a premier system that meets the
13 growing and shifting demands of the 21st century, includ-
14 ing airport infrastructure needs and existing financial re-
15 sources for commercial service airports.

16 (b) CONSULTATION.—In carrying out the study, the
17 Transportation Research Board shall convene and consult
18 with a panel of national experts, including—

- 19 (1) nonhub airports;
- 20 (2) small hub airports;
- 21 (3) medium hub airports;
- 22 (4) large hub airports;
- 23 (5) airports with international service;
- 24 (6) non-primary airports;
- 25 (7) local elected officials;

1 (8) relevant labor organizations;

2 (9) passengers;

3 (10) air carriers; and

4 (11) representatives of the tourism industry.

5 (c) CONSIDERATIONS.—In carrying out the study, the
6 Transportation Research Board shall consider—

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

9 (2) the available financial tools and resources
10 for airports of different sizes;

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

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

15 (5) the purchasing power of the passenger facil-
16 ity charge from the last increase in 2000 to the year
17 of enactment of this Act;

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

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

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

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

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

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

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

7 (13) airline competition;

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

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

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

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

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 gath-
25 ering, 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. NATIONAL TELECOMMUNICATIONS AND INFOR-**
19 **MATION ADMINISTRATION MULTI-STAKE-**
20 **HOLDER PROCESS.**

21 Not later than July 31, 2016, the Administrator of
22 the National Telecommunications and Information Ad-
23 ministration shall submit to the appropriate committees
24 of Congress a report on the industry privacy best practices
25 developed through the multi-stakeholder engagement proc-

1 ess (established under Presidential Memorandum of Feb-
2 ruary 15, 2015 (80 Fed. Reg. 9355)) on unmanned air-
3 craft systems transparency and accountability. In addition
4 to the agreed upon best practices, this report shall include
5 relevant stakeholder recommendations for legislative or
6 regulatory action regarding privacy, accountability, and
7 transparency, including ways to encourage the adoption
8 of privacy policies by companies that use unmanned air-
9 craft systems for compensation or hire, or in the further-
10 ance of a business enterprise. The report shall take into
11 account existing rights protected under the First Amend-
12 ment to the United States Constitution in public spaces
13 and the First Amendment rights of journalists to control
14 their archives.

15 **SEC. 2105. IDENTIFICATION STANDARDS.**

16 (a) IN GENERAL.—The Director of the National In-
17 stitute of Standards and Technology, in collaboration with
18 the Administrator of the Federal Aviation Administration,
19 and in consultation with the Secretary of Transportation,
20 the President of RTCA, Inc., and the Administrator of
21 the National Telecommunications and Information Ad-
22 ministration, shall convene industry stakeholders to facili-
23 tate the development of consensus standards for remotely
24 identifying operators and owners of unmanned aircraft
25 systems and associated unmanned aircraft.

1 (b) CONSIDERATIONS.—As part of the standards de-
2 veloped under subsection (a), the Director shall consider—

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

5 (2) appropriate requirements for different clas-
6 sifications of unmanned aircraft systems operations,
7 including public and civil;

8 (3) the role of manufacturers, the Federal Avia-
9 tion Administration, and the owners of the systems
10 described in paragraphs (1) and (2) in reporting and
11 verifying identification data; and

12 (4) the feasibility of the development and oper-
13 ation of a publicly searchable online database to fur-
14 ther enable the immediate remote identification of
15 any unmanned aircraft and its operator by the gen-
16 eral public and potential exceptions to inclusion in
17 the online database.

18 (c) DEADLINE.—Not later than 1 year after the date
19 of enactment of this Act, the Director shall submit to the
20 appropriate committees of Congress a report on the con-
21 sensus identification standards.

22 (d) GUIDANCE.—Not later than 1 year after the date
23 that the Director submits the report on the consensus
24 identification standards under subsection (c), the Admin-
25 istrator of the Federal Aviation Administration shall issue

1 regulatory guidance based on the consensus identification
2 standards.

3 **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERA-**
4 **TORS.**

5 (a) IN GENERAL.—Except for model aircraft under
6 section 44808 of title 49, United States Code, in author-
7 izing the operation of any public unmanned aircraft sys-
8 tem or the operation of any unmanned aircraft system by
9 a person conducting civil aircraft operations, the Adminis-
10 trator of the Federal Aviation Administration, to the ex-
11 tent practicable and consistent with applicable law and
12 without compromising national security, homeland de-
13 fense, or law enforcement, shall make the identifying in-
14 formation in subsection (b) available to the public via an
15 easily searchable online database. The Administrator shall
16 place a clear and conspicuous link to the database on the
17 home page of the Federal Aviation Administration’s
18 website.

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

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

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

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

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

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

14 (6) For any unmanned aircraft system that will
15 collect personally identifiable information about indi-
16 viduals, including the use of facial recognition—

17 (A) the circumstance under which the sys-
18 tem will be used;

19 (B) the specific kinds of personally identi-
20 fiable information that the system will collect
21 about individuals; and

22 (C) how the information referred to in sub-
23 paragraph (B), and the conclusions drawn from
24 such information, will be used, disclosed, and
25 otherwise handled, including—

1 (i) how the collection or retention of
2 such information that is unrelated to the
3 specific use will be minimized;

4 (ii) under what circumstances such in-
5 formation might be sold, leased, or other-
6 wise provided to third parties;

7 (iii) the period during which such in-
8 formation will be retained;

9 (iv) when and how such information,
10 including information no longer relevant to
11 the specified use, will be destroyed; and

12 (v) steps that will be used to protect
13 against the unauthorized disclosure of any
14 information or data, such as the use of
15 encryption methods and other security fea-
16 tures.

17 (7) With respect to public unmanned aircraft
18 systems—

19 (A) the locations where the unmanned air-
20 craft system will operate;

21 (B) the time during which the unmanned
22 aircraft system will operate;

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

24 (D) the technical capabilities that the un-
25 manned aircraft system possesses.

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

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

11 (e) TERMINATION.—The Administrator may cease
12 the operation of such database on September 30, 2017.

13 **SEC. 2107. ANALYSIS OF CURRENT REMEDIES UNDER FED-**
14 **ERAL, STATE, AND LOCAL JURISDICTIONS.**

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

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

24 (2) identifies specific issues and concerns that
25 may limit the availability of existing civil or criminal

1 legal remedies regarding inappropriate operation of
2 unmanned aircraft systems in the national airspace
3 system;

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

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

9 **PART II—UNMANNED AIRCRAFT SYSTEMS**

10 **SEC. 2121. DEFINITIONS.**

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

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

“Sec.

“44801. Definitions.

15 **“§ 44801. Definitions**

16 “In this chapter—

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

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

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

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

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

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

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

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

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

1 FAA Modernization and Reform Act of 2012 (49
2 U.S.C. 40101 note), as in effect on the day before
3 the date of enactment of the Federal Aviation Ad-
4 ministration Reauthorization Act of 2016, and any
5 public entity authorized by the Federal Aviation Ad-
6 ministration as an unmanned aircraft system flight
7 test center before January 1, 2009.

8 “(10) ‘unmanned aircraft’ means an aircraft
9 that is operated without the possibility of direct
10 human intervention from within or on the aircraft.

11 “(11) ‘unmanned aircraft system’ means an un-
12 manned aircraft and associated elements (including
13 communication links and the components that con-
14 trol the unmanned aircraft) that are required for the
15 operator to operate safely and efficiently in the na-
16 tional airspace system.”.

17 (b) TABLE OF CHAPTERS.—The table of chapters for
18 subtitle VII is amended by inserting after the item relating
19 to chapter 447 the following:

“448. Unmanned Aircraft Systems 44801”.

20 **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**
21 **TEST SITES.**

22 (a) IN GENERAL.—Chapter 448, as designated by
23 section 2121 of this Act, is amended by inserting after
24 section 44801 the following:

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 6 test
5 sites established under section 332(c) of the FAA Mod-
6 ernization and Reform Act of 2012 (49 U.S.C. 40101
7 note), and any public entity authorized by the Federal
8 Aviation Administration as an unmanned aircraft system
9 flight test center before January 1, 2009, to facilitate the
10 safe integration of unmanned aircraft systems into the na-
11 tional airspace system.

12 “(2) TERMINATION.—The program shall terminate
13 on September 30, 2022.

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

16 “(1) designate airspace for safely testing the in-
17 tegration of unmanned flight operations in the na-
18 tional airspace system;

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

22 “(3) coordinate with and leverage the resources
23 of the National Aeronautics and Space Administra-
24 tion and the Department of Defense;

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

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

4 “(6) provide for verification of the safety of un-
5 manned aircraft systems and related navigation pro-
6 cedures as it relates to continued development of
7 standards for integration into the national airspace
8 system;

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

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

18 “(B) classifications of airspace where man-
19 ufacturers must prevent flight of an unmanned
20 aircraft system;

21 “(C) classifications of airspace where man-
22 ufacturers of unmanned aircraft systems must
23 alert the operator to hazards or limitations on
24 flight;

25 “(D) sense and avoid capabilities;

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

4 “(F) improving privacy protections
5 through the use of advances in unmanned air-
6 craft systems technology;

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

13 “(9) allow a test site to develop multiple test
14 ranges within the test site;

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

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

24 “(12) evaluate options for the operation of 1 or
25 more small unmanned aircraft systems beyond the

1 visual line of sight of the operator for testing under
2 controlled conditions that ensure the safety of per-
3 sons and property, including on the ground; and

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

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

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

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

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

19 “(d) REPORT TO CONGRESS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Federal Aviation Ad-
22 ministration Reauthorization Act of 2016, the Ad-
23 ministrator shall submit to the appropriate commit-
24 tees of Congress a report on the establishment and
25 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 2016, and every
4 180 days thereafter until September 30, 2017, 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 section 2123 of the Federal Aviation Admin-
16 istration Reauthorization Act of 2016, that re-
17 late to unmanned aircraft systems research pri-
18 orities, including beyond-line-of-sight, un-
19 manned traffic management, nighttime oper-
20 ations, and sense and avoid technology;

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

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

 “44802. Unmanned aircraft system test sites.”.

19 (2) PILOT PROJECTS.—Section 332 of the FAA
20 Modernization and Reform Act of 2012 (49 U.S.C.
21 40101 note) is amended by striking subsection (c).

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

24 (a) RESEARCH PLAN.—Not later than 1 year after
25 the date of enactment of this Act, the Administrator of

1 the Federal Aviation Administration and the United
2 States Unmanned Aircraft System Executive Committee,
3 jointly, and in coordination with industry, users, the Cen-
4 ter of Excellence for Unmanned Aircraft Systems, and test
5 site operators, shall develop a research plan to identify on-
6 going research into the broad range of technical, proce-
7 dural, and policy concerns arising from the integration of
8 unmanned aircraft systems into the national airspace sys-
9 tem, and research needs regarding those concerns. In de-
10 veloping the plan, the Administrator shall determine and
11 engage the appropriate entities to meet the research needs
12 identified in the plan.

13 (b) COLLABORATIVE RESEARCH AND DEVELOPMENT
14 AGREEMENTS.—The Administrator may use the other
15 transaction authority under section 106(l)(6) of title 49,
16 United States Code, and enter into collaborative research
17 and development agreements, to direct research related to
18 unmanned aircraft systems, including at any test site
19 under section 44802(a) of that title, and in coordination
20 with the Center of Excellence for Unmanned Aircraft Sys-
21 tems.

22 (c) 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 and certification requirements in section

1 44803 of title 49, United States Code, as added by section
2 2124, shall, to the maximum extent practicable, leverage
3 the research and testing capacity and capabilities of the
4 Center of Excellence for Unmanned Aircraft Systems and
5 the test sites (as defined in 44801 of such title, as added
6 by section 2121).

7 **SEC. 2124. SAFETY STANDARDS.**

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

11 **“SEC. 44803. AIRCRAFT SAFETY STANDARDS.**

12 “(a) CONSENSUS AIRCRAFT SAFETY STANDARDS.—
13 Not later than 60 days after the date of enactment of the
14 Federal Aviation Administration Reauthorization Act of
15 2016, the Director of the National Institute of Standards
16 and Technology and the Administrator of the Federal
17 Aviation Administration, in consultation with government
18 and industry stakeholders and appropriate standards-set-
19 ting organizations, shall initiate a collaborative process to
20 develop risk-based, consensus industry airworthiness
21 standards related to the safe integration of small un-
22 manned aircraft systems into the national airspace sys-
23 tem.

1 “(b) CONSIDERATIONS.—In developing the consensus
2 aircraft safety standards, the Director and Administrator
3 shall consider the following:

4 “(1) Technologies or standards related to geo-
5 graphic limitations, altitude limitations, and sense
6 and avoid capabilities.

7 “(2) Using performance-based standards.

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

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

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

20 “(6) Consensus identification standards under
21 section 2105.

22 “(7) How to update or modify a small un-
23 manned aircraft system that was commercially dis-
24 tributed prior to the development of the consensus
25 aircraft safety standards so that, to the greatest ex-

1 tent practicable, such systems meet the consensus
2 aircraft safety standards.

3 “(8) Any technology or standard related to
4 small unmanned aircraft systems that promotes
5 aviation safety.

6 “(c) CONSULTATION.—In developing the consensus
7 aircraft safety standards under subsection (a), the Direc-
8 tor and Administrator shall consult with—

9 “(1) the Administrator of the National Aero-
10 nautics and Space Administration;

11 “(2) the President of RTCA, Inc.;

12 “(3) the Secretary of Defense;

13 “(4) each operator of a test site under section
14 44802;

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

17 “(6) unmanned aircraft systems stakeholders;

18 and

19 “(7) community-based aviation organizations.

20 “(d) FAA APPROVAL.—Not later than 1 year after
21 the date of enactment of the Federal Aviation Administra-
22 tion Reauthorization Act of 2016, the Administrator of the
23 Federal Aviation Administration shall establish a process
24 for the approval of small unmanned aircraft systems make
25 and models based upon the consensus aircraft safety

1 standards developed under subsection (a). The consensus
2 aircraft safety standards developed under subsection (a)
3 shall allow the Administrator to approve small unmanned
4 aircraft systems for operation within the national airspace
5 system without requiring the type certification process in
6 parts 21 and 23 of the Code of Federal Regulations.

7 “(e) ELIGIBILITY.—The consensus aircraft safety
8 standards for approval of small unmanned aircraft sys-
9 tems developed under this section shall set eligibility re-
10 quirements for an airworthiness approval of a small un-
11 manned aircraft system which shall include the following:

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

14 “(A) the aircraft’s operating instructions;
15 and

16 “(B) the manufacturer’s statement of com-
17 pliance as described in subsection (f) of this
18 section.

19 “(2) A sample aircraft must be inspected by the
20 Federal Aviation Administration and found to be in
21 a condition for safe operation and in compliance
22 with the consensus aircraft safety standards re-
23 quired by the Administrator in subsection (d).

1 “(f) MANUFACTURER’S STATEMENT OF COMPLIANCE
2 FOR SMALL UAS.—The manufacturer’s statement of com-
3 pliance shall—

4 “(1) identify the aircraft make and model, and
5 consensus aircraft safety standard used;

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

9 “(3) state that the aircraft make and model
10 conforms to the manufacturer’s design data, using
11 the manufacturer’s quality assurance system that
12 meets the identified consensus standard adopted by
13 the Administrator in subsection (d), and is manufac-
14 tured in way that ensures consistency in the produc-
15 tion process so that every unit produced meets the
16 applicable consensus aircraft safety standards;

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

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

22 “(B) the aircraft’s maintenance and in-
23 spection procedures, that meet the standard
24 identified in paragraph (1);

1 “(5) state that the manufacturer will monitor
2 and correct safety-of-flight issues through a contin-
3 ued airworthiness system that meets the standard
4 identified in paragraph (1);

5 “(6) state that at the request of the Adminis-
6 tration, the manufacturer will provide access by the
7 Administration to its facilities; and

8 “(7) state that the manufacturer, in accordance
9 with a production acceptance test procedure that
10 meets an applicable consensus aircraft safety stand-
11 ard has—

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

14 “(B) found the sample aircraft perform-
15 ance acceptable; and

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

18 “(g) PROHIBITION.—It shall be unlawful for any per-
19 son to introduce or deliver for introduction into interstate
20 commerce any unmanned aircraft manufactured after the
21 date that the Administrator adopts consensus aircraft
22 safety standards under this section, unless the manufac-
23 turer has received approval under subsection (d) for each
24 make and model.”.

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

“44803. Aircraft safety standards.”.

5 **SEC. 2125. UNMANNED AIRCRAFT SYSTEMS IN THE ARCTIC.**

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

9 **“§ 44804. Unmanned aircraft systems in the Arctic**

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

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

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

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

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

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

1 **SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
2 **AIRCRAFT SYSTEMS.**

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

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

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

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

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

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

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

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

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

1 “(f) OPERATION BY OWNERS AND OPERATORS OF
2 CRITICAL INFRASTRUCTURE.—

3 “(1) IN GENERAL.—Any application process es-
4 tablished under subsection (a) shall allow for a cov-
5 ered person to apply to the Administrator to operate
6 an unmanned aircraft system to conduct activities
7 described in paragraph (2)—

8 “(A) beyond the visual line of sight of the
9 individual operating the unmanned aircraft sys-
10 tem; and

11 “(B) operation during the day or at night.

12 “(2) ACTIVITIES DESCRIBED.—The activities
13 described in this paragraph that a covered person
14 may use an unmanned aircraft system to conduct
15 are the following:

16 “(A) Activities for which compliance with
17 current law or regulation can be accomplished
18 by the use of manned aircraft, including—

19 “(i) conducting activities to ensure
20 compliance with Federal or State regu-
21 latory, permit, or other requirements, in-
22 cluding to conduct surveys associated with
23 applications for permits for new pipeline or
24 pipeline systems construction or mainte-

1 nance or rehabilitation of existing pipelines
2 or pipeline systems; or

3 “(ii) conducting activities relating to
4 ensuring compliance with—

5 “(I) the requirements of part 192
6 or 195 of title 49, Code of Federal
7 Regulations; or

8 “(II) any Federal, State, or local
9 governmental or regulatory body or
10 industry best practice pertaining to
11 the construction, ownership, oper-
12 ation, maintenance, repair, or replace-
13 ment of covered facilities.

14 “(B) Activities to inspect, repair, con-
15 struct, maintain, or protect covered facilities,
16 including to respond to a pipeline, pipeline sys-
17 tem, or electric energy infrastructure incident,
18 or in response to or in preparation for a natural
19 disaster, man-made disaster, severe weather
20 event, or other incident beyond the control of
21 the covered person that may cause material
22 damage to a covered facility.

23 “(3) DEFINITIONS.—In this subsection:

24 “(A) COVERED FACILITY.—The term ‘cov-
25 ered facility’ means a pipeline, pipeline system,

1 electric energy generation, transmission, or dis-
2 tribution facility (including renewable electric
3 energy), oil or gas production, refining, or proc-
4 essing facility, or other critical infrastructure.

5 “(B) COVERED PERSON.—The term ‘cov-
6 ered person’ means a person that—

7 “(i) owns or operates a covered facil-
8 ity;

9 “(ii) is the sponsor of a covered facil-
10 ity project;

11 “(iii) is an association of persons de-
12 scribed by clause (i) or (ii) and is seeking
13 programmatic approval for an activity in
14 accordance with this subsection; or

15 “(iv) is an agent of any person de-
16 scribed in clause (i), (ii), or (iii).

17 “(C) CRITICAL INFRASTRUCTURE.—The
18 term ‘critical infrastructure’ has the meaning
19 given that term in section 2339D of title 18.

20 “(4) DEADLINE.—Within 90 days from the
21 date of enactment of the FAA Reauthorization of
22 2016 the Administrator must certify to the appro-
23 priate committees of Congress that a process has
24 been established to facilitate applications for oper-
25 ations provided for under this subsection. If the Ad-

1 administrator cannot provide this certification, the Ad-
2 ministrator, within 180 days of from the due date of
3 that certification, shall update the process under (a)
4 to provide for such applications.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

10 (2) SPECIAL RULES FOR CERTAIN UNMANNED
11 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
12 ernization and Reform Act of 2012 (49 U.S.C.
13 40101 note) and the item relating to that section in
14 the table of contents under section 1(b) of that Act
15 (126 Stat. 13) are repealed.

16 **SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.**

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

19 (1) beyond visual line of sight and nighttime
20 operations of unmanned aircraft systems have tre-
21 mendous potential—

22 (A) to enhance research and development
23 both commercially and in academics;

1 (B) to spur economic growth and develop-
2 ment through innovative applications of this
3 emerging technology; and

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

9 (2) advancements in miniaturization of safety
10 technologies, including for aircraft weighing under
11 4.4 pounds, have increased economic opportunities
12 for using unmanned aircraft systems while reducing
13 kinetic energy and risk compared to unmanned air-
14 craft that may weigh as much as 55 pounds;

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

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

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

4 **“§ 44806. Additional rulemaking authority**

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

13 “(1) without an airman certificate;

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

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

18 “(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-
19 ATIONAL RULES.—

20 “(1) IN GENERAL.—Notwithstanding the rule-
21 making required by section 332 of the FAA Mod-
22 ernization and Reform Act of 2012 (49 U.S.C.
23 40101 note), the Administrator shall issue regula-
24 tions not later than 270 days after the date of en-
25 actment of the Federal Aviation Administration Re-

1 authorization Act of 2016 under which any person
2 may operate a micro unmanned aircraft system clas-
3 sification of unmanned aircraft systems, the aircraft
4 component of which weighs 4.4 pounds or less, in-
5 cluding payload, without the person operating the
6 system being required to pass any airman certifi-
7 cation requirement, including any requirements
8 under section 44703 of this title, part 61 of title 14,
9 Code of Federal Regulations, or any other rule or
10 regulation relating to airman certification.

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

18 “(A) Operation an altitude of less than
19 400 feet above ground level.

20 “(B) Operation with an airspeed of not
21 greater than 40 knots.

22 “(C) Operation within the visual line of
23 sight of the operator.

24 “(D) Operation during the hours between
25 sunrise and sunset.

1 “(E) Operation not less than 5 statute
2 miles from the geographic center of an airport
3 with an operational air traffic control tower or
4 an airport denoted on a current aeronautical
5 chart published by the Federal Aviation Admin-
6 istration, except that a micro unmanned air-
7 craft system may be operated within 5 statute
8 miles of such an airport if the operator of the
9 system—

10 “(i) provides notice to the airport op-
11 erator; and

12 “(ii) in the case of an airport with an
13 operational air traffic control tower, re-
14 ceives approval from the air traffic control
15 tower.

16 “(c) SCOPE OF REGULATIONS.—

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

1 “(2) LIMITATION.—The Administrator may
2 only issue regulations under this section for un-
3 manned aircraft systems that the Administrator de-
4 termines may be operated safely in the national air-
5 space system.

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

8 “(1) to prohibit a person from operating an un-
9 manned aircraft system under a circumstance de-
10 scribed under paragraphs (1) through (3) of sub-
11 section (a) if—

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

14 “(B) the person operates the unmanned
15 aircraft system in a manner prescribed by the
16 regulations; and

17 “(2) to limit or affect in any way the Adminis-
18 trator’s authority to conduct a rulemaking, make a
19 determination, or carry out any activity related to
20 unmanned aircraft or unmanned aircraft systems
21 under any other provision of law.”.

22 “(c) TABLE OF CONTENTS.—The table of contents for
23 chapter 448, as amended by section 2126 of this Act, is
24 further amended by inserting after the item relating to
25 section 44805 the following:

 “44806. Additional rulemaking authority.”.

1 **SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
2 **TEMS.**

3 (a) IN GENERAL.—Chapter 448, as amended by sec-
4 tion 2127 of this Act, is further amended by inserting
5 after section 44806 the following:

6 **“§ 44807. Public unmanned aircraft systems**

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

10 “(1) to streamline the process for the issuance
11 of a certificate of authorization or a certificate of
12 waiver;

13 “(2) to provide for a collaborative process with
14 public agencies to allow for an incremental expan-
15 sion of access to the national airspace system as
16 technology matures and the necessary safety anal-
17 yses and data become available, and until standards
18 are completed and technology issues are resolved;

19 “(3) to facilitate the capability of public agen-
20 cies to develop and use test ranges, subject to oper-
21 ating restrictions required by the Federal Aviation
22 Administration, to test and operate public unmanned
23 aircraft systems; and

24 “(4) to provide guidance on a public agency’s
25 responsibilities when operating an unmanned air-

1 craft without a civil airworthiness certificate issued
2 by the Administration.

3 “(b) STANDARDS FOR OPERATION AND CERTIFI-
4 CATION.—The Administrator of the Federal Aviation Ad-
5 ministration shall develop and implement operational and
6 certification requirements for the operation of a public un-
7 manned aircraft system in the national airspace system.

8 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
9 CIES.—

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

17 “(2) CONTENTS.—An agreement under para-
18 graph (1) shall—

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

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

23 “(ii) require a decision by the Admin-
24 istrator on approval or disapproval not

1 later than 60 business days after the date
2 of submission of the application;

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

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

8 “(B) allow for a one-time approval of simi-
9 lar operations carried out during a fixed period
10 of time; and

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

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

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

19 “(iii) during daylight conditions;

20 “(iv) within Class G airspace; and

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

1 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
2 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
3 180 days after the date of enactment of the Federal Avia-
4 tion Administration Reauthorization Act of 2016 each
5 Federal agency authorized by the Secretary to operate an
6 unmanned aircraft system shall develop and update a data
7 minimization policy that requires, at a minimum, that—

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

15 “(2) if the unmanned aircraft system is the
16 platform for information collection, information
17 must be collected, used, retained, and disseminated
18 consistent with the Constitution, Federal law, and
19 other applicable regulations and policies, such as the
20 Privacy Act of 1974 (5 U.S.C. 552a);

21 “(3) the Federal agency or person operating on
22 its behalf, only collect information using the un-
23 manned aircraft system, or use unmanned aircraft
24 system-collected information, to the extent that the
25 collection or use is consistent with and relevant to

1 an authorized purpose as determined by the head of
2 a Federal agency and consistent with the law;

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

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

13 “(B) that Federal agency maintains the in-
14 formation in a system of records under section
15 552a of title 5; or

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

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

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

1 “(B) dissemination satisfies an authorized
2 purpose and complies with that Federal agen-
3 cy’s disclosure requirements;

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

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

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

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

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

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

1 “(D) make available on a public and
2 searchable Internet website the data minimiza-
3 tion policy of the Federal agency;

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

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

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

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

22 “(D) ensuring that any data-sharing
23 agreements or policies, data use policies, and
24 record management policies applicable to an un-

1 manned aircraft system conform to applicable
2 laws, regulations, and policies;

3 “(E) the establishment of policies and pro-
4 cedures, or confirmation that policies and pro-
5 cedures are in place, to authorize the use of an
6 unmanned aircraft system in response to a re-
7 quest for unmanned aircraft system assistance
8 in support of Federal, State, local, tribal, or
9 territorial government operations; and

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

17 “(8) ensures the protection of civil rights and
18 civil liberties, including—

19 “(A) ensuring that policies are in place to
20 prohibit the collection, use, retention, or dis-
21 semination of data in any manner that would
22 violate the First Amendment or in any manner
23 that would discriminate against persons based
24 upon their ethnicity, race, gender, national ori-

1 gin, religion, sexual orientation, or gender iden-
2 tity, in violation of law;

3 “(B) ensuring that unmanned aircraft sys-
4 tem activities are performed in a manner con-
5 sistent with the Constitution and applicable
6 laws, Executive Orders, and other Presidential
7 directives; and

8 “(C) ensuring that adequate procedures
9 are in place to receive, investigate, and address,
10 as appropriate, privacy, civil rights, and civil
11 liberties complaints.

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

16 “(f) DEFINITION OF FEDERAL AGENCY.—In sub-
17 sections (d) and (e), the term ‘Federal agency’ has the
18 meaning given the term ‘agency’ in section 552(f) of title
19 5, United States Code.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) TABLE OF CONTENTS.—The table of con-
22 tents for chapter 448, as amended by section 2127
23 of this Act, is further amended by inserting after the
24 item relating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

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

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

8 (a) IN GENERAL.—Chapter 448, as amended by sec-
9 tion 2128 of this Act, is further amended by inserting
10 after section 44807 the following:

11 **“§ 44808. Special rules for model aircraft**

12 “(a) IN GENERAL.—Notwithstanding any other pro-
13 vision of law relating to the incorporation of unmanned
14 aircraft systems into Federal Aviation Administration
15 plans and policies, including this chapter, the Adminis-
16 trator of the Federal Aviation Administration may not
17 promulgate any new rule or regulation specific only to an
18 unmanned aircraft operating as a model aircraft if—

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

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

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

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

7 “(5) when flown within 5 miles of an airport,
8 the operator of the aircraft provides the airport op-
9 erator, where applicable, and the airport air traffic
10 control tower (when an air traffic facility is located
11 at the airport) with prior notice and receives ap-
12 proval from the tower, to the extent practicable, for
13 the operation from each (model aircraft operators
14 flying from a permanent location within 5 miles of
15 an airport should establish a mutually agreed upon
16 operating procedure with the airport operator and
17 the airport air traffic control tower (when an air
18 traffic facility is located at the airport));

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

23 “(7) the operator has passed an aeronautical
24 knowledge and safety test administered by the Fed-
25 eral Aviation Administration online for the operation

1 of unmanned aircraft systems subject to the require-
2 ments of section 44809 and maintains proof of test
3 passage to be made available to the Administrator or
4 law enforcement upon request.

5 “(b) UPDATES.—

6 “(1) IN GENERAL.—The Administrator, in col-
7 laboration with government and industry stake-
8 holders, including nationwide community-based orga-
9 nizations, shall initiate a process to update the oper-
10 ational parameters under subsection (a), as appro-
11 priate.

12 “(2) CONSIDERATIONS.—In updating an oper-
13 ational parameter under paragraph (1), the Admin-
14 istrator shall consider—

15 “(A) appropriate operational limitations to
16 mitigate aviation safety risk and risk to the un-
17 involved public;

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

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

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

1 “(E) ensuring, to the greatest extent prac-
2 ticable, that updates to the operational param-
3 eters correspond to, and leverage, advances in
4 technology.

5 “(3) SAVINGS CLAUSE.—Nothing in this sub-
6 section shall be construed as expanding the author-
7 ity of the Administrator to require operators of
8 model aircraft under the exemption of this sub-
9 section to be required to seek permissive authority of
10 the Administrator prior to operation in the national
11 airspace system.

12 “(c) STATUTORY CONSTRUCTION.—Nothing in this
13 section shall be construed to limit the authority of the Ad-
14 ministrator to pursue enforcement action against persons
15 operating model aircraft.

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

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

21 “(2) is limited to weighing not more than 55
22 pounds, including the weight of anything attached to
23 or carried by the aircraft, unless otherwise approved
24 through a design, construction, inspection, flight

1 test, and operational safety program administered by
2 a community-based organization.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“44808. Special rules for model aircraft.”.

8 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—

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

14 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
15 **KNOWLEDGE AND SAFETY.**

16 (a) IN GENERAL.—Chapter 448, as amended by sec-
17 tion 2129 of this Act, is further amended by inserting
18 after section 44808 the following:

19 **“§ 44809. Aeronautical knowledge and safety test**

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

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

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

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

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

14 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
15 TEST.—Not later than 180 days after the date of enact-
16 ment of the Federal Aviation Administration Reauthoriza-
17 tion Act of 2016, the Administrator of the Federal Avia-
18 tion Administration, in consultation with manufacturers
19 of unmanned aircraft systems, other industry stake-
20 holders, and community-based aviation organizations,
21 shall develop an aeronautical knowledge and safety test
22 that can be administered electronically.

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

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

3 “(2) knowledge of Federal Aviation Administra-
4 tion regulations and requirements pertaining to the
5 operation of an unmanned aircraft system in the na-
6 tional airspace system.

7 “(e) RECORD OF COMPLIANCE.—

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

14 “(A) an identification number, issued by
15 the Federal Aviation Administration certifying
16 passage of the aeronautical knowledge and safe-
17 ty test;

18 “(B) if the individual has authority to op-
19 erate an unmanned aircraft system under other
20 Federal law, the requisite proof of authority
21 under that law; or

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

24 “(2) COORDINATION.—The Administrator may
25 coordinate the identification number under para-

1 graph (1)(A) with an operator’s registration number
2 to the extent practicable.

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

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

“44809. Aeronautical knowledge and safety test.”.

13 **SEC. 2131. SAFETY STATEMENTS.**

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

17 **“§ 44810. Safety statements**

18 “(a) PROHIBITION.—Beginning on the date that is
19 1 year after the date of publication of the guidance under
20 subsection (b)(1), it shall be unlawful for any person to
21 introduce or deliver for introduction into interstate com-
22 merce any unmanned aircraft manufactured unless a safe-
23 ty statement is attached to the unmanned aircraft or ac-
24 companying the unmanned aircraft in its packaging.

25 “(b) SAFETY STATEMENT.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of the Federal Aviation Ad-
3 ministration Reauthorization Act of 2016, the Ad-
4 ministrator of the Federal Aviation Administration
5 shall issue guidance for implementing this section.

6 “(2) REQUIREMENTS.—A safety statement de-
7 scribed in subsection (a) shall include—

8 “(A) information about laws and regula-
9 tions applicable to unmanned aircraft systems;

10 “(B) recommendations for using un-
11 manned aircraft in a manner that promotes the
12 safety of persons and property;

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

15 “(D) language approved by the Adminis-
16 trator regarding the following:

17 “(i) A person may operate the un-
18 manned aircraft as a model aircraft (as de-
19 fined in section 44808) or otherwise in ac-
20 cordance with Federal Aviation Adminis-
21 tration authorization or regulation, includ-
22 ing requirements for the completion of the
23 aeronautical knowledge and safety test
24 under section 44809.

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

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

6 “(iv) The Administrator of the Fed-
7 eral Aviation Administration may pursue
8 enforcement action against a person oper-
9 ating model aircraft who endangers the
10 safety of the national airspace system.

11 “(c) CIVIL PENALTY.—A person who violates sub-
12 section (a) shall be liable for each violation to the United
13 States Government for a civil penalty described in section
14 46301(a).”.

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

 “44810. Safety statements.”.

19 **SEC. 2132. 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. 2133. 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 2016 through
12 2017.

13 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
14 **ICES DISRUPTION.**

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

16 (1) in section 46301(d)(2), by inserting “sec-
17 tion 46320,” after “section 46319,”; and

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

19 **“§ 46320. Interference with firefighting, law enforce-**
20 **ment, or emergency response activities**

21 “(a) PROHIBITION.—No person may operate an air-
22 craft so as to interfere with firefighting, law enforcement,
23 or emergency response activities.

24 “(b) DEFINITION.—For purposes of this section, an
25 aircraft interferes with the activities specified in sub-

1 section (a) when its operation prevents the initiation of,
2 interrupts, or endangers a person or property engaged in
3 those activities.

4 “(c) CIVIL PENALTY.—A person violating subsection
5 (a) shall be liable for a civil penalty of not more than
6 \$20,000.

7 “(d) COMPROMISE AND SETOFF.—The United States
8 Government may deduct the amount of a civil penalty im-
9 posed or compromised under this section from the
10 amounts the Government owes the person liable for the
11 penalty.”.

12 (b) TABLE OF CONTENTS.—The table of contents for
13 chapter 463 is amended by inserting after the item relat-
14 ing to section 46319 the following:

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

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

17 (a) IN GENERAL.—The Administrator of the Federal
18 Aviation Administration shall carry out a pilot program
19 for airspace hazard mitigation at airports and other crit-
20 ical infrastructure.

21 (b) CONSULTATION.—In carrying out the pilot pro-
22 gram under subsection (a), the Administrator shall work
23 with the Secretary of Defense, Secretary of Homeland Se-
24 curity, and the heads of relevant Federal agencies for the

1 purpose of ensuring technologies that are developed, test-
2 ed, or deployed by those departments and agencies to miti-
3 gate threats posed by errant or hostile unmanned aircraft
4 system operations do not adversely impact or interfere
5 with safe airport operations, navigation, and air traffic
6 services.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated from the Airport and Air-
9 way Trust Fund to carry out this section \$6,000,000, to
10 remain available until expended.

11 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**
12 **FUNCTIONS.**

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

16 **“§ 44811. Regulatory and administrative fees**

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

24 “(b) LIMITATIONS.—Fees authorized under sub-
25 section (a) shall be reasonable, cost-based relative to the

1 regulatory or administrative activity, and may not be dis-
2 criminatory or a deterrent to compliance.

3 “(c) RECEIPTS CREDITED TO ACCOUNT.—Notwith-
4 standing section 3302 of title 31, all fees and amounts
5 collected under this section shall be credited to the sepa-
6 rate account established under section 45303(e). Section
7 41742 shall not apply to fees and amounts collected under
8 this section.

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

13 (b) TABLE OF CONTENTS.—The table of contents for
14 chapter 448, as amended by section 2131 of this Act, is
15 further amended by inserting after the item relating to
16 section 44810 the following:

“44811. Regulatory and administrative fees.”

17 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**
18 **RULEMAKING.**

19 It is the sense of the Congress that the Administrator
20 of the Federal Aviation Administration and Secretary of
21 Transportation should take every necessary action to expe-
22 dite final action on the notice of proposed rulemaking
23 dated February 23, 2015 (80 Fed. Reg. 9544), entitled
24 “Operation and Certification of Small Unmanned Aircraft
25 Systems”.

1 **SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**
2 **AGEMENT.**

3 (a) RESEARCH PLAN FOR UTM DEVELOPMENT.—

4 (1) IN GENERAL.—The Administrator of the
5 Federal Aviation Administration, in coordination
6 with the Administrator of the National Aeronautics
7 and Space Administration, shall develop a research
8 plan for unmanned aircraft systems traffic manage-
9 ment (referred to in this section as “UTM”) devel-
10 opment.

11 (2) REQUIREMENTS.—In developing the re-
12 search plan under paragraph (1), the Administrator
13 shall—

14 (A) identify research goals related to:

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

18 (ii) avionics capability requirements or
19 standards;

20 (iii) operator identification and au-
21 thentication requirements and capabilities;

22 (iv) communication protocols with air
23 traffic control facilities that will not inter-
24 fere with existing responsibility to
25 deconflict manned aircraft in the national
26 airspace system;

- 1 (v) collision avoidance requirements;
- 2 (vi) separation standards for manned
- 3 and unmanned aircraft; and
- 4 (vii) spectrum needs;
- 5 (B) evaluate options for the administration
- 6 and management structure for the traffic man-
- 7 agement of low altitude operations of small un-
- 8 manned aircraft systems; and
- 9 (C) ensure the plan is consistent with the
- 10 broader Federal Aviation Administration regu-
- 11 latory and operational framework encompassing
- 12 all unmanned aircraft systems operations ex-
- 13 pected to be authorized in the national airspace
- 14 system.

15 (3) ASSESSMENT.—The research plan under

16 paragraph (1) shall include an assessment of—

- 17 (A) the ability to allow near-term small un-
- 18 manned aircraft system operations without need
- 19 of an automated UTM system;
- 20 (B) the full range of operational capability
- 21 any automated UTM system should possess;
- 22 (C) the operational characteristics and
- 23 metrics that would drive incremental adoption
- 24 of automated capability and procedures con-
- 25 sistent with a rising aggregate community de-

1 mand for service for low altitude operations of
2 small unmanned aircraft systems; and

3 (D) the integration points for small un-
4 manned aircraft system traffic management
5 with the existing national airspace system plan-
6 ning and traffic management systems.

7 (4) DEADLINES.—The Administrator shall—

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

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

13 (i) complete the research plan;

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

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

19 (b) PILOT PROGRAM.—

20 (1) IN GENERAL.—Not later than 120 days
21 after the date the research plan under subsection (a)
22 is submitted under paragraph (4)(B) of that sub-
23 section, the Administrator of the Federal Aviation
24 Administration shall coordinate with the Adminis-
25 trator of the National Aeronautics and Space Ad-

1 ministration and the small unmanned aircraft sys-
2 tems industry to develop operational concepts and
3 top-level system requirements for a UTM system
4 pilot program, consistent with subsection (a).

5 (2) SOLICITATION.—The Administrator shall
6 issue a solicitation for operational prototype systems
7 that meet the necessary objectives for use in a pilot
8 program to demonstrate, validate, or modify, as ap-
9 propriate, the requirements developed under para-
10 graph (1).

11 (c) COMPREHENSIVE PLAN.—

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

21 (2) SYSTEM REQUIREMENTS.—The comprehen-
22 sive plan under paragraph (1) shall include require-
23 ments or standards consistent with established or
24 planned rulemaking for, at a minimum—

1 (A) the flight of small unmanned aircraft
2 systems in controlled and uncontrolled airspace;

3 (B) communications, as applicable—

4 (i) among small unmanned aircraft
5 systems;

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

9 (iii) between small unmanned aircraft
10 systems and air traffic control as consid-
11 ered necessary; and

12 (C) air traffic management for small un-
13 manned aircraft systems operations.

14 (d) SYSTEM IMPLEMENTATION.—Based on the com-
15 prehensive plan under subsection (c), including the re-
16 quirements under paragraph (2) of that subsection, and
17 the pilot program under subsection (b), the Administrator
18 shall determine the operational need and implementation
19 schedule for evolutionary use of automation support sys-
20 tems to separate and deconflict manned and unmanned
21 aircraft systems.

22 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Administrator of the
25 Federal Aviation Administration shall publish guidance

1 for applications for, and procedures for the processing of,
2 on an emergency basis, exemptions or certificates of au-
3 thorization or waiver for the use of unmanned aircraft sys-
4 tems by civil or public operators in response to a catas-
5 trophe, disaster, or other emergency to facilitate emer-
6 gency response operations, such as firefighting, search and
7 rescue, and utility and infrastructure restoration efforts.
8 This guidance shall outline procedures for operations
9 under both sections 44805 and 44807, of title 49, United
10 States Code, with priority given to applications for public
11 unmanned aircraft systems engaged in emergency re-
12 sponse activities.

13 (b) REQUIREMENTS.—In providing guidance under
14 subsection (a), the Administrator shall—

15 (1) make explicit any safety requirements that
16 must be met for the consideration of applications
17 that include requests for beyond visual line of sight,
18 nighttime operations, or the suspension of otherwise
19 applicable operating restrictions, consistent with
20 public interest and safety; and

21 (2) explicitly state the procedures for coordi-
22 nating with an incident commander, if any, to en-
23 sure operations granted under procedures developed
24 under subsection (a) do not interfere with manned

1 catastrophe, disaster, or other emergency response
2 operations or otherwise impact response efforts.

3 (c) REVIEW.—In processing applications on an emer-
4 gency basis for exemptions or certificates of authorization
5 or waiver for unmanned aircraft systems operations in re-
6 sponse to a catastrophe, disaster, or other emergency, the
7 Administrator of the Federal Aviation Administration
8 shall act on such applications as expeditiously as prac-
9 ticable and without requiring public notice and comment.

10 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
11 **MENTS.**

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

15 “(F) An unmanned aircraft that is owned
16 and operated by or exclusively leased for at
17 least 90 consecutive days by an Indian tribal
18 government (as defined in section 102 of the
19 Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5122)), except
21 as provided in section 40125(b).”.

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

1 **SEC. 2141. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
2 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
3 **HIRE.**

4 (a) IN GENERAL.—Chapter 448, as amended by sec-
5 tion 2136 of this Act, is further amended by adding after
6 section 44811 the following:

7 **“§ 44812. Carriage of property by small unmanned**
8 **aircraft systems for compensation or hire**

9 “(a) IN GENERAL.—Not later than 2 years after the
10 date of enactment of this section, the Secretary of Trans-
11 portation shall issue a final rule authorizing the carriage
12 of property by operators of small unmanned aircraft sys-
13 tems for compensation or hire within the United States.

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

16 “(1) SMALL UAS AIR CARRIER CERTIFICATE.—
17 The Administrator of the Federal Aviation Adminis-
18 tration, at the direction of the Secretary, shall estab-
19 lish a certificate (to be known as a ‘small UAS air
20 carrier certificate’) for persons that undertake di-
21 rectly, by lease, or other arrangement the operation
22 of small unmanned aircraft systems to carry prop-
23 erty in air transportation, including commercial fleet
24 operations with highly automated unmanned aircraft
25 systems. The requirements to operate under a small
26 UAS air carrier certificate shall—

1 “(A) consider the unique characteristics of
2 highly automated, small unmanned aircraft sys-
3 tems; and

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

7 “(i) airworthiness of small unmanned
8 aircraft systems;

9 “(ii) qualifications for operators and
10 the type and nature of the operations; and

11 “(iii) operating specifications gov-
12 erning the type and nature of the un-
13 manned aircraft system air carrier oper-
14 ations.

15 “(2) SMALL UAS AIR CARRIER CERTIFICATION
16 PROCESS.—The Administrator, at the direction of
17 the Secretary, shall establish a process for the
18 issuance of small UAS air carrier certificates estab-
19 lished pursuant to paragraph (1) that is perform-
20 ance-based and ensures required safety levels are
21 met. Such certification process shall consider—

22 “(A) safety risks and the mitigation of
23 those risks associated with the operation of
24 highly automated, small unmanned aircraft

1 around other manned and unmanned aircraft,
2 and over persons and property on the ground;

3 “(B) the competencies and compliance pro-
4 grams of manufacturers, operators, and compa-
5 nies that manufacture, operate, or both small
6 unmanned aircraft systems and components;
7 and

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

10 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
11 TION.—The Secretary shall develop a classification
12 system for persons issued small UAS air carrier cer-
13 tificates pursuant to this subsection to establish eco-
14 nomic authority for the carriage of property by small
15 unmanned aircraft systems for compensation or hire.
16 Such classification shall only require—

17 “(A) registration with the Department of
18 Transportation; and

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

21 (b) TABLE OF CONTENTS.—The table of contents for
22 chapter 448, as amended by section 2136 of this Act, is
23 further amended by adding after the item relating to sec-
24 tion 44811 the following:

 “44812. Carriage of property by small unmanned aircraft systems for compensa-
 tion or hire.”.

1 **SEC. 2142. COLLEGIATE TRAINING INITIATIVE PROGRAM**
2 **FOR UNMANNED AIRCRAFT SYSTEMS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall establish a Colle-
6 giate Training Initiative program relating to unmanned
7 aircraft systems by making new agreements or continuing
8 existing agreements with institutions of higher education
9 (as defined by the Administrator) under which the institu-
10 tions prepare students for careers involving unmanned air-
11 craft systems. The Administrator may establish standards
12 for the entry of such institutions into the program and
13 for their continued participation in the program.

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

18 **SEC. 2143. INCORPORATION OF FEDERAL AVIATION ADMIN-**
19 **ISTRATION OCCUPATIONS RELATING TO UN-**
20 **MANNED AIRCRAFT INTO VETERANS EM-**
21 **PLOYMENT PROGRAMS OF THE ADMINISTRA-**
22 **TION.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Administrator of the Federal Avia-
25 tion Administration, in consultation with the Secretary of
26 Veterans Affairs, the Secretary of Defense, and the Sec-

1 reary of Labor, shall determine whether occupations of
2 the Administration relating to unmanned aircraft systems
3 technology and regulations can be incorporated into the
4 Veterans Employment Program of the Administration,
5 particularly in the interaction between such program and
6 the New Sights Work Experience Program and the Vet-
7 Link Cooperative Education Program.

8 **PART III—TRANSITION AND SAVINGS**

9 **PROVISIONS**

10 **SEC. 2151. SENIOR ADVISOR FOR UNMANNED AIRCRAFT**
11 **SYSTEMS INTEGRATION.**

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

15 (b) QUALIFICATIONS.—The Senior Advisor for Un-
16 manned Aircraft Systems Integration shall have a dem-
17 onstrated ability in management and knowledge of or ex-
18 perience in aviation.

19 (c) RESPONSIBILITIES.—Unless otherwise deter-
20 mined by the Administrator of the Federal Aviation Ad-
21 ministration—

22 (1) the Senior Advisor shall report directly to
23 the Deputy Administrator of the Federal Aviation
24 Administration; and

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

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

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

11 (C) Facilitating coordination and collabo-
12 ration among components of the Federal Avia-
13 tion Administration with respect to activities re-
14 lated to unmanned aircraft systems integration.

15 (D) Interacting with Congress, and Fed-
16 eral, State, or local agencies, and stakeholder
17 organizations whose operations and interests
18 are affected by the activities of the Federal
19 Aviation Administration on matters related to
20 unmanned aircraft systems integration.

21 **SEC. 2152. EFFECT ON OTHER LAWS.**

22 (a) FEDERAL PREEMPTION.—No State or political
23 subdivision of a State may enact or enforce any law, regu-
24 lation, or other provision having the force and effect of
25 law relating to the design, manufacture, testing, licensing,

1 registration, certification, operation, or maintenance of an
2 unmanned aircraft system, including airspace, altitude,
3 flight paths, equipment or technology requirements, pur-
4 pose of operations, and pilot, operator, and observer quali-
5 fications, training, and certification.

6 (b) PRESERVATION OF STATE AND LOCAL AUTHOR-
7 ITY.—Nothing in this subtitle shall be construed to limit
8 a State or local government’s authority to enforce Federal,
9 State, or local laws relating to nuisance, voyeurism, pri-
10 vacy, data security, harassment, reckless endangerment,
11 wrongful death, personal injury, property damage, or
12 other illegal acts arising from the use of unmanned air-
13 craft systems if such laws are not specifically related to
14 the use of an unmanned aircraft system.

15 (c) NO PREEMPTION OF COMMON LAW OR STATU-
16 TORY CAUSES OF ACTION.—Nothing in this subtitle, nor
17 any standard, rule, requirement, standard of performance,
18 safety determination, or certification implemented pursu-
19 ant to this subtitle, shall be construed to preempt, dis-
20 place, or supplant any State or Federal common law rights
21 or any State or Federal statute creating a remedy for civil
22 relief, including those for civil damage, or a penalty for
23 a criminal conduct. Notwithstanding any other provision
24 of this subtitle, nothing in this subtitle, nor any amend-
25 ments made by this subtitle, shall preempt or preclude any

1 cause of action for personal injury, wrongful death, prop-
2 erty damage, or other injury based on negligence, strict
3 liability, products liability, failure to warn, or any other
4 legal theory of liability under any State law, maritime law,
5 or Federal common law or statutory theory.

6 **SEC. 2153. SPECTRUM.**

7 (a) IN GENERAL.—Small unmanned aircraft systems
8 may operate wireless control link, tracking, diagnostics,
9 payload communication, and collaborative-collision avoid-
10 ance, such as vehicle-to-vehicle communication, and other
11 uses, if permitted by and consistent with the Communica-
12 tions Act of 1934 (47 U.S.C. 151 et seq.), Federal Com-
13 munications Commission rules, and the safety-of-life de-
14 termination made by the Federal Aviation Administration,
15 and with carrier consent, whether they are operating with-
16 in the UTM system under section 2138 of this Act or out-
17 side such a system.

18 (b) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, the Administrator of the Federal
20 Aviation Administration, the National Telecommuni-
21 cations and Information Administration, and the Federal
22 Communications Commission, shall submit to the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate, the Committee on Transportation and Infrastruc-
25 ture of the House of Representatives, and the Committee

1 on Energy and Commerce of the House of Representatives
2 a report—

3 (1) on whether small unmanned aircraft sys-
4 tems operations should be permitted to operate on
5 spectrum designated for aviation use, on an unli-
6 censed, shared, or exclusive basis, for operations
7 within the UTM system or outside of such a system;

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

11 (3) that, if it is determined that spectrum des-
12 ignated for aviation use is not suitable for operations
13 by small unmanned aircraft systems, includes rec-
14 ommendations of other spectrum frequencies that
15 may be appropriate for such operations.

16 **SEC. 2154. APPLICATIONS FOR DESIGNATION.**

17 (a) APPLICATIONS FOR DESIGNATION.—Not later
18 than 180 days after the date of enactment of this Act,
19 the Secretary of Transportation shall establish a process
20 to allow applicants to petition the Administrator of the
21 Federal Aviation Administration to prohibit or otherwise
22 limit the operation of an aircraft, including an unmanned
23 aircraft, over, under, or within a specified distance from
24 a fixed site facility.

25 (b) REVIEW PROCESS.—

1 (1) APPLICATION PROCEDURES.—

2 (A) IN GENERAL.—The Administrator
3 shall establish the procedures for the applica-
4 tion for designation under subsection (a).

5 (B) REQUIREMENTS.—The procedures
6 shall—

7 (i) allow individual fixed site facility
8 applications; and

9 (ii) allow for a group of similar facili-
10 ties to apply for a collective designation.

11 (C) CONSIDERATIONS.—In establishing the
12 procedures, the Administrator shall consider
13 how the process will apply to—

14 (i) critical infrastructure, such as en-
15 ergy production, transmission, and dis-
16 tribution facilities and equipment;

17 (ii) oil refineries and chemical facili-
18 ties;

19 (iii) amusement parks; and

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

22 (2) DETERMINATION.—

23 (A) IN GENERAL.—The Secretary shall
24 provide for a determination under the review
25 process established under subsection (a) not

1 later than 90 days from the date of application,
2 unless the applicant is provided with written no-
3 tice describing the reason for the delay.

4 (B) AFFIRMATIVE DESIGNATIONS.—An af-
5 firmative designation shall outline—

6 (i) the boundaries for unmanned air-
7 craft operation near the fixed site facility;
8 and

9 (ii) such other limitations that the Ad-
10 ministrator determines may be appro-
11 priate.

12 (C) CONSIDERATIONS.—In making a de-
13 termination whether to grant or deny an appli-
14 cation for a designation, the Administrator may
15 consider—

16 (i) aviation safety;

17 (ii) personal safety of the uninvolved
18 public;

19 (iii) national security; or

20 (iv) homeland security.

21 (D) OPPORTUNITY FOR RESUBMISSION.—

22 If an application is denied and the applicant
23 can reasonably address the reason for the de-
24 nial, the Administrator may allow the applicant
25 to reapply for designation.

1 (c) PUBLIC INFORMATION.—Designations under sub-
2 section (a) shall be published by the Federal Aviation Ad-
3 ministration on a publicly accessible website.

4 **SEC. 2155. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
5 **STITUTIONS OF HIGHER EDUCATION.**

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

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

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

23 (d) ADDITIONAL PROCEDURES.—The Administrator
24 shall establish a procedure to provide for streamlined, risk-
25 based operational approval for unmanned aircraft systems

1 operated by institutions of higher education, including fac-
2 ulty, students, and staff, outside of the parameters or pur-
3 poses set forth in subsection (b).

4 (e) DEADLINES.—

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

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

16 (B) submit to the Federal Aviation Admin-
17 istration applications for approval of the insti-
18 tution's designation of 1 or more outdoor flight
19 fields.

20 (2) CONSEQUENCE OF FAILURE TO APPROVE.—

21 If the Administrator does not take action with re-
22 spect to an application submitted under paragraph
23 (1)(B) within 30 days of the submission of the appli-
24 cation, the failure to do so shall be treated as ap-
25 proval of the application.

1 (f) DEFINITIONS.—In this section:

2 (1) INSTITUTION OF HIGHER EDUCATION.—The
3 term “institution of higher education” has the
4 meaning given that term by section 101(a) of the
5 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

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

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

15 (A) instruction of students at the institu-
16 tion;

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

21 (C) activities undertaken by the institution
22 as part of research projects, including research
23 projects sponsored by the Federal Government;
24 and

1 (D) other academic activities at the insti-
2 tution, including general research, engineering,
3 and robotics.

4 **SEC. 2156. TRANSITION LANGUAGE.**

5 (a) REGULATIONS.—Notwithstanding the repeals
6 under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),
7 2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-
8 minations, rules, regulations, permits, grants, and con-
9 tracts, which have been issued under any law described
10 under subsection (b) of this section on or before the effec-
11 tive date of this Act shall continue in effect until modified
12 or revoked by the Secretary of Transportation, acting
13 through the Administrator of the Federal Aviation Admin-
14 istration, as applicable, by a court of competent jurisdic-
15 tion, or by operation of law other than this Act.

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

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

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

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

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

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

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

6 **PART IV—OPERATOR SAFETY**

7 **SEC. 2161. SHORT TITLE.**

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

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

11 (a) FINDING.—Congress finds that educating opera-
12 tors of unmanned aircraft about the laws and regulations
13 that govern such aircraft helps to ensure their safe oper-
14 ation.

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

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

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

23 (1) in section 31—

24 (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) CLERICAL AMENDMENT.—The table of sections
4 for chapter 2 of title 18, United States Code, is amended
5 by 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 standardization ef-
24 forts 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) encourage the validation of U.S. manufac-
14 tured and FAA type-certificate aircraft products and
15 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) Aircraft and engine manufacturers.

4 (ii) Avionics and equipment manufac-
5 turers.

6 (iii) Aviation labor organizations, in-
7 cluding collective bargaining representa-
8 tives of FAA aviation safety inspectors and
9 aviation safety engineers.

10 (iv) General aviation operators.

11 (v) Air carriers.

12 (vi) Business aviation operators.

13 (vii) Unmanned aircraft systems man-
14 ufacturers and operators.

15 (viii) Aviation safety management ex-
16 perts.

17 (2) NONVOTING MEMBERS.—

18 (A) IN GENERAL.—In addition to the
19 members appointed under paragraph (1), the
20 Advisory Committee shall be composed of non-
21 voting members appointed by the Secretary
22 from among individuals representing FAA safe-
23 ty oversight program offices.

24 (B) DUTIES.—A nonvoting member may—

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

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

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

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

13 (4) RULE OF CONSTRUCTION.—Public Law
14 104–65 (2 U.S.C. 1601 et seq.) may not be con-
15 strued to prohibit or otherwise limit the appointment
16 of any individual as a member of the Advisory Com-
17 mittee.

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

20 (1) Each voting member under subsection
21 (d)(1)(B) shall be an executive that has decision au-
22 thority within the member’s organization and can
23 represent and enter into commitments on behalf of
24 that organization in a way that serves the entire

1 group of organizations that member represents
2 under that subsection.

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

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

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

13 (f) CHAIRPERSON.—

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

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

21 (g) MEETINGS.—

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

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

4 (h) SPECIAL COMMITTEES.—

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

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

13 (A) provide rulemaking advice and rec-
14 ommendations to the Advisory Committee;

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

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

23 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
24 Federal Advisory Committee Act (5 U.S.C. App.)

1 shall not apply to a special committee under this
2 subsection.

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

5 **PART II—AIRCRAFT CERTIFICATION REFORM**

6 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
7 **JECTIVES AND METRICS.**

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

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

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

24 (1) eliminating certification delays and improv-
25 ing cycle times;

- 1 (2) increasing accountability for both FAA and
- 2 the aviation industry;
- 3 (3) achieving full utilization of FAA delegation
- 4 and designation authorities, including organizational
- 5 designation authorization;
- 6 (4) fully implementing risk management prin-
- 7 ciples and a systems safety approach;
- 8 (5) reducing duplication of effort;
- 9 (6) increasing transparency;
- 10 (7) developing and providing training, including
- 11 recurrent training, in auditing and a systems safety
- 12 approach to certification oversight;
- 13 (8) improving the process for approving or ac-
- 14 cepting the certification actions between the FAA
- 15 and bilateral partners;
- 16 (9) maintaining and improving safety;
- 17 (10) streamlining the hiring process for—
- 18 (A) qualified systems safety engineers at
- 19 staffing levels to support the FAA’s efforts to
- 20 implement a systems safety approach; and
- 21 (B) qualified systems safety engineers to
- 22 guide the engineering of complex systems within
- 23 the FAA; and
- 24 (11) maintaining the leadership of the United
- 25 States in international aviation and aerospace.

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

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

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

9 (e) DATA.—

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

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

22 (f) PUBLICATION.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 the Administrator shall make data generated using
25 the performance metrics applied and tracked under

1 this section available in a searchable, sortable, and
2 downloadable format through the Internet Web site
3 of the FAA or other appropriate methods.

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

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

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

11 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

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

14 **“§ 44736. Organization designation authorizations**

15 “(a) DELEGATIONS OF FUNCTIONS.—

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

21 “(A) require, based on an application sub-
22 mitted by the ODA holder and approved by the
23 Administrator (or the Administrator’s des-
24 ignee), a procedures manual that addresses all
25 procedures and limitations regarding the speci-

1 fied functions to be performed by the ODA
2 holder subject to regulations prescribed by the
3 Administrator;

4 “(B) delegate fully to the ODA holder each
5 of the functions specified in the procedures
6 manual, unless the Administrator determines,
7 after the date of the delegation and as a result
8 of an inspection or other investigation, that the
9 public interest and safety of air commerce re-
10 quires a limitation with respect to 1 or more of
11 the functions; and

12 “(C) conduct oversight activities, including
13 by inspecting the ODA holder’s delegated func-
14 tions and taking action based on validated in-
15 spection findings.

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

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

21 “(B) make the procedures manual avail-
22 able to each member of the appropriate ODA
23 unit; and

1 “(C) cooperate fully with oversight activi-
2 ties conducted by the Administrator in connec-
3 tion with the delegation.

4 “(3) EXISTING ODA HOLDERS.—With regard to
5 an ODA holder operating under a procedures man-
6 ual approved by the Administrator before the date of
7 enactment of the Federal Aviation Administration
8 Reauthorization Act of 2016, the Administrator
9 shall—

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

13 “(B) delegate fully to the ODA holder each
14 of the functions specified in the procedures
15 manual, unless the Administrator determines,
16 after the date of the delegation and as a result
17 of an inspection or other investigation, that the
18 public interest and safety of air commerce re-
19 quires a limitation with respect to 1 or more of
20 the functions; and

21 “(C) conduct oversight activities, including
22 by inspecting the ODA holder’s delegated func-
23 tions and taking action based on validated in-
24 spection findings.

25 “(b) ODA OFFICE.—

1 “(1) ESTABLISHMENT.—Not later than 120
2 days after the date of enactment of Federal Aviation
3 Administration Reauthorization Act of 2016, the
4 Administrator shall identify, within the Office of
5 Aviation Safety, a centralized policy office to be re-
6 sponsible for the organization designation authoriza-
7 tion (referred to in this subsection as the ODA Of-
8 fice). The Director of the ODA Office shall report
9 to the Director of the Aircraft Certification Service.

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

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

16 “(A)(i) at the request of an ODA holder,
17 eliminate all limitations specified in a proce-
18 dures manual in place on the date of enactment
19 of the Federal Aviation Administration Reau-
20 thorization Act of 2016 that are low and me-
21 dium risk as determined by a risk analysis
22 using criteria established by the ODA Office
23 and disclosed to the ODA holder, except where
24 an ODA holder’s performance warrants the re-
25 tention of a specific limitation due to docu-

1 mented concerns about inadequate current per-
2 formance in carrying out that authorized func-
3 tion;

4 “(ii) require an ODA holder to establish a
5 corrective action plan to regain authority for
6 any retained limitations;

7 “(iii) require an ODA holder to notify the
8 ODA Office when all corrective actions have
9 been accomplished;

10 “(iv) make a reassessment to determine if
11 subsequent performance in carrying out any re-
12 tained limitation warrants continued retention
13 and, if such reassessment determines perform-
14 ance meets objectives, lift such limitation imme-
15 diately;

16 “(B) improve the Administration and the
17 ODA holder performance and ensure full use of
18 the authorities delegated under the ODA pro-
19 gram;

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

23 “(D) expeditiously review a random sample
24 of limitations on delegated authorities under the

1 ODA program to determine if the limitations
2 are appropriate;

3 “(E) review and approve new limitations to
4 ODA functions; and

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

9 “(c) DEFINITIONS.—In this section:

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

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

20 “(A) to which the Administrator of the
21 Federal Aviation Administration issues an ODA
22 letter of designation under subpart D of part
23 183 of title 14, Code of Federal Regulations (or
24 any corresponding similar regulation or ruling);
25 and

1 “(B) that is responsible for administering
2 1 or more ODA units.

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

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

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

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

 “44736. Organization designation authorizations.”.

20 **SEC. 2223. ODA REVIEW.**

21 (a) EXPERT REVIEW PANEL.—

22 (1) ESTABLISHMENT.—Not later than 60 days
23 after the date of enactment of this Act, the Adminis-
24 trator of the FAA shall convene a multidisciplinary

1 expert review panel (referred to in this section as the
2 “Panel”).

3 (2) COMPOSITION.—

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

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

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

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

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

1 (c) ASSESSMENT.—The Panel shall—

2 (1) conduct an assessment of—

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

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

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

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

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

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

24 (d) REPORT.—Not later than 180 days after the date
25 the Panel is convened under subsection (a), the Panel shall

1 submit to the Administrator, the Advisory Committee es-
2 tablished under section 2212, and the appropriate commit-
3 tees of Congress a report on results of the survey under
4 subsection (b) and the assessment and recommendations
5 under subsection (c).

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

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

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

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

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

17 “(6) TYPE CERTIFICATION RESOLUTION PROC-
18 ESS.—

19 “(A) IN GENERAL.—Not later than 15
20 months after the date of enactment of Federal
21 Aviation Administration Reauthorization Act of
22 2016, the Administrator shall establish an ef-
23 fective, expeditious, and milestone-based issue
24 resolution process for type certification activi-
25 ties under this subsection.

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

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

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

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

21 “(C) DEFINITION OF MAJOR CERTIFI-
22 CATION PROCESS MILESTONE.—In this para-
23 graph, the term ‘major certification process
24 milestone’ means a milestone related to a type
25 certification basis, type certification plan, type

1 inspection authorization, issue paper, or other
2 major type certification activity agreed to by
3 the Administrator and the type certificate appli-
4 cant.”.

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

9 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
10 **GENERAL AVIATION AIRPLANES.**

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

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

24 (c) COLLABORATION.—In carrying out this section,
25 the Administrator shall collaborate with general aviation

1 operators, general aviation manufacturers, and appro-
2 priate FAA labor organizations, including representatives
3 of FAA aviation safety inspectors and aviation safety engi-
4 neers, certified under section 7111 of title 5, United
5 States Code.

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

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

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

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

16 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-**
17 **ERAL AVIATION AIRPLANES.**

18 (a) FINAL RULEMAKING.—Not later than December
19 31, 2016, the Administrator shall issue a final rulemaking
20 to comply with section 3 of the Small Airplane Revitaliza-
21 tion Act of 2013 (49 U.S.C. 44704 note).

22 (b) GOVERNMENT REVIEW.—The Federal Govern-
23 ment’s review process shall be streamlined to meet the
24 deadline in subsection (a).

1 **PART III—FLIGHT STANDARDS REFORM**

2 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-**
3 **TIVES AND METRICS.**

4 (a) **IN GENERAL.**—Not later than 120 days after the
5 date the Advisory Committee is established under section
6 2212, the Administrator shall establish performance objec-
7 tives and apply and track performance metrics for the
8 FAA and the aviation industry relating to flight standards
9 activities in accordance with this section.

10 (b) **COLLABORATION.**—The Administrator shall carry
11 out this section in collaboration with the Advisory Com-
12 mittee and update agency performance objectives and
13 metrics after considering the recommendations of the Ad-
14 visory Committee under paragraphs (8) and (9) of section
15 2212(c).

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

19 (1) eliminating delays with respect to such ac-
20 tivities;

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

23 (3) fully implementing risk management prin-
24 ciples and a systems safety approach;

25 (4) reducing duplication of effort;

1 (5) promoting appropriate compliance activities
2 and eliminating inconsistent regulatory interpreta-
3 tions and inconsistent enforcement activities;

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

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

9 (8) providing and using a streamlined appeal
10 process for the resolution of regulatory interpreta-
11 tion questions;

12 (9) maintaining and improving safety; and

13 (10) increasing transparency.

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

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

18 (2) transmit to the appropriate committees of
19 Congress an annual report tracking the progress to-
20 ward full implementation of the performance metrics
21 under section 2212.

22 (e) DATA.—

23 (1) BASELINES.—Not later than 1 year after
24 the date the Advisory Committee recommends initial
25 performance metrics under section 2212(c)(9), the

1 Administrator shall generate initial data with respect
2 to each of the performance metrics applied and
3 tracked that are approved based on the rec-
4 ommendations required under this section.

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

11 (f) PUBLICATION.—

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

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

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

23 (B) protects from inappropriate disclosure
24 proprietary information.

1 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
2 **FORM.**

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

7 (b) MEMBERSHIP.—

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

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

12 (3) REPRESENTATION REQUIREMENTS.—The
13 membership of the Task Force shall include rep-
14 resentatives, with knowledge of flight standards reg-
15 ulatory processes and requirements, of—

16 (A) air carriers;

17 (B) general aviation;

18 (C) business aviation;

19 (D) repair stations;

20 (E) unmanned aircraft systems operators;

21 (F) flight schools;

22 (G) labor unions, including those rep-
23 resenting FAA aviation safety inspectors and
24 those representing FAA aviation safety engi-
25 neers; and

26 (H) aviation safety experts.

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

4 (1) simplifying and streamlining flight stand-
5 ards regulatory processes;

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

9 (3) FAA aviation safety inspector training op-
10 portunities;

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

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

14 (A) regulatory interpretations; and

15 (B) application of oversight activities.

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

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

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

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

7 (f) SUNSET.—The Task Force shall cease to exist on
8 the date that the Task Force submits the report required
9 under subsection (d).

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

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

18 (b) REQUIREMENTS.—The database under subsection

19 (a) shall—

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

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

24 (3) be provided in a manner that—

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

3 (B) protects from inappropriate disclosure
4 proprietary information.

5 (c) DATA ENTRY TIMING.—

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

11 (2) NEW REGULATORY GUIDANCE AND UP-
12 DATES.—Beginning on the date the database is es-
13 tablished, the Administrator shall ensure that any
14 applicable regulatory guidance that are issued on or
15 after that date are entered into the database as they
16 are issued.

17 (d) CONSULTATION REQUIREMENT.—In establishing
18 the database under subsection (a), the Administrator shall
19 consult and collaborate with appropriate stakeholders, in-
20 cluding labor organizations (including those representing
21 aviation workers, FAA aviation safety engineers, and FAA
22 aviation safety inspectors) and aviation industry stake-
23 holders.

24 (e) DEFINITION OF REGULATORY GUIDANCE.—In
25 this section, the term “regulatory guidance” means all

1 forms of written information issued by the FAA that an
2 individual or entity may use to interpret or apply FAA
3 regulations and requirements, including information an in-
4 dividual or entity may use to determine acceptable means
5 of compliance with such regulations and requirements,
6 such as an order, manual, circular, policy statement, legal
7 interpretation memorandum, and rulemaking documents.

8 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**
9 **BOARD.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of enactment of this Act, the Administrator of
12 the FAA shall establish a Regulatory Consistency Commu-
13 nications Board (referred to in this section as the
14 “Board”).

15 (b) CONSULTATION REQUIREMENT.—In establishing
16 the Board, the Administrator shall consult and collaborate
17 with appropriate stakeholders, including FAA labor orga-
18 nizations (including labor organizations representing FAA
19 aviation safety inspectors and labor organizations rep-
20 resenting FAA aviation safety engineers) and aviation in-
21 dustry stakeholders.

22 (c) MEMBERSHIP.—The Board shall be composed of
23 FAA representatives, appointed by the Administrator,
24 from—

25 (1) the Flight Standards Service;

1 (2) the Aircraft Certification Service; and

2 (3) the Office of the Chief Counsel.

3 (d) FUNCTIONS.—The Board shall carry out the fol-
4 lowing functions:

5 (1) Recommend, at a minimum, processes by
6 which—

7 (A) FAA personnel and persons regulated
8 by the FAA may submit regulatory interpreta-
9 tion questions without fear of retaliation;

10 (B) FAA personnel may submit written
11 questions as to whether a previous approval or
12 regulatory interpretation issued by FAA per-
13 sonnel in another office or region is correct or
14 incorrect; and

15 (C) any other person may submit anony-
16 mous regulatory interpretation questions.

17 (2) Meet on a regular basis to discuss and re-
18 solve questions submitted under paragraph (1) and
19 the appropriate application of regulations and policy
20 with respect to each question.

21 (3) Provide to a person that submitted a ques-
22 tion under subparagraph (A) or subparagraph (B) of
23 paragraph (1) an expeditious written response to the
24 question.

1 (4) Recommend a process to make the resolu-
2 tion of common regulatory interpretation questions
3 publicly available to FAA personnel and the public
4 in a manner that—

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

7 (B) protects any proprietary information.

8 (5) Ensure that responses to questions under
9 this subsection are incorporated into regulatory
10 guidance (as defined in section 2233(e)).

11 (e) PERFORMANCE METRICS, TIMELINES, AND
12 GOALS.—Not later than 180 days after the date that the
13 Advisory Committee recommends performance objectives
14 and performance metrics for the FAA and the aviation
15 industry under paragraphs (8) and (9) of section 2212(e),
16 the Administrator, in collaboration with the Advisory
17 Committee, shall—

18 (1) establish performance metrics, timelines,
19 and goals to measure the progress of the Board in
20 resolving regulatory interpretation questions sub-
21 mitted under subsection (d)(1); and

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

1 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**
2 **FEASIBILITY REPORT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator, in con-
5 sultation with relevant industry stakeholders, shall—

6 (1) determine the feasibility of realigning flight
7 standards service regional field offices to specialized
8 areas of aviation safety oversight and technical ex-
9 pertise; and

10 (2) submit to the appropriate committees of
11 Congress a report on the findings under paragraph
12 (1).

13 (b) CONSIDERATIONS.—In making a determination
14 under subsection (a), the Administrator shall consider a
15 flight standards service regional field office providing sup-
16 port in the area of its technical expertise to flight stand-
17 ards district offices and certificate management offices.

18 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, and subject to the requirements of subsection
21 (b), the Administrator may enter into a reimbursable
22 agreement with an applicant or certificate holder for the
23 reasonable travel and per diem expenses of the FAA asso-
24 ciated with official travel to expedite the acceptance or val-
25 idation by a foreign authority of an FAA certificate or
26 design approval.

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

3 (1) the travel covered under the agreement is
4 determined to be necessary, by both the Adminis-
5 trator and the applicant or certificate holder, to ex-
6 pedite the acceptance or validation of the relevant
7 certificate or approval;

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

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

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

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

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

23 (2) the number of occasions on which the Ad-
24 ministrator declined a request by an applicant or

1 certificate holder to enter into a reimbursable agree-
2 ment under this section;

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

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

9 (d) DEFINITIONS.—In this section:

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

14 (2) CERTIFICATE HOLDER.—The term “certifi-
15 cate holder” means a person that holds a certificate
16 issued by the Administrator under part 21 of title
17 14, Code of Federal Regulations.

18 **PART IV—SAFETY WORKFORCE**

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

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

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

1 (2) best utilizes available resources;

2 (3) allows FAA employees participating in orga-
3 nization management teams or conducting ODA pro-
4 gram audits to complete, expeditiously, appropriate
5 training, including recurrent training, in auditing
6 and a systems safety approach to oversight;

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

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

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

18 (b) REPORT.—Not later than 270 days after the date
19 the strategy is established under subsection (a), the Ad-
20 ministrator shall submit to the appropriate committees of
21 Congress a report on the implementation of the strategy
22 and progress in meeting any milestones or metrics in-
23 cluded in the strategy.

24 (c) DEFINITIONS.—In this section:

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

4 (2) ODA PROGRAM.—The term “ODA pro-
5 gram” has the meaning given the term in section
6 44736(c)(3) of title 49, United States Code, as
7 added by this Act.

8 (3) ORGANIZATION MANAGEMENT TEAM.—The
9 term “organization management team” means a
10 group of FAA employees consisting of FAA aviation
11 safety engineers, flight test pilots, and aviation safe-
12 ty inspectors overseeing an ODA holder and its spec-
13 ified function delegated under section 44702 of title
14 49, United States Code.

15 **SEC. 2242. WORKFORCE STUDY.**

16 (a) WORKFORCE STUDY.—Not later than 90 days
17 after the date of enactment of this Act, the Comptroller
18 General of the United States shall conduct a study to as-
19 sess the workforce and training needs of the Office of
20 Aviation Safety of the Federal Aviation Administration
21 and take into consideration how those needs could be met.

22 (b) CONTENTS.—The study under subsection (a)
23 shall include—

24 (1) a review of the current staffing levels and
25 requirements for hiring and training, including re-

1 current training, of aviation safety inspectors and
2 aviation safety engineers;

3 (2) an analysis of the skills and qualifications
4 required of aviation safety inspectors and aviation
5 safety engineers for successful performance in the
6 current and future projected aviation safety regu-
7 latory environment, including an analysis of the need
8 for a systems engineering discipline within the Fed-
9 eral Aviation Administration to guide the engineer-
10 ing of complex systems, with an emphasis on audit-
11 ing an ODA holder (as defined in section 44736(c)
12 of title 49, United States Code);

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

17 (4) an analysis of ways the Federal Aviation
18 Administration can work with the aviation industry
19 and FAA labor force to establish knowledge-sharing
20 opportunities between the Federal Aviation Adminis-
21 tration and the aviation industry in new tech-
22 nologies, best practices, and other areas that could
23 improve the aviation safety regulatory system; and

24 (5) recommendations on the best and most cost-
25 effective approaches to address the needs of the cur-

1 rent and future projected aviation safety regulatory
2 system, including qualifications, training programs,
3 and performance incentives for relevant agency per-
4 sonnel.

5 (c) REPORT.—Not later than 270 days after the date
6 of enactment of this Act, the Comptroller General shall
7 submit to the appropriate committees of Congress a report
8 on the results of the study required under subsection (a).

9 **PART V—INTERNATIONAL AVIATION**

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

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

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

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

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

23 “(3) with respect to bilateral partners, to use
24 bilateral safety agreements and other mechanisms to
25 improve validation of United States type certificated

1 aeronautical products and services and enhance mu-
2 tual acceptance in order to eliminate redundancies
3 and unnecessary costs; and

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

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

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

12 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

13 “(A) ACCEPTANCE.—The Administrator
14 shall accept an airworthiness directive (as de-
15 fined in section 39.3 of title 14, Code of Fed-
16 eral Regulations) issued by an aeronautical
17 safety authority of a foreign country, and lever-
18 age that aeronautical safety authority’s regu-
19 latory process, if—

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

23 “(ii) the United States has a bilateral
24 safety agreement relating to aircraft cer-
25 tification with the country;

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

9 “(iv) the aeronautical safety authority
10 utilizes an open and transparent public no-
11 tice and comment process in the issuance
12 of airworthiness directives.

13 “(B) ALTERNATIVE APPROVAL PROCESS.—
14 Notwithstanding subparagraph (A), the Admin-
15 istrator may issue a Federal Aviation Adminis-
16 tration airworthiness directive instead of accept-
17 ing the airworthiness directive issued by the
18 aeronautical safety authority of a foreign coun-
19 try if the Administrator determines that such
20 issuance is necessary for safety or operational
21 reasons due to the complexity or unique fea-
22 tures of the Federal Aviation Administration
23 airworthiness directive or the United States
24 aviation system.

1 “(C) ALTERNATIVE MEANS OF COMPLI-
2 ANCE.—The Administrator may—

3 “(i) accept an alternative means of
4 compliance, with respect to an airworthi-
5 ness directive under subparagraph (A),
6 that was approved by the aeronautical
7 safety authority of the foreign country that
8 issued the airworthiness directive; or

9 “(ii) notwithstanding subparagraph
10 (A), and at the request of any person af-
11 fected by an airworthiness directive under
12 that subparagraph, the Administrator may
13 approve an alternative means of compli-
14 ance with respect to the airworthiness di-
15 rective.”.

16 **SEC. 2253. FAA LEADERSHIP ABROAD.**

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

21 (1) attain greater expertise in issues related to
22 dispute resolution, intellectual property, and export
23 control laws to better support FAA certification and
24 other aerospace regulatory activities abroad;

1 (2) work with United States companies to more
2 accurately track the amount of time it takes foreign
3 authorities, including bilateral partners, to validate
4 United States type certificated aeronautical prod-
5 ucts;

6 (3) provide assistance to United States compa-
7 nies who have experienced significantly long foreign
8 validation wait times;

9 (4) work with foreign authorities, including bi-
10 lateral partners, to collect and analyze data to deter-
11 mine the timeliness of the acceptance and validation
12 of FAA design and production approvals by foreign
13 authorities and the acceptance and validation of for-
14 eign-certified products by the FAA;

15 (5) establish appropriate benchmarks and
16 metrics to measure the success of bilateral aviation
17 safety agreements and to reduce the validation time
18 for United States type certificated aeronautical
19 products abroad; and

20 (6) work with foreign authorities, including bi-
21 lateral partners, to improve the timeliness of the ac-
22 ceptance and validation of FAA design and produc-
23 tion approvals by foreign authorities and the accept-
24 ance and validation of foreign-certified products by
25 the FAA.

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

4 (1) describes the Administrator’s strategic plan
5 for international engagement;

6 (2) describes the structure and responsibilities
7 of all FAA offices that have international respon-
8 sibilities, including the Aircraft Certification Office,
9 and all the activities conducted by those offices re-
10 lated to certification and production;

11 (3) describes current and forecasted staffing
12 and travel needs for the FAA’s international engage-
13 ment activities, including the needs of the Aircraft
14 Certification Office in the current and forecasted
15 budgetary environment;

16 (4) provides recommendations, if appropriate,
17 to improve the existing structure and personnel and
18 travel policies supporting the FAA’s international
19 engagement activities, including the activities of the
20 Aviation Certification Office, to better support the
21 growth of United States aerospace exports; and

22 (5) identifies policy initiatives, regulatory initia-
23 tives, or cost-effective legislative initiatives needed to
24 improve and enhance the timely acceptance of
25 United States aerospace products abroad.

1 (c) INTERNATIONAL TRAVEL.—The Administrator of
2 the FAA, or the Administrator’s designee, may authorize
3 international travel for any FAA employee, without the
4 approval of any other person or entity, if the Adminis-
5 trator determines that the travel is necessary—

6 (1) to promote United States aerospace safety
7 standards; or

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

10 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
11 **FEES.**

12 Section 45305 is amended—

13 (1) in subsection (a) by striking “Subject to
14 subsection (b)” and inserting “Subject to subsection
15 (c)”;

16 (2) by redesignating subsections (b) and (c) as
17 subsections (c) and (d), respectively; and

18 (3) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) CERTIFICATION SERVICES.—Subject to sub-
21 section (c), and notwithstanding section 45301(a), the Ad-
22 ministrator may establish and collect a fee from a foreign
23 government or entity for services related to certification,
24 regardless of where the services are provided, if the fee—

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

3 “(2) does not exceed the estimated costs of the
4 services.”.

5 **Subtitle C—Airline Passenger** 6 **Safety and Protections**

7 **SEC. 2301. PILOT RECORDS DATABASE DEADLINE.**

8 Section 44703(i)(2) is amended by striking “The Ad-
9 ministrator shall establish” and inserting “Not later than
10 April 30, 2017, the Administrator shall establish and
11 make available for use”.

12 **SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.**

13 The Administrator of the Federal Aviation Adminis-
14 tration shall collaborate with other aviation authorities to
15 advance a global standard for access to air carrier flight
16 decks and redundancy requirements consistent with the
17 flight deck access and redundancy requirements in the
18 United States.

19 **SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Administrator of the
22 Federal Aviation Administration shall assess current per-
23 formance standards, and as appropriate, conduct a rule-
24 making to revise the standards to improve near-term and
25 long-term aircraft tracking and flight data recovery, in-

1 cluding retrieval, access, and protection of such data after
2 an incident or accident.

3 (b) CONSIDERATIONS.—In revising the performance
4 standards under subsection (a), the Administrator may
5 consider—

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

8 (A) low frequency underwater locating de-
9 vices; and

10 (B) extended battery life for underwater
11 locating devices;

12 (2) automatic deployable flight recorders;

13 (3) triggered transmission of flight data, and
14 other satellite-based solutions;

15 (4) distress-mode tracking; and

16 (5) protections against disabling flight recorder
17 systems.

18 (c) COORDINATION.—If the performance standards
19 under subsection (a) are revised, the Administrator shall
20 coordinate with international regulatory authorities and
21 the International Civil Aviation Organization to ensure
22 that any new international standard for aircraft tracking
23 and flight data recovery is consistent with a performance-
24 based approach and is implemented in a globally har-
25 monized manner.

1 **SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.**

2 (a) MODERNIZATION OF TRAINING.—Not later than
3 October 1, 2017, the Administrator of the Federal Avia-
4 tion Administration shall review, and update as necessary,
5 recent guidance regarding pilot flight deck monitoring
6 that an air carrier can use to train and evaluate its pilots
7 to ensure that air carrier pilots are trained to use and
8 monitor automation systems while also maintaining pro-
9 ficiency in manual flight operations consistent with the
10 final rule entitled, “Qualification, Service, and Use of
11 Crewmembers and Aircraft Dispatchers”, published on
12 November 12, 2013 (78 Fed. Reg. 67799).

13 (b) CONSIDERATIONS.—In reviewing and updating
14 the guidance, the Administrator shall—

15 (1) consider casualty driven scenarios during
16 initial and recurrent simulator instruction that focus
17 on automation complacency during system failure,
18 including flight segments when automation is typi-
19 cally engaged and should result in hand flying the
20 aircraft into a safe position while employing crew re-
21 source management principles;

22 (2) consider the development of metrics or
23 measurable tasks an air carrier may use to evaluate
24 the ability of pilots to appropriately monitor flight
25 deck systems;

1 (3) consider the development of metrics an air
2 carrier may use to evaluate manual flying skills and
3 improve related training;

4 (4) convene an expert panel, including members
5 with expertise in human factors, training, and flight
6 operations—

7 (A) to evaluate and develop methods for
8 training flight crews to understand the
9 functionality of automated systems for flight
10 path management;

11 (B) to identify and recommend to the Ad-
12 ministrator the most effective training methods
13 that ensure that pilots can apply manual flying
14 skills in the event of flight deck automation fail-
15 ure or an unexpected event; and

16 (C) to identify and recommend to the Ad-
17 ministrator revision in the training guidance for
18 flight crews to address the needs identified in
19 subparagraphs (A) and (B); and

20 (5) develop any additional standards to be used
21 for guidance the Administrator considers necessary
22 to determine whether air carrier pilots receive suffi-
23 cient training opportunities to develop, maintain,
24 and demonstrate manual flying skills.

1 (c) DOT IG REVIEW.—Not later than 2 years after
2 the date the Administrator reviews the guidance under
3 subsection (a), the Inspector General of the Department
4 of Transportation shall review the air carriers implemen-
5 tation of the guidance and the ongoing work of the expert
6 panel.

7 **SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR**
8 **PILOTS.**

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 consider the recommendations of the
12 Pilot Fitness Aviation Rulemaking Committee in deter-
13 mining whether to implement, as part of a comprehensive
14 medical certification process for pilots with a first- or sec-
15 ond-class airman medical certificate, additional screening
16 for mental health conditions, including depression and sui-
17 cidal thoughts or tendencies, and assess treatments that
18 would address any risk associated with such conditions.

19 **SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
20 **AND REST REQUIREMENTS.**

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

1 requirements under section 121.467 of title 14, Code of
2 Federal Regulations.

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

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

12 (d) FATIGUE RISK MANAGEMENT PLAN.—

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

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

24 (A) current flight time and duty period
25 limitations;

1 (B) a rest scheme that is consistent with
2 such limitations and enables the management of
3 flight attendant fatigue, including annual train-
4 ing to increase awareness of—

5 (i) fatigue;

6 (ii) the effects of fatigue on flight at-
7 tendants; and

8 (iii) fatigue countermeasures; and

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

13 (i) to improve alertness; and

14 (ii) to mitigate performance errors.

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

18 (A) review each fatigue risk management
19 plan submitted under this subsection; and

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

21 (ii) reject the plan and provide the part
22 121 air carrier with suggested modifications to
23 be included when the plan is resubmitted.

24 (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 pro-
16 vide the part 121 air carrier with sug-
17 gested modifications to be included when
18 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. 2307. TRAINING TO COMBAT HUMAN TRAFFICKING**
4 **FOR CERTAIN AIR CARRIER EMPLOYEES.**

5 (a) IN GENERAL.—Subchapter I of chapter 417 is
6 amended by adding at the end the following:

7 **“§ 41725. Training to combat human trafficking**

8 “(a) IN GENERAL.—Each air carrier providing pas-
9 senger air transportation shall provide flight attendants
10 who are employees or contractors of the air carrier with
11 training to combat human trafficking in the course of car-
12 rying out their duties as employees or contractors of the
13 air carrier.

14 “(b) ELEMENTS OF TRAINING.—The training an air
15 carrier is required to provide under subsection (a) to flight
16 attendants shall include training with respect to—

17 “(1) common indicators of human trafficking;
18 and

19 “(2) best practices for reporting suspected
20 human trafficking to law enforcement officers.

21 “(c) MATERIALS.—An air carrier may provide the
22 training required by subsection (a) using modules and ma-
23 terials developed by the Department of Transportation
24 and the Department of Homeland Security, including the
25 training module and associated materials of the Blue

1 Lightning Initiative and modules and materials subse-
2 quently developed and recommended by such Departments
3 with respect to combating human trafficking.

4 “(d) INTERAGENCY COORDINATION.—The Adminis-
5 trator of the Federal Aviation Administration shall coordi-
6 nate with the Secretary of Homeland Security to ensure
7 that appropriate training modules and materials are avail-
8 able for air carriers to conduct the training required by
9 subsection (a).

10 “(e) HUMAN TRAFFICKING DEFINED.—In this sec-
11 tion, the term ‘human trafficking’ means 1 or more severe
12 forms of trafficking in persons (as defined in section 103
13 of the Trafficking Victims Protection Act of 2000 (22
14 U.S.C. 7102)).”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents for chapter 417 is amended by inserting after the
17 item relating to section 41724 the following:

“41725. Training to combat human trafficking.”.

18 (c) REPORT REQUIRED.—Not later than 1 year after
19 the date of enactment of this Act, the Administrator of
20 the Federal Aviation Administration shall submit to the
21 appropriate committees of Congress a report that in-
22 cludes—

23 (1) an assessment of the status of compliance
24 of air carriers with section 41725 of title 49, United
25 States Code, as added by subsection (a); and

1 (2) in collaboration with the Attorney General
2 and the Secretary of Homeland Security, rec-
3 ommendations for improving the identification and
4 reporting of human trafficking by air carrier per-
5 sonnel while protecting the civil liberties of pas-
6 sengers.

7 (d) IMMUNITY FOR REPORTING HUMAN TRAF-
8 FICKING.—Section 44941(a) is amended by striking “or
9 terrorism, as defined by section 3077 of title 18, United
10 States Code,” and inserting “human trafficking (as de-
11 fined by section 41725), or terrorism (as defined by sec-
12 tion 3077 of title 18)”.

13 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

14 (a) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, the Administrator of the Federal
16 Aviation Administration shall submit to the appropriate
17 committees of Congress a report on the National Test
18 Equipment Program (referred to in this section as the
19 “Program”).

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

21 (1) a list of all known outstanding requests for
22 test equipment, cataloged by type and location,
23 under the Program;

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

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

6 (4) the Administrator's recommendations for
7 increasing multifunctionality in future test equip-
8 ment to be developed and all known and foreseeable
9 manufacturer technological advances.

10 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
11 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

12 (a) IN GENERAL.—Not later than June 30, 2016, the
13 Administrator of the Federal Aviation Administration
14 shall—

15 (1) assess available technologies to determine
16 whether it is feasible, cost-effective, and appropriate
17 to install and deploy, at any airport, systems to pro-
18 vide a direct warning capability to flight crews and
19 air traffic controllers of potential runway incursions;
20 and

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

24 (b) CONSIDERATIONS.—In conducting the assess-
25 ment under subsection (a), the Administration shall con-

1 sider National Transportation Safety Board findings and
2 relevant aviation stakeholder views relating to runway in-
3 cursions.

4 **SEC. 2310. LASER POINTER INCIDENTS.**

5 (a) IN GENERAL.—Beginning 90 days after the date
6 of enactment of this Act, the Administrator of the Federal
7 Aviation Administration, in coordination with the Director
8 of the Federal Bureau of Investigation, shall provide quar-
9 terly updates to the appropriate committees of Congress
10 regarding—

11 (1) the number of incidents involving the beam
12 from a laser pointer (as defined in section 39A of
13 title 18, United States Code) being aimed at, or in
14 the flight path of, an aircraft in the airspace juris-
15 diction of the United States;

16 (2) the number of civil or criminal enforcement
17 actions taken by the Federal Aviation Administra-
18 tion, Department of Transportation, or Department
19 of Justice with regard to the incidents described in
20 paragraph (1), including the amount of the civil or
21 criminal penalties imposed on violators;

22 (3) the resolution of any incidents that did not
23 result in a civil or criminal enforcement action; and

24 (4) any actions the Department of Transpor-
25 tation or Department of Justice has taken on its

1 own, or in conjunction with other Federal agencies
2 or local law enforcement agencies, to deter the type
3 of activity described in paragraph (1).

4 (b) CIVIL PENALTIES.—The Administrator shall re-
5 vise the maximum civil penalty that may be imposed on
6 an individual who aims the beam of a laser pointer at an
7 aircraft in the airspace jurisdiction of the United States,
8 or at the flight path of such an aircraft, to be \$25,000.

9 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**

10 **DATA AND REPORTS.**

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, in collaboration with heli-
14 copter air ambulance industry stakeholders, shall assess
15 the availability of information to the general public related
16 to the location of heliports and helipads used by heli-
17 copters providing air ambulance services, including
18 helipads and helipads outside of those listed as part of
19 any existing databases of Airport Master Record (5010)
20 forms.

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

23 (1) update, as necessary, any existing guidance
24 on what information is included in the current data-
25 bases of Airport Master Record (5010) forms to in-

1 clude information related to heliports and helipads
2 used by helicopters providing air ambulance services;
3 or

4 (2) develop, as appropriate and in collaboration
5 with helicopter air ambulance industry stakeholders,
6 a new database of heliports and helipads used by
7 helicopters providing air ambulance services.

8 (c) REPORTS.—

9 (1) ASSESSMENT.—Not later than 30 days
10 after the date the assessment under subsection (a)
11 is complete, the Administrator shall submit to the
12 appropriate committees of Congress a report on the
13 assessment, including any recommendations on how
14 to make information related to the location of heli-
15 ports and helipads used by helicopters providing air
16 ambulance services available to the general public.

17 (2) IMPLEMENTATION.—Not later than 30 days
18 after completing action under paragraph (1) or
19 paragraph (2) of subsection (b), the Administrator
20 shall submit to the appropriate committees of Con-
21 gress a report on the implementation of that action.

22 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
23 is amended—

24 (1) in subsection (a)—

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

5 (B) in paragraph (2), by striking “flights
6 and hours flown, by registration number, dur-
7 ing which helicopters operated by the certificate
8 holder were providing helicopter air ambulance
9 services” and inserting “hours flown by the hel-
10 icopters operated by the certificate holder”;

11 (C) in paragraph (3)—

12 (i) by striking “of flight” and insert-
13 ing “of patients transported and the num-
14 ber of patient transport”;

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

17 (iii) by striking “, or ferry or repo-
18 sitioning flight”;

19 (D) in paragraph (5)—

20 (i) by striking “flights and”; and

21 (ii) by striking “while providing air
22 ambulance services”; and

23 (E) by amending paragraph (6) to read as
24 follows:

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

3 (2) in subsection (d)—

4 (A) by striking “Not later than 2 years
5 after the date of enactment of this section, and
6 annually thereafter, the Administrator shall
7 submit” and inserting “The Administrator shall
8 submit annually”; and

9 (B) by adding at the end the following:
10 “The report shall include the number of acci-
11 dents experienced by helicopter air ambulance
12 operations, the number of fatal accidents expe-
13 rienced by helicopter air ambulance operations,
14 and the rate, per 100,000 flight hours, of acci-
15 dents and fatal accidents experienced by opera-
16 tors providing helicopter air ambulance serv-
17 ices.”;

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

20 (4) by inserting after subsection (d) the fol-
21 lowing:

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

1 “(1) propose and develop a method to collect
2 and store the data submitted under subsection (a),
3 including a method to protect the confidentiality of
4 any trade secret or proprietary information sub-
5 mitted; and

6 “(2) ensure that the database under subsection
7 (c) and the report under subsection (d) include data
8 and analysis that will best inform efforts to improve
9 the safety of helicopter air ambulance operations.”.

10 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall—

14 (1) determine, in collaboration with the Na-
15 tional Transportation Safety Board and Part 135
16 industry stakeholders, what, if any, additional data
17 should be reported as part of an accident or incident
18 notice to more accurately measure the safety of on-
19 demand Part 135 aircraft activity, to pinpoint safety
20 problems, and to form the basis for critical research
21 and analysis of general aviation issues; and

22 (2) submit to the appropriate committees of
23 Congress a report on the findings under paragraph
24 (1), including a description of the additional data to
25 be collected, a timeframe for implementing the addi-

1 tional data collection, and any potential obstacles to
2 implementation.

3 **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

4 Section 40102(a), as amended by section 2140 of this
5 Act, is further amended—

6 (1) by redesignating paragraphs (24) through
7 (47) as paragraphs (25) through (48), respectively;
8 and

9 (2) by inserting after paragraph (23) the fol-
10 lowing:

11 “(24) ‘human factors’ means a multidisciplinary
12 field that generates and compiles information about
13 human capabilities and limitations and applies it to
14 design, development, and evaluation of equipment,
15 systems, facilities, procedures, jobs, environments,
16 staffing, organizations, and personnel management
17 for safe, efficient, and effective human performance,
18 including people’s use of technology.”.

19 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
20 **THORITY.**

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

1 **SEC. 2315. ENHANCING ASIAS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator of the
4 Federal Aviation Administration, in consultation with rel-
5 evant aviation industry stakeholders, shall assess what, if
6 any, improvements are needed to develop the predictive
7 capability of the Aviation Safety Information Analysis and
8 Sharing program (referred to in this section as “ASIAS”)
9 with regard to identifying precursors to accidents.

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

12 (1) determine what actions are necessary—

13 (A) to improve data quality and standard-
14 ization; and

15 (B) to increase the data received from ad-
16 ditional segments of the aviation industry, such
17 as small airplane, helicopter, and business jet
18 operations;

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

21 (3) review available methods for disseminating
22 safety trend data from ASIAS to the aviation safety
23 community, including the inspector workforce, to in-
24 form in their risk-based decision making efforts.

25 (c) REPORT.—Not later than 60 days after the date
26 the assessment under subsection (a) is complete, the Ad-

1 administrator shall submit to the appropriate committees of
2 Congress a report on the assessment, including rec-
3 ommendations regarding paragraphs (1) through (3) of
4 subsection (b).

5 **SEC. 2316. IMPROVING RUNWAY SAFETY.**

6 (a) IN GENERAL.—The Administrator of the Federal
7 Aviation Administration shall expedite the development of
8 metrics—

9 (1) to allow the Federal Aviation Administra-
10 tion to determine whether runway incursions are in-
11 creasing; and

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

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator shall submit
16 to the appropriate committees of Congress a report on the
17 progress in developing the metrics described in subsection
18 (a).

19 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
20 **AND BATTERIES.**

21 (a) RESTRICTIONS ON TRANSPORTATION OF LITH-
22 IUM BATTERIES ON AIRCRAFT.—

23 (1) ADOPTION OF ICAO INSTRUCTIONS.—

24 (A) IN GENERAL.—Pursuant to section
25 828 of the FAA Modernization and Reform Act

1 of 2012 (49 U.S.C. 44701 note), not later than
2 90 days after the date of enactment of this Act,
3 the Secretary of the Department of Transpor-
4 tation shall conform United States regulations
5 on the air transport of lithium cells and bat-
6 teries with the lithium cells and battery require-
7 ments in the 2015–2016 edition of the Inter-
8 national Civil Aviation Organization’s (referred
9 to in this subsection as “ICAO”) Technical In-
10 structions (to include all addenda) including the
11 revised standards adopted by ICAO which be-
12 came effective on April 1, 2016.

13 (B) FURTHER PROCEEDINGS.—Beginning
14 on the date the revised regulations under sub-
15 paragraph (A) are published in the Federal
16 Register, any lithium cell and battery rule-
17 making action or update commenced on or after
18 that date shall continue to comply with the re-
19 quirements under section 828 of the FAA Mod-
20 ernization and Reform Act of 2012 (49 U.S.C.
21 44701 note).

22 (2) REVIEW OF OTHER REGULATIONS.—Pursu-
23 ant to section 828 of the FAA Modernization and
24 Reform Act of 2012 (49 U.S.C. 44701 note), the
25 Secretary of Transportation may initiate a review of

1 other existing regulations regarding the air transpor-
2 tation, including passenger-carrying and cargo air-
3 craft, of lithium batteries and cells.

4 (3) MEDICAL DEVICE BATTERIES.—

5 (A) IN GENERAL.—For United States ap-
6 plicants, the Secretary of Transportation shall
7 consider and either grant or deny, within 45
8 days, applications submitted in compliance with
9 part 107 of title 49, Code of Federal Regula-
10 tions for special permits or approvals for air
11 transportation of lithium ion cells or batteries
12 specifically used by medical devices. Not later
13 than 30 days after the date of application, the
14 Pipeline and Hazardous Materials Safety Ad-
15 ministration shall provide a draft special permit
16 based on the application to the Federal Aviation
17 Administration. The Federal Aviation Adminis-
18 tration shall conduct an on-site inspection for
19 issuance of the special permit not later than 10
20 days after the date of receipt of the draft spe-
21 cial permit from the Pipeline and Hazardous
22 Materials Safety Administration.

23 (B) DEFINITION OF MEDICAL DEVICE.—In
24 this paragraph, the term “medical device” has
25 the meaning given the term “device” in section

1 201 of the Federal Food, Drug, and Cosmetic
2 Act (21 U.S.C. 321).

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

8 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
9 Not later than 90 days after the date of enactment of this
10 Act, the President shall establish a lithium battery safety
11 working group to promote and coordinate efforts related
12 to the promotion of the safe manufacture, use, and trans-
13 portation of lithium batteries and cells.

14 (1) COMPOSITION.—

15 (A) IN GENERAL.—The working group
16 shall be composed of at least 1 representative
17 from each of the following:

18 (i) Consumer Product Safety Commis-
19 sion.

20 (ii) Department of Transportation.

21 (iii) National Institute on Standards
22 and Technology.

23 (iv) Food and Drug Administration.

24 (B) ADDITIONAL MEMBERS.—The working
25 group may include not more than 4 additional

1 members with expertise in the safe manufac-
2 ture, use, or transportation of lithium batteries
3 and cells.

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

6 (i) establish working group sub-
7 committees to focus on specific issues re-
8 lated to the safe manufacture, use, or
9 transportation of lithium batteries and
10 cells; and

11 (ii) include in a subcommittee the par-
12 ticipation of nonmember stakeholders with
13 expertise in areas that the President or
14 members consider necessary.

15 (2) REPORT.—Not later than 1 year after the
16 date it is established under subsection (b), the work-
17 ing group shall—

18 (A) research—

19 (i) additional ways to decrease the
20 risk of fires and explosions from lithium
21 batteries and cells;

22 (ii) additional ways to ensure uniform
23 transportation requirements for both bulk
24 and individual batteries; and

1 (iii) new or existing technologies that
2 could reduce the fire and explosion risk of
3 lithium batteries and cells; and

4 (B) transmit to the appropriate commit-
5 tees of Congress a report on the research under
6 subparagraph (A), including any legislative rec-
7 ommendations to effectuate the safety improve-
8 ments described in clauses (i) through (iii) of
9 that subparagraph.

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

13 (4) TERMINATION.—The working group, and
14 any working group subcommittees, shall terminate
15 90 days after the date the report is transmitted
16 under paragraph (2).

17 **SEC. 2318. PROHIBITION ON IMPLEMENTATION OF POLICY**

18 **CHANGE TO PERMIT SMALL, NON-LOCKING**

19 **KNIVES ON AIRCRAFT.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, on and after the date of enactment of this
22 Act, the Secretary of Homeland Security may not imple-
23 ment any change to the prohibited items list of the Trans-
24 portation Security Administration that would permit pas-
25 sengers to carry small, non-locking knives through pas-

1 senger screening checkpoints at airports, into sterile areas
2 at airports, or on board passenger aircraft.

3 (b) PROHIBITED ITEMS LIST DEFINED.—In this sec-
4 tion, the term “prohibited items list” means the list of
5 items passengers are prohibited from carrying as acces-
6 sible property or on their persons through passenger
7 screening checkpoints at airports, into sterile areas at air-
8 ports, and on board passenger aircraft pursuant to section
9 1540.111 of title 49, Code of Federal Regulations.

10 **SEC. 2319. 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. 2320. GAO STUDY OF UNIVERSAL DEPLOYMENT OF AD-**
2 **VANCED IMAGING TECHNOLOGIES.**

3 (a) STUDY.—The Comptroller General of the United
4 States shall conduct a study of the costs that would be
5 incurred—

6 (1) to redesign airport security areas to fully
7 deploy advanced imaging technologies at all commer-
8 cial airports at which security screening operations
9 are conducted by the Transportation Security Ad-
10 ministration or through the Screening Partnership
11 Program; and

12 (2) to fully deploy advanced imaging tech-
13 nologies at all airports not described in paragraph
14 (1).

15 (b) COST ANALYSIS.—As a part of the study con-
16 ducted under subsection (a), the Comptroller General shall
17 identify the costs that would be incurred—

18 (1) to purchase the equipment and other assets
19 necessary to deploy advanced imaging technologies
20 at each airport;

21 (2) to install such equipment and assets in each
22 airport; and

23 (3) to maintain such equipment and assets.

24 (c) REPORT.—Not later than 6 months after the date
25 of the enactment of this Act, the Comptroller General shall

1 submit the results of the study conducted under subsection
2 (a) to the appropriate committees of Congress.

3 **Subtitle D—General Aviation**
4 **Safety**

5 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
6 **POLICY.**

7 (a) IN GENERAL.—Not later than 2 years after the
8 date of enactment of this Act, the Administrator of the
9 Federal Aviation Administration shall—

10 (1) update automated weather observing sys-
11 tems standards to maximize the use of new tech-
12 nologies that promote the reduction of equipment or
13 maintenance cost for non-Federal automated weath-
14 er observing systems, including the use of remote
15 monitoring and maintenance, unless demonstrated to
16 be ineffective;

17 (2) review, and if necessary update, existing
18 policies in accordance with the standards developed
19 under paragraph (1); and

20 (3) establish a process under which appropriate
21 on site airport personnel or an aviation official may,
22 with appropriate manufacturer training or alter-
23 native training as determined by the Administrator,
24 be permitted to conduct the minimum tri-annual
25 preventative maintenance checks under the advisory

1 circular for non-Federal automated weather observ-
2 ing systems (AC 150/5220-16D).

3 (b) PERMISSION.—Permission to conduct the min-
4 imum tri-annual preventative maintenance checks de-
5 scribed under subsection (a)(3) shall not be withheld but
6 for specific cause.

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

9 (1) ensure the standards are performance-
10 based;

11 (2) use risk analysis to determine the accuracy
12 of the automated weather observing systems outputs
13 required for pilots to perform safe aircraft oper-
14 ations; and

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

18 (d) REPORT.—Not later than September 30, 2017,
19 the Administrator shall provide a report to the appropriate
20 committees of Congress on the implementation of require-
21 ments under this section.

22 **SEC. 2402. TOWER MARKING.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the

1 Federal Aviation Administration shall issue regulations to
2 require the marking of covered towers.

3 (b) MARKING REQUIRED.—The regulations under
4 subsection (a) shall require that a covered tower be clearly
5 marked in a manner that is consistent with applicable
6 guidance under the Federal Aviation Administration Advi-
7 sory Circular issued December 4, 2015 (AC 70/7460–1L)
8 or other relevant safety guidance, as determined by the
9 Administrator.

10 (c) APPLICATION.—The regulations issued under
11 subsection (a) shall ensure that—

12 (1) all covered towers constructed on or after
13 the date on which such regulations take effect are
14 marked in accordance with subsection (b); and

15 (2) a covered tower constructed before the date
16 on which such regulations take effect is marked in
17 accordance with subsection (b) not later than 1 year
18 after such effective date.

19 (d) DEFINITION OF COVERED TOWER.—

20 (1) IN GENERAL.—In this section, the term
21 “covered tower” means a structure that—

22 (A) is self-standing or supported by guy
23 wires and ground anchors;

24 (B) is 10 feet or less in diameter at the
25 above-ground base, excluding concrete footing;

1 (C) at the highest point of the structure is
2 at least 50 feet above ground level;

3 (D) at the highest point of the structure is
4 not more than 200 feet above ground level;

5 (E) has accessory facilities on which an an-
6 tenna, sensor, camera, meteorological instru-
7 ment, or other equipment is mounted; and

8 (F) is located—

9 (i) outside the boundaries of an incor-
10 porated city or town; or

11 (ii) on land that is—

12 (I) undeveloped; or

13 (II) used for agricultural pur-
14 poses.

15 (2) EXCLUSIONS.—The term “covered tower”
16 does not include any structure that—

17 (A) is adjacent to a house, barn, electric
18 utility station, or other building;

19 (B) is within the curtilage of a farmstead;

20 (C) supports electric utility transmission or
21 distribution lines;

22 (D) is a wind powered electrical generator
23 with a rotor blade radius that exceeds 6 feet; or

24 (E) is a street light erected or maintained
25 by a Federal, State, local, or tribal entity.

1 (e) DATABASE.—The Administrator shall—

2 (1) develop a database that contains the loca-
3 tion and height of each covered tower;

4 (2) keep the database current to the extent
5 practicable;

6 (3) ensure that any proprietary information in
7 the database is protected from disclosure in accord-
8 ance with law; and

9 (4) ensure access to the database is limited to
10 individuals, such as airmen, who require the infor-
11 mation for aviation safety purposes only.

12 **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Administrator of the Federal Aviation Ad-
15 ministration shall evaluate and update, as necessary,
16 standards for crash-resistant fuel systems for civilian
17 rotorcraft.

18 **SEC. 2404. REQUIREMENT TO CONSULT WITH STAKE-**
19 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
20 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
21 **GRAM.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Administrator of the Federal Aviation Ad-
24 ministration shall consult with general aviation stake-
25 holders in defining the scope and requirements for any

1 new Future Flight Service Program of the Administration
2 to be used in a competitive source selection for the next
3 flight service contract with the Administration.

4 **SEC. 2405. HEADS-UP GUIDANCE SYSTEM TECHNOLOGIES.**

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 initiate a review
8 of heads-up guidance system displays (in this section re-
9 ferred to as “HGS”).

10 (b) CONTENTS.—The review required by subsection
11 (a) shall—

12 (1) evaluate the impacts of single- and dual-in-
13 stalled HGS technology on the safety and efficiency
14 of aircraft operations within the national airspace
15 system;

16 (2) review a sufficient quantity of commercial
17 aviation accidents or incidents in order to evaluate
18 if HGS technology would have produced a better
19 outcome in that accident or incident; and

20 (3) update previous HGS studies performed by
21 the Flight Safety Foundation in 1991 and 2009.

22 (c) REPORT.—Not later than 18 months after the
23 date of the enactment of this Act, the Administrator shall
24 submit to the appropriate committees of Congress a report

1 containing the results of the review required by subsection
2 (a).

3 **Subtitle E—General Provisions**

4 **SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-**
5 **FICER.**

6 (a) IN GENERAL.—Section 106 is amended by adding
7 at the end the following:

8 “(u) DESIGNATED AGENCY SAFETY AND HEALTH
9 OFFICER.—

10 “(1) APPOINTMENT.—There shall be a Des-
11 ignated Agency Safety and Health Officer appointed
12 by the Administrator who shall exclusively fulfill the
13 duties prescribed in this subsection.

14 “(2) RESPONSIBILITIES.—The Designated
15 Agency Safety and Health Officer shall have respon-
16 sibility and accountability for—

17 “(A) auditing occupational safety and
18 health issues across the Administration;

19 “(B) overseeing Administration-wide com-
20 pliance with relevant Federal occupational safe-
21 ty and health statutes and regulations, national
22 industry and consensus standards, and Admin-
23 istration policies; and

1 “(C) encouraging a culture of occupational
2 safety and health to complement the Adminis-
3 tration’s existing safety culture.

4 “(3) REPORTING STRUCTURE.—The Designated
5 Agency Safety and Health Officer shall occupy a
6 full-time, senior executive position and shall report
7 directly to the Assistant Administrator for Human
8 Resource Management.

9 “(4) QUALIFICATIONS AND REMOVAL.—

10 “(A) QUALIFICATIONS.—The Designated
11 Agency Safety and Health Officer shall have
12 demonstrated ability and experience in the es-
13 tablishment and administration of comprehen-
14 sive occupational safety and health programs
15 and knowledge of relevant Federal occupational
16 safety and health statutes and regulations, na-
17 tional industry and consensus standards, and
18 Administration policies.

19 “(B) REMOVAL.—The Designated Agency
20 Safety and Health Officer shall serve at the
21 pleasure of the Administrator.”.

22 (b) DEADLINE FOR APPOINTMENT.—Not later than
23 180 days after the date of enactment of this Act, the Ad-
24 ministrators of the Federal Aviation Administration shall
25 appoint an individual to serve as the Designated Agency

1 Safety and Health Officer under section 106(u) of title
2 49, United States Code.

3 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**
4 **STATES.**

5 (a) RISK-BASED OVERSIGHT.—Section 44733 is
6 amended—

7 (1) by redesignating subsection (f) as sub-
8 section (g);

9 (2) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) RISK-BASED OVERSIGHT.—

12 “(1) IN GENERAL.—Not later than 90 days
13 after the date of enactment of the Federal Aviation
14 Administration Reauthorization Act of 2016, the
15 Administrator shall take measures to ensure that the
16 safety assessment system established under sub-
17 section (a)—

18 “(A) places particular consideration on in-
19 spections of part 145 repair stations located
20 outside the United States that conduct sched-
21 uled heavy maintenance work on part 121 air
22 carrier aircraft; and

23 “(B) accounts for the frequency and seri-
24 ousness of any corrective actions that part 121

1 air carriers must implement to aircraft fol-
2 lowing such work at such repair stations.

3 “(2) INTERNATIONAL AGREEMENTS.—The Ad-
4 ministrator shall take the measures required under
5 paragraph (1)—

6 “(A) in accordance with the United States
7 obligations under applicable international agree-
8 ments; and

9 “(B) in a manner consistent with the ap-
10 plicable laws of the country in which a repair
11 station is located.

12 “(3) ACCESS TO DATA.—The Administrator
13 may access and review such information or data in
14 the possession of a part 121 air carrier as the Ad-
15 ministrator may require in carrying out paragraph
16 (1)(B).”; and

17 (3) in subsection (g), as redesignated—

18 (A) by redesignating paragraphs (1) and
19 (2) as paragraphs (2) and (3), respectively; and

20 (B) by inserting before paragraph (2), as
21 redesignated, the following:

22 “(1) HEAVY MAINTENANCE WORK.—The term
23 ‘heavy maintenance work’ means a C-check, a D-
24 check, or equivalent maintenance operation with re-

1 spect to the airframe of a transport-category air-
2 craft.”.

3 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
4 ING.—The Administrator of the Federal Aviation Admin-
5 istration shall ensure that—

6 (1) not later than 90 days after the date of en-
7 actment of this Act, a notice of proposed rulemaking
8 required pursuant to section 44733(d)(2) of title 49,
9 United States Code, is published in the Federal Reg-
10 ister; and

11 (2) not later than 1 year after the date on
12 which the notice of proposed rulemaking is published
13 in the Federal Register, the rulemaking is finalized.

14 (c) BACKGROUND INVESTIGATIONS.—Not later than
15 180 days after the date of enactment of this Act, the Ad-
16 ministrator of the Federal Aviation Administration shall
17 ensure that each employee of a repair station certificated
18 under part 145 of title 14, Code of Federal Regulations,
19 who performs a safety-sensitive function on an air carrier
20 aircraft has undergone a preemployment background in-
21 vestigation sufficient to determine whether the individual
22 presents a threat to aviation safety, in a manner that is—

23 (1) determined acceptable by the Administrator;

24 (2) consistent with the applicable laws of the
25 country in which the repair station is located; and

1 (3) consistent with the United States obliga-
2 tions under international agreements.

3 **SEC. 2503. FAA TECHNICAL TRAINING.**

4 (a) **E-LEARNING TRAINING PILOT PROGRAM.**—Not
5 later than 90 days after the date of enactment of this Act,
6 the Administrator of the Federal Aviation Administration,
7 in collaboration with the exclusive bargaining representa-
8 tives of covered FAA personnel, shall establish an e-learn-
9 ing training pilot program in accordance with the require-
10 ments of this section.

11 (b) **CURRICULUM.**—The pilot program shall—

12 (1) include a recurrent training curriculum for
13 covered FAA personnel to ensure that the covered
14 FAA personnel receive instruction on the latest avia-
15 tion technologies, processes, and procedures;

16 (2) focus on providing specialized technical
17 training for covered FAA personnel, as determined
18 necessary by the Administrator;

19 (3) include training courses on applicable regu-
20 lations of the Federal Aviation Administration; and

21 (4) consider the efficacy of instructor-led online
22 training.

23 (c) **PILOT PROGRAM TERMINATION.**—The pilot pro-
24 gram shall terminate 1 year after the date of establish-
25 ment of the pilot program.

1 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
2 nation of the pilot program, the Administrator shall assess
3 and establish or update an e-learning training program
4 that incorporates lessons learned for covered FAA per-
5 sonnel as a result of the pilot program.

6 (e) DEFINITIONS.—In this section:

7 (1) COVERED FAA PERSONNEL.—The term
8 “covered FAA personnel” means airway transpor-
9 tation systems specialists and aviation safety inspec-
10 tors of the Federal Aviation Administration.

11 (2) E-LEARNING TRAINING.—The term “e-
12 learning training” means learning utilizing electronic
13 technologies to access educational curriculum outside
14 of a traditional classroom.

15 **SEC. 2504. SAFETY CRITICAL STAFFING.**

16 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
17 later than 1 year after the date of enactment of this Act,
18 the Inspector General of the Department of Transpor-
19 tation shall conduct and complete an audit of the staffing
20 model used by the Federal Aviation Administration to de-
21 termine the number of aviation safety inspectors that are
22 needed to fulfill the mission of the Federal Aviation Ad-
23 ministration and adequately ensure aviation safety.

24 (b) CONTENTS.—The audit shall include, at a min-
25 imum—

1 (1) a review of the staffing model and an anal-
2 ysis of how consistently the staffing model is applied
3 throughout the Federal Aviation Administration's
4 aviation safety lines of business;

5 (2) a review of the assumptions and methods
6 used in devising and implementing the staffing
7 model to assess the adequacy of the staffing model
8 to predict the number of aviation safety inspectors
9 needed to properly fulfill the mission of the Federal
10 Aviation Administration and meet the future growth
11 of the aviation industry; and

12 (3) a determination on whether the current
13 staffing model takes into account the Federal Avia-
14 tion Administration's authority to fully utilize des-
15 ignees.

16 (c) REPORT.—Not later than 30 days after the date
17 of completion of the audit, the Inspector General shall
18 submit to the appropriate committees of Congress a report
19 on the results of the audit.

20 **SEC. 2505. APPROACH CONTROL RADAR IN ALL AIR TRAF-**
21 **FIC CONTROL TOWERS.**

22 The Administrator of the Federal Aviation Adminis-
23 tration shall—

24 (1) identify airports that are currently served
25 by Federal Aviation Administration towers with non-

1 radar approach and departure control (Type 4
2 tower); and

3 (2) develop an implementation plan, including
4 budgetary considerations, to provide the facilities
5 identified under paragraph (1) with approach control
6 radar.

7 **SEC. 2506. AIRSPACE MANAGEMENT ADVISORY COM-**
8 **MITTEE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Administrator shall
11 establish an advisory committee to carry out the duties
12 described in subsection (b).

13 (b) DUTIES.—The advisory committee shall—

14 (1) conduct a review of the practices and proce-
15 dures of the Federal Aviation Administration for de-
16 veloping proposals with respect to changes in regula-
17 tions, policies, or guidance of the Federal Aviation
18 Administration relating to airspace that affect air-
19 port operations, airport capacity, the environment,
20 or communities in the vicinity of airports, includ-
21 ing—

22 (A) an assessment of the extent to which
23 there is consultation, or a lack of consultation,
24 with respect to such proposals—

1 (i) between and among the affected
2 elements of the Federal Aviation Adminis-
3 tration, including the Air Traffic Organiza-
4 tion, the Office of Airports, the Flight
5 Standards Service, the Office of NextGen,
6 and the Office of Energy and Environ-
7 ment; and

8 (ii) between the Federal Aviation Ad-
9 ministration and affected entities, includ-
10 ing airports, aircraft operators, commu-
11 nities, and State and local governments;

12 (2) recommend revisions to such practices and
13 procedures to improve communications and coordi-
14 nation between and among affected elements of the
15 Federal Aviation Administration and with other af-
16 fected entities with respect to proposals described in
17 paragraph (1) and the potential effects of such pro-
18 posals;

19 (3) conduct a review of the management by the
20 Federal Aviation Administration of systems and in-
21 formation used to evaluate data relating to obstruc-
22 tions to air navigation or navigational facilities
23 under part 77 of title 14, Code of Federal Regula-
24 tions; and

1 (4) make recommendations to ensure that the
2 data described in paragraph (3) is publicly accessible
3 and streamlined to ensure developers, airport opera-
4 tors, and other interested parties may obtain rel-
5 evant information concerning potential obstructions
6 when working to preserve and create a safe and effi-
7 cient navigable airspace.

8 (c) MEMBERSHIP.—The membership of the advisory
9 committee established under subsection (a) shall include
10 representatives of—

11 (1) air carriers, including passenger and cargo
12 air carriers;

13 (2) general aviation, including business aviation
14 and fixed wing aircraft and rotocraft;

15 (3) airports of various sizes and types;

16 (4) air traffic controllers; and

17 (5) State aviation officials.

18 (d) REPORT REQUIRED.—Not later than one year
19 after the establishment of the advisory committee under
20 subsection (a), the advisory committee shall submit to
21 Congress a report on the actions taken by the advisory
22 committee to carry out the duties described in subsection
23 (b).

1 **Subtitle F—Third Class Medical**
2 **Reform and General Aviation**
3 **Pilot Protections**

4 **SEC. 2601. SHORT TITLE.**

5 This subtitle may be cited as the “Pilot’s Bill of
6 Rights 2”.

7 **SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL**
8 **AIRCRAFT PILOTS.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall issue or revise regu-
12 lations to ensure that an individual may operate as pilot
13 in command of a covered aircraft if—

14 (1) the individual possesses a valid driver’s li-
15 cense issued by a State, territory, or possession of
16 the United States and complies with all medical re-
17 quirements or restrictions associated with that li-
18 cense;

19 (2) the individual holds a medical certificate
20 issued by the Federal Aviation Administration on
21 the date of enactment of this Act, held such a cer-
22 tificate at any point during the 10-year period pre-
23 ceding such date of enactment, or obtains such a
24 certificate after such date of enactment;

1 (3) the most recent medical certificate issued by
2 the Federal Aviation Administration to the indi-
3 vidual—

4 (A) indicates whether the certificate is
5 first, second, or third class;

6 (B) may include authorization for special
7 issuance;

8 (C) may be expired;

9 (D) cannot have been revoked or sus-
10 pended; and

11 (E) cannot have been withdrawn;

12 (4) the most recent application for airman med-
13 ical certification submitted to the Federal Aviation
14 Administration by the individual cannot have been
15 completed and denied;

16 (5) the individual has completed a medical edu-
17 cation course described in subsection (c) during the
18 24 calendar months before acting as pilot in com-
19 mand of a covered aircraft and demonstrates proof
20 of completion of the course;

21 (6) the individual, when serving as a pilot in
22 command, is under the care and treatment of a phy-
23 sician if the individual has been diagnosed with any
24 medical condition that may impact the ability of the
25 individual to fly;

1 (7) the individual has received a comprehensive
2 medical examination from a State-licensed physician
3 during the previous 48 months and—

4 (A) prior to the examination, the indi-
5 vidual—

6 (i) completed the individual's section
7 of the checklist described in subsection (b);
8 and

9 (ii) provided the completed checklist
10 to the physician performing the examina-
11 tion; and

12 (B) the physician conducted the com-
13 prehensive medical examination in accordance
14 with the checklist described in subsection (b),
15 checking each item specified during the exam-
16 ination and addressing, as medically appro-
17 priate, every medical condition listed, and any
18 medications the individual is taking; and

19 (8) the individual is operating in accordance
20 with the following conditions:

21 (A) The covered aircraft is carrying not
22 more than 5 passengers.

23 (B) The individual is operating the covered
24 aircraft under visual flight rules or instrument
25 flight rules.

1 (C) The flight, including each portion of
2 that flight, is not carried out—

3 (i) for compensation or hire, including
4 that no passenger or property on the flight
5 is being carried for compensation or hire;

6 (ii) at an altitude that is more than
7 18,000 feet above mean sea level;

8 (iii) outside the United States, unless
9 authorized by the country in which the
10 flight is conducted; or

11 (iv) at an indicated air speed exceed-
12 ing 250 knots.

13 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Adminis-
16 trator shall develop a checklist for an individual to
17 complete and provide to the physician performing
18 the comprehensive medical examination required in
19 subsection (a)(7).

20 (2) REQUIREMENTS.—The checklist shall con-
21 tain—

22 (A) a section, for the individual to com-
23 plete that contains—

1 (i) boxes 3 through 13 and boxes 16
2 through 19 of the Federal Aviation Admin-
3 istration Form 8500–8 (3–99);

4 (ii) a signature line for the individual
5 to affirm that—

6 (I) the answers provided by the
7 individual on that checklist, including
8 the individual’s answers regarding
9 medical history, are true and com-
10 plete;

11 (II) the individual understands
12 that he or she is prohibited under
13 Federal Aviation Administration regu-
14 lations from acting as pilot in com-
15 mand, or any other capacity as a re-
16 quired flight crew member, if he or
17 she knows or has reason to know of
18 any medical deficiency or medically
19 disqualifying condition that would
20 make the individual unable to operate
21 the aircraft in a safe manner; and

22 (III) the individual is aware of
23 the regulations pertaining to the pro-
24 hibition on operations during medical
25 deficiency and has no medically dis-

1 qualifying conditions in accordance
2 with applicable law;

3 (B) a section with instructions for the indi-
4 vidual to provide the completed checklist to the
5 physician performing the comprehensive medical
6 examination required in subsection (a)(7); and

7 (C) a section, for the physician to com-
8 plete, that instructs the physician—

9 (i) to perform a clinical examination
10 of—

11 (I) head, face, neck, and scalp;

12 (II) nose, sinuses, mouth, and
13 throat;

14 (III) ears, general (internal and
15 external canals), and eardrums (per-
16 foration);

17 (IV) eyes (general),
18 ophthalmoscopic, pupils (equality and
19 reaction), and ocular motility (associ-
20 ated parallel movement, nystagmus);

21 (V) lungs and chest (not includ-
22 ing breast examination);

23 (VI) heart (precordial activity,
24 rhythm, sounds, and murmurs);

- 1 (VII) vascular system (pulse, am-
- 2 plitude, and character, and arms, legs,
- 3 and others);
- 4 (VIII) abdomen and viscera (in-
- 5 cluding hernia);
- 6 (IX) anus (not including digital
- 7 examination);
- 8 (X) skin;
- 9 (XI) G–U system (not including
- 10 pelvic examination);
- 11 (XII) upper and lower extrem-
- 12 ities (strength and range of motion);
- 13 (XIII) spine and other musculo-
- 14 skeletal;
- 15 (XIV) identifying body marks,
- 16 scars, and tattoos (size and location);
- 17 (XV) lymphatics;
- 18 (XVI) neurologic (tendon re-
- 19 flexes, equilibrium, senses, cranial
- 20 nerves, and coordination, etc.);
- 21 (XVII) psychiatric (appearance,
- 22 behavior, mood, communication, and
- 23 memory);
- 24 (XVIII) general systemic;
- 25 (XIX) hearing;

1 (XX) vision (distant, near, and
2 intermediate vision, field of vision,
3 color vision, and ocular alignment);

4 (XXI) blood pressure and pulse;
5 and

6 (XXII) anything else the physi-
7 cian, in his or her medical judgment,
8 considers necessary;

9 (ii) to exercise medical discretion to
10 address, as medically appropriate, any
11 medical conditions identified, and to exer-
12 cise medical discretion in determining
13 whether any medical tests are warranted
14 as part of the comprehensive medical ex-
15 amination;

16 (iii) to discuss all drugs the individual
17 reports taking (prescription and non-
18 prescription) and their potential to inter-
19 fere with the safe operation of an aircraft
20 or motor vehicle;

21 (iv) to sign the checklist, stating: “I
22 certify that I discussed all items on this
23 checklist with the individual during my ex-
24 amination, discussed any medications the
25 individual is taking that could interfere

1 with their ability to safely operate an air-
2 craft or motor vehicle, and performed an
3 examination that included all of the items
4 on this checklist. I certify that I am not
5 aware of any medical condition that, as
6 presently treated, could interfere with the
7 individual's ability to safely operate an air-
8 craft.”; and

9 (v) to provide the date the comprehen-
10 sive medical examination was completed,
11 and the physician's full name, address,
12 telephone number, and State medical li-
13 cense number.

14 (3) LOGBOOK.—The completed checklist shall
15 be retained in the individual's logbook and made
16 available on request.

17 (c) MEDICAL EDUCATION COURSE REQUIRE-
18 MENTS.—The medical education course described in this
19 subsection shall—

20 (1) be available on the Internet free of charge;

21 (2) be developed and periodically updated in co-
22 ordination with representatives of relevant nonprofit
23 and not-for-profit general aviation stakeholder
24 groups;

1 (3) educate pilots on conducting medical self-as-
2 essments;

3 (4) advise pilots on identifying warning signs of
4 potential serious medical conditions;

5 (5) identify risk mitigation strategies for med-
6 ical conditions;

7 (6) increase awareness of the impacts of poten-
8 tially impairing over-the-counter and prescription
9 drug medications;

10 (7) encourage regular medical examinations and
11 consultations with primary care physicians;

12 (8) inform pilots of the regulations pertaining
13 to the prohibition on operations during medical defi-
14 ciency and medically disqualifying conditions;

15 (9) provide the checklist developed by the Fed-
16 eral Aviation Administration in accordance with sub-
17 section (b); and

18 (10) upon successful completion of the course,
19 electronically provide to the individual and transmit
20 to the Federal Aviation Administration—

21 (A) a certification of completion of the
22 medical education course, which shall be printed
23 and retained in the individual's logbook and
24 made available upon request, and shall contain

1 the individual's name, address, and airman cer-
2 tificate number;

3 (B) subject to subsection (d), a release au-
4 thorizing the National Driver Register through
5 a designated State Department of Motor Vehi-
6 cles to furnish to the Federal Aviation Adminis-
7 tration information pertaining to the individ-
8 ual's driving record;

9 (C) a certification by the individual that
10 the individual is under the care and treatment
11 of a physician if the individual has been diag-
12 nosed with any medical condition that may im-
13 pact the ability of the individual to fly, as re-
14 quired under (a)(6);

15 (D) a form that includes—

16 (i) the name, address, telephone num-
17 ber, and airman certificate number of the
18 individual;

19 (ii) the name, address, telephone num-
20 ber, and State medical license number of
21 the physician performing the comprehen-
22 sive medical examination required in sub-
23 section (a)(7);

1 (iii) the date of the comprehensive
2 medical examination required in subsection
3 (a)(7); and

4 (iv) a certification by the individual
5 that the checklist described in subsection
6 (b) was followed and signed by the physi-
7 cian in the comprehensive medical exam-
8 ination required in subsection (a)(7); and

9 (E) a statement, which shall be printed,
10 and signed by the individual certifying that the
11 individual understands the existing prohibition
12 on operations during medical deficiency by stat-
13 ing: “I understand that I cannot act as pilot in
14 command, or any other capacity as a required
15 flight crew member, if I know or have reason to
16 know of any medical condition that would make
17 me unable to operate the aircraft in a safe
18 manner.”.

19 (d) NATIONAL DRIVER REGISTER.—The authoriza-
20 tion under subsection (c)(10)(B) shall be an authorization
21 for a single access to the information contained in the Na-
22 tional Driver Register.

23 (e) SPECIAL ISSUANCE PROCESS.—

24 (1) IN GENERAL.—An individual who has quali-
25 fied for the third-class medical certificate exemption

1 under subsection (a) and is seeking to serve as a
2 pilot in command of a covered aircraft shall be re-
3 quired to have completed the process for obtaining
4 an Authorization for Special Issuance of a Medical
5 Certificate for each of the following:

6 (A) A mental health disorder, limited to an
7 established medical history or clinical diagnosis
8 of—

9 (i) personality disorder that is severe
10 enough to have repeatedly manifested itself
11 by overt acts;

12 (ii) psychosis, defined as a case in
13 which an individual—

14 (I) has manifested delusions, hal-
15 lucinations, grossly bizarre or disorga-
16 nized behavior, or other commonly ac-
17 cepted symptoms of psychosis; or

18 (II) may reasonably be expected
19 to manifest delusions, hallucinations,
20 grossly bizarre or disorganized behav-
21 ior, or other commonly accepted
22 symptoms of psychosis;

23 (iii) bipolar disorder; or

24 (iv) substance dependence within the
25 previous 2 years, as defined in section

1 67.307(a)(4) of title 14, Code of Federal
2 Regulations.

3 (B) A neurological disorder, limited to an
4 established medical history or clinical diagnosis
5 of any of the following:

6 (i) Epilepsy.

7 (ii) Disturbance of consciousness with-
8 out satisfactory medical explanation of the
9 cause.

10 (iii) A transient loss of control of
11 nervous system functions without satisfac-
12 tory medical explanation of the cause.

13 (C) A cardiovascular condition, limited to a
14 one-time special issuance for each diagnosis of
15 the following:

16 (i) Myocardial infraction.

17 (ii) Coronary heart disease that has
18 required treatment.

19 (iii) Cardiac valve replacement.

20 (iv) Heart replacement.

21 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
22 DITIONS.—In the case of an individual with a car-
23 diovascular condition, the process for obtaining an
24 Authorization for Special Issuance of a Medical Cer-
25 tificate shall be satisfied with the successful comple-

1 tion of an appropriate clinical evaluation without a
2 mandatory wait period.

3 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
4 DITIONS.—

5 (A) In the case of an individual with a
6 clinically diagnosed mental health condition, the
7 third-class medical certificate exemption under
8 subsection (a) shall not apply if—

9 (i) in the judgment of the individual's
10 State-licensed medical specialist, the condi-
11 tion—

12 (I) renders the individual unable
13 to safely perform the duties or exer-
14 cise the airman privileges described in
15 subsection (a)(8); or

16 (II) may reasonably be expected
17 to make the individual unable to per-
18 form the duties or exercise the privi-
19 leges described in subsection (a)(8); or

20 (ii) the individual's driver's license is
21 revoked by the issuing agency as a result
22 of a clinically diagnosed mental health con-
23 dition.

24 (B) Subject to subparagraph (A), an indi-
25 vidual clinically diagnosed with a mental health

1 condition shall certify every 2 years, in conjunc-
2 tion with the certification under subsection
3 (c)(10)(C), that the individual is under the care
4 of a State-licensed medical specialist for that
5 mental health condition.

6 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
7 TIONS.—

8 (A) In the case of an individual with a
9 clinically diagnosed neurological condition, the
10 third-class medical certificate exemption under
11 subsection (a) shall not apply if—

12 (i) in the judgment of the individual's
13 State-licensed medical specialist, the condi-
14 tion—

15 (I) renders the individual unable
16 to safely perform the duties or exer-
17 cise the airman privileges described in
18 subsection (a)(8); or

19 (II) may reasonably be expected
20 to make the individual unable to per-
21 form the duties or exercise the privi-
22 leges described in subsection (a)(8); or

23 (ii) the individual's driver's license is
24 revoked by the issuing agency as a result

1 of a clinically diagnosed neurological condi-
2 tion.

3 (B) Subject to subparagraph (A), an indi-
4 vidual clinically diagnosed with a neurological
5 condition shall certify every 2 years, in conjunc-
6 tion with the certification under subsection
7 (c)(10)(C), that the individual is under the care
8 of a State-licensed medical specialist for that
9 neurological condition.

10 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
11 DITIONS FOR THE CACI PROGRAM.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator shall review and identify additional medical
15 conditions that could be added to the program
16 known as the Conditions AMEs Can Issue (CACI)
17 program.

18 (2) CONSULTATIONS.—In carrying out para-
19 graph (1), the Administrator shall consult with avia-
20 tion, medical, and union stakeholders.

21 (3) REPORT REQUIRED.—Not later than 180
22 days after the date of enactment of this Act, the Ad-
23 ministrator shall submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate
25 and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report
2 listing the medical conditions that have been added
3 to the CACI program under paragraph (1).

4 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
5 ISSUANCE OF A MEDICAL CERTIFICATE.—

6 (1) IN GENERAL.—The Administrator shall im-
7 plement procedures to expedite the process for ob-
8 taining an Authorization for Special Issuance of a
9 Medical Certificate under section 67.401 of title 14,
10 Code of Federal Regulations.

11 (2) CONSULTATIONS.—In carrying out para-
12 graph (1), the Administrator shall consult with avia-
13 tion, medical, and union stakeholders.

14 (3) REPORT REQUIRED.—Not later than 1 year
15 after the date of enactment of this Act, the Adminis-
16 trator shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives a report describing
20 how the procedures implemented under paragraph
21 (1) will streamline the process for obtaining an Au-
22 thorization for Special Issuance of a Medical Certifi-
23 cate and reduce the amount of time needed to review
24 and decide special issuance cases.

1 (h) REPORT REQUIRED.—Not later than 5 years
2 after the date of enactment of this Act, the Administrator,
3 in coordination with the National Transportation Safety
4 Board, shall submit to the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives a report that describes the effect of the
8 regulations issued or revised under subsection (a) and in-
9 cludes statistics with respect to changes in small aircraft
10 activity and safety incidents.

11 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
12 ginning on the date that is 1 year after the date of enact-
13 ment of this Act, the Administrator may not take an en-
14 forcement action for not holding a valid third-class med-
15 ical certificate against a pilot of a covered aircraft for a
16 flight, through a good faith effort, if the pilot and the
17 flight meet the applicable requirements under subsection
18 (a), except paragraph (5) of that subsection, unless the
19 Administrator has published final regulations in the Fed-
20 eral Register under that subsection.

21 (j) COVERED AIRCRAFT DEFINED.—In this section,
22 the term “covered aircraft” means an aircraft that—
23 (1) is authorized under Federal law to carry not
24 more than 6 occupants; and

1 (2) has a maximum certificated takeoff weight
2 of not more than 6,000 pounds.

3 (k) OPERATIONS COVERED.—The provisions and re-
4 quirements covered in this section do not apply to pilots
5 who elect to operate under the medical requirements under
6 subsection (b) or subsection (c) of section 61.23 of title
7 14, Code of Federal Regulations.

8 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
9 TION.—

10 (1) IN GENERAL.—If the Administrator receives
11 credible or urgent information, including from the
12 National Driver Register or the Administrator’s
13 Safety Hotline, that reflects on an individual’s abil-
14 ity to safely operate a covered aircraft under the
15 third-class medical certificate exemption in sub-
16 section (a), the Administrator may require the indi-
17 vidual to provide additional information or history so
18 that the Administrator may determine whether the
19 individual is safe to continue operating a covered
20 aircraft.

21 (2) USE OF INFORMATION.—The Administrator
22 may use credible or urgent information received
23 under paragraph (1) to request an individual to pro-
24 vide additional information or to take actions under
25 section 44709(b) of title 49, United States Code.

1 **SEC. 2603. 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 Pilot’s
14 Bill of Rights 2.”.

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 inserting after subsection (e) 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. 2604. 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)”.

24 **SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.**

25 (a) IN GENERAL.—

1 (1) Beginning on the date that is 180 days
2 after the date of enactment of this Act, the Adminis-
3 trator of the Federal Aviation Administration may
4 not take any enforcement action against any indi-
5 vidual for a violation of a NOTAM (as defined in
6 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
7 44701 note)) until the Administrator certifies to the
8 appropriate congressional committees that the Ad-
9 ministrator has complied with the requirements of
10 section 3 of the Pilot’s Bill of Rights, as amended
11 by this section.

12 (2) In this subsection, the term “appropriate
13 congressional committees” means—

14 (A) the Committee on Commerce, Science,
15 and Transportation of the Senate; and

16 (B) the Committee on Transportation and
17 Infrastructure of the House of Representatives.

18 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
19 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
20 44701 note) is amended—

21 (1) in subsection (a)(2)—

22 (A) in the matter preceding subparagraph

23 (A)—

24 (i) by striking “this Act” and insert-
25 ing “the Pilot’s Bill of Rights 2”; and

1 (ii) by striking “begin” and inserting
2 “complete the implementation of”;

3 (B) by amending subparagraph (B) to read
4 as follows:

5 “(B) to continue developing and modern-
6 izing the NOTAM repository, in a public cen-
7 tral location, to maintain and archive all
8 NOTAMs, including the original content and
9 form of the notices, the original date of publica-
10 tion, and any amendments to such notices with
11 the date of each amendment, in a manner that
12 is Internet-accessible, machine-readable, and
13 searchable;”;

14 (C) in subparagraph (C), by striking the
15 period at the end and inserting “; and”; and

16 (D) by adding at the end the following:

17 “(D) to specify the times during which
18 temporary flight restrictions are in effect and
19 the duration of a designation of special use air-
20 space in a specific area.”; and

21 (2) by amending subsection (d) to read as fol-
22 lows:

23 “(d) DESIGNATION OF REPOSITORY AS SOLE
24 SOURCE FOR NOTAMS.—

25 “(1) IN GENERAL.—The Administrator—

1 “(A) shall consider the repository for
2 NOTAMs under subsection (a)(2)(B) to be the
3 sole location for airmen to check for NOTAMs;
4 and

5 “(B) may not consider a NOTAM to be
6 announced or published until the NOTAM is in-
7 cluded in the repository for NOTAMs under
8 subsection (a)(2)(B).

9 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
10 LATIONS OF NOTAMS NOT IN REPOSITORY.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), beginning on the date that
13 the repository under subsection (a)(2)(B) is
14 final and published, the Administrator may not
15 take any enforcement action against an airman
16 for a violation of a NOTAM during a flight if—

17 “(i) that NOTAM is not available
18 through the repository before the com-
19 mencement of the flight; and

20 “(ii) that NOTAM is not reasonably
21 accessible and identifiable to the airman.

22 “(B) EXCEPTION FOR NATIONAL SECUR-
23 ITY.—Subparagraph (A) shall not apply in the
24 case of an enforcement action for a violation of

1 a NOTAM that directly relates to national se-
2 curity.”.

3 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

4 (a) IN GENERAL.—Subchapter I of chapter 471 is
5 amended by inserting after section 47124 the following:

6 **“§ 47124a. Accessibility of certain flight data**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ADMINISTRATION.—The term ‘Administra-
9 tion’ means the Federal Aviation Administration.

10 “(2) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the Federal Avia-
12 tion Administration.

13 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
14 plicable individual’ means an individual who is the
15 subject of an investigation initiated by the Adminis-
16 trator related to a covered flight record.

17 “(4) CONTRACT TOWER.—The term ‘contract
18 tower’ means an air traffic control tower providing
19 air traffic control services pursuant to a contract
20 with the Administration under the contract air traf-
21 fic control tower program under section
22 47124(b)(3).

23 “(5) COVERED FLIGHT RECORD.—The term
24 ‘covered flight record’ means any air traffic data (as
25 defined in section 2(b)(4)(B) of the Pilot’s Bill of

1 Rights (49 U.S.C. 44703 note)), created, main-
2 tained, or controlled by any program of the Adminis-
3 tration, including any program of the Administration
4 carried out by employees or contractors of the Ad-
5 ministration, such as contract towers, flight service
6 stations, and controller training programs.

7 “(b) PROVISION OF COVERED FLIGHT RECORD TO
8 ADMINISTRATION.—

9 “(1) REQUESTS.—Whenever the Administration
10 receives a written request for a covered flight record
11 from an applicable individual and the covered flight
12 record is not in the possession of the Administration,
13 the Administrator shall request the covered flight
14 record from the contract tower or other contractor
15 of the Administration in possession of the covered
16 flight record.

17 “(2) PROVISION OF RECORDS.—Any covered
18 flight record created, maintained, or controlled by a
19 contract tower or another contractor of the Adminis-
20 tration that maintains covered flight records shall be
21 provided to the Administration if the Administration
22 requests the record pursuant to paragraph (1).

23 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
24 TION.—If the Administrator has issued, or subse-
25 quently issues, a Notice of Proposed Certificate Ac-

1 tion relying on evidence contained in the covered
2 flight record and the individual who is the subject of
3 an investigation has requested the record, the Ad-
4 ministrator shall promptly produce the record and
5 extend the time the individual has to respond to the
6 Notice of Proposed Certificate Action until the cov-
7 ered flight record is provided.

8 “(c) IMPLEMENTATION.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the Pilot’s Bill of
11 Rights 2, the Administrator shall promulgate regula-
12 tions or guidance to ensure compliance with this sec-
13 tion.

14 “(2) COMPLIANCE BY CONTRACTORS.—

15 “(A) Compliance with this section by a
16 contract tower or other contractor of the Ad-
17 ministration that maintains covered flight
18 records shall be included as a material term in
19 any contract between the Administration and
20 the contract tower or contractor entered into or
21 renewed on or after the date of enactment of
22 the Pilot’s Bill of Rights 2.

23 “(B) Subparagraph (A) shall not apply to
24 any contract or agreement in effect on the date
25 of enactment of the Pilot’s Bill of Rights 2 un-

1 less the contract or agreement is renegotiated,
2 renewed, or modified after that date.”.

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

4 The table of contents for chapter 471 is amended by in-
5 serting after the item relating to section 47124 the fol-
6 lowing:

“47124a. Accessibility of certain flight data.”.

7 **SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
8 **CERTAIN NOTICES.**

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 revise section 13.11 of title 14, Code
12 of Federal Regulations, to authorize legal counsel of the
13 Federal Aviation Administration to close enforcement ac-
14 tions covered by that section with a warning notice, letter
15 of correction, or other administrative action.

16 **TITLE III—AIR SERVICE**
17 **IMPROVEMENTS**

18 **SEC. 3001. DEFINITIONS.**

19 In this title:

20 (1) **COVERED AIR CARRIER.**—The term “cov-
21 ered air carrier” means an air carrier or a foreign
22 air carrier as those terms are defined in section
23 40102 of title 49, United States Code.

24 (2) **ONLINE SERVICE.**—The term “online serv-
25 ice” means any service available over the Internet,

1 or that connects to the Internet or a wide-area net-
2 work.

3 (3) TICKET AGENT.—The term “ticket agent”
4 has the meaning given the term in section 40102 of
5 title 49, United States Code.

6 **Subtitle A—Passenger Air Service**
7 **Improvements**

8 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-**
9 **TIONS.**

10 (a) REVIEW.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary of
13 Transportation shall review the categorization of
14 delays and cancellations with respect to air carriers
15 that are required to report such data.

16 (2) CONSIDERATIONS.—In conducting the re-
17 view under paragraph (1), the Secretary shall con-
18 sider, at a minimum—

19 (A) whether delays and cancellations at-
20 tributed by an air carrier to weather were un-
21 avoidable due to an operational or air traffic
22 control issue, or due to the air carrier’s pref-
23 erence in determining which flights to delay or
24 cancel during a weather event;

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) ADVISORY COMMITTEE FOR AVIATION CON-
14 SUMER PROTECTION.—The Secretary may use the
15 Advisory Committee for Aviation Consumer Protec-
16 tion, established under section 411 of the FAA Mod-
17 ernization and Reform Act of 2012 (49 U.S.C.
18 42301 prec. note), to assist in conducting the review
19 and providing recommendations.

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.

18 (2) ADVISORY COMMITTEE FOR AVIATION CON-
19 SUMER PROTECTION.—The Secretary may use the
20 Advisory Committee for Aviation Consumer Protec-
21 tion, established under section 411 of the FAA Mod-
22 ernization and Reform Act of 2012 (49 U.S.C.
23 42301 prec. note), to assist in conducting the review
24 and providing recommendations.

1 (b) REPORT.—Not later than 90 days after the date
2 the review under subsection (a) is complete, the Secretary
3 shall submit to appropriate committees of Congress a re-
4 port on the review under subsection (a), including any rec-
5 ommendations.

6 **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

7 Not later than 180 days after the date that the re-
8 views under sections 3101 and 3102 of this Act are com-
9 plete, the Secretary of Transportation shall issue a supple-
10 mental notice of proposed rulemaking to its notice of pro-
11 posed rulemaking published in the Federal Register on
12 May 23, 2014 (DOT–OST–2014–0056) (relating to the
13 transparency of airline ancillary fees and other consumer
14 protection issues) to consider the following:

15 (1) Requiring an air carrier to provide notifica-
16 tion and refunds or other consideration to a con-
17 sumer who is impacted by delays or cancellations
18 when an air carrier has a choice as to which flights
19 to cancel or delay during a weather-related event.

20 (2) Requiring an air carrier to provide notifica-
21 tion and refunds or other consideration to a con-
22 sumer who is impacted by involuntary changes to
23 the consumer’s itinerary.

1 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
2 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
3 **DENTS.**

4 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
5 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
6 amended—

7 (1) in subsection (a), by striking “a major” and
8 inserting “any”;

9 (2) in subsection (b)—

10 (A) in paragraph (9), by striking “(and
11 any other victim of the accident)” and inserting
12 “(and any other victim of the accident, includ-
13 ing any victim on the ground)”;

14 (B) in paragraph (16), by striking “major”
15 and inserting “any”; and

16 (C) in paragraph (17)(A), by striking “sig-
17 nificant” and inserting “any”; and

18 (3) by amending subsection (e) to read as fol-
19 lows:

20 “(e) DEFINITIONS.—In this section:

21 “(1) ‘Aircraft accident’ means any aviation dis-
22 aster, regardless of its cause or suspected cause, for
23 which the National Transportation Safety Board is
24 the lead investigative agency.

25 “(2) ‘Passenger’ has the meaning given the
26 term in section 1136.”.

1 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
2 AIR TRANSPORTATION.—Section 41313 is amended—

3 (1) in subsection (b), by striking “a major” and
4 inserting “any”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “a sig-
7 nificant” and inserting “any”;

8 (B) in paragraph (2), by striking “a sig-
9 nificant” and inserting “any”;

10 (C) in paragraph (16), by striking “major”
11 and inserting “any”; and

12 (D) in paragraph (17)(A), by striking “sig-
13 nificant” and inserting “any”.

14 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—

15 Section 1136(a) is amended by striking “aircraft accident
16 within the United States involving an air carrier or foreign
17 air carrier and resulting in a major loss of life” and insert-
18 ing “aircraft accident involving an air carrier or foreign
19 air carrier, resulting in any loss of life, and for which the
20 National Transportation Safety Board will serve as the
21 lead investigative agency”.

22 **SEC. 3105. EMERGENCY MEDICAL KITS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the
25 Federal Aviation Administration shall evaluate and revise,

1 as appropriate, the regulations under part 121 of title 14,
2 Code of Federal Regulations, regarding the emergency
3 medical equipment requirements, including the contents of
4 the first-aid kit, applicable to all certificate holders oper-
5 ating passenger-carrying airplanes under that part.

6 (b) CONSIDERATIONS.—In carrying out subsection
7 (a), the Administrator shall consider whether the min-
8 imum contents of approved emergency medical kits, in-
9 cluding approved first-aid kits, include appropriate medi-
10 cations and equipment to meet the emergency medical
11 needs of children, including consideration of an epineph-
12 rine auto-injector, as appropriate.

13 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall—

17 (1) conduct a study of airport accessibility best
18 practices for individuals with disabilities; and

19 (2) submit to the appropriate committees of
20 Congress a report on the study, including the Comp-
21 troller General's findings, conclusions, and rec-
22 ommendations.

23 (b) CONTENTS.—The study under subsection (a)
24 shall include accessibility best practices beyond those rec-
25 ommended under the Architectural Barriers Act of 1968

1 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
2 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
3 Stat. 1080; Public Law 99–435), or Americans with Dis-
4 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
5 prove infrastructure and communications, such as with re-
6 gard to wayfinding, amenities, and passenger care.

7 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR**
8 **AVIATION CONSUMER PROTECTION.**

9 (a) **TERMINATION.**—Section 411(h) of the FAA Mod-
10 ernization and Reform Act of 2012 (Public Law 112–95;
11 49 U.S.C. 42301 prec. note) is amended by striking “July
12 15, 2016” and inserting “September 30, 2017”.

13 (b) **FINANCIAL DISCLOSURE.**—Section 411 of the
14 FAA Modernization and Reform Act of 2012 (Public Law
15 112–95; 49 U.S.C. 42301 prec. note) is further amend-
16 ed—

17 (1) by redesignating subsection (h) as sub-
18 section (i); and

19 (2) by inserting before subsection (i), the fol-
20 lowing:

21 “(h) **CONFLICT OF INTEREST DISCLOSURE.**—Begin-
22 ning on the date of enactment of the Federal Aviation Ad-
23 ministration Reauthorization Act of 2016, each member
24 of the advisory committee who is not a government em-
25 ployee shall disclose, on an annual basis, any potential

1 conflicts of interest, including financial conflicts of inter-
2 est, to the Secretary in such form and manner as pre-
3 scribed by the Secretary.”.

4 (c) RECOMMENDATIONS.—Section 411(g) of the FAA
5 Modernization and Reform Act of 2012 (Public Law 112–
6 95; 49 U.S.C. 42301 prec. note) is amended—

7 (1) by striking “of the first 2 calendar years be-
8 ginning after the date of enactment of this Act” and
9 inserting “calendar year”; and

10 (2) by inserting “and post on the Department
11 of Transportation Web site” after “Congress”.

12 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

13 Section 47107(r)(3) is amended by striking “July 16,
14 2016” and inserting “October 1, 2017”.

15 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of Transpor-
18 tation shall issue final regulations to require a covered air
19 carrier to promptly provide an automatic refund to a pas-
20 senger in the amount of any applicable ancillary fees paid
21 if the covered air carrier has charged the passenger an
22 ancillary fee for checked baggage but the covered air car-
23 rier fails to deliver the checked baggage to the passenger
24 not later than 6 hours after the arrival of a domestic flight
25 or 12 hours after the arrival of an international flight.

1 (b) EXCEPTION.—If as part of the rulemaking the
2 Secretary makes a determination on the record that a re-
3 quirement under subsection (a) is unfeasible and will neg-
4 atively affect consumers in certain cases, the Secretary
5 may modify 1 or both of the deadlines in that subsection
6 for such cases, except that—

7 (1) the deadline relating to a domestic flight
8 may not exceed 12 hours after the arrival of the do-
9 mestic flight; and

10 (2) the deadline relating to an international
11 flight may not exceed 24 hours after the arrival of
12 the international flight.

13 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
14 **ORED BY A COVERED AIR CARRIER.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Secretary of Transportation shall promul-
17 gate regulations that require each covered air carrier to
18 promptly provide an automatic refund to a passenger of
19 any ancillary fees paid for services that the passenger does
20 not receive, including on the passenger's scheduled flight,
21 on a subsequent replacement itinerary if there has been
22 a rescheduling, or for a flight not taken by the passenger.

1 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall issue final regulations requiring—

5 (1) each covered air carrier to disclose to a con-
6 sumer the baggage fee, cancellation fee, change fee,
7 ticketing fee, and seat selection fee of that covered
8 air carrier in a standardized format; and

9 (2) notwithstanding the manner in which infor-
10 mation regarding the fees described in paragraph
11 (1) is collected, each ticket agent to disclose to a
12 consumer such fees of a covered air carrier in the
13 standardized format described in paragraph (1).

14 (b) REQUIREMENTS.—The regulations under sub-
15 section (a) shall require that each disclosure—

16 (1) if ticketing is done on an Internet Web site
17 or other online service—

18 (A) be prominently displayed to the con-
19 sumer prior to the point of purchase; and

20 (B) set forth the fees described in sub-
21 section (a)(1) in clear and plain language and
22 a font of easily readable size; and

23 (2) if ticketing is done on the telephone, be ex-
24 pressly stated to the consumer during the telephone
25 call and prior to the point of purchase.

1 **SEC. 3112. SEAT ASSIGNMENTS.**

2 (a) IN GENERAL.—Not later than 15 months after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation shall complete such actions as may be necessary
5 to require each covered air carrier and ticket agent to dis-
6 close to a consumer that seat selection for which a fee
7 is charged is an optional service, and that if a consumer
8 does not pay for a seat assignment, a seat will be assigned
9 to the consumer from available inventory at the time the
10 consumer checks in for the flight or prior to departure.

11 (b) REQUIREMENTS.—The disclosure under sub-
12 section (a) shall—

13 (1) if ticketing is done on an Internet Web site
14 or other online service, be prominently displayed to
15 the consumer on that Internet Web site or online
16 service during the selection of seating or prior to the
17 point of purchase; and

18 (2) if ticketing is done on the telephone, be ex-
19 pressly stated to the consumer during the telephone
20 call and prior to the point of purchase.

21 **SEC. 3113. LASTING IMPROVEMENTS TO FAMILY TRAVEL.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Lasting Improvements to Family Travel Act” or the
24 “LIFT Act”.

25 (b) ACCOMPANYING MINORS FOR SECURITY SCREEN-
26 ING.—The Administrator of the Transportation Security

1 Administration shall formalize security screening proce-
2 dures that allow for one adult family caregiver to accom-
3 pany a minor child throughout the entirety of the security
4 screening process.

5 (c) SPECIAL ACCOMMODATIONS FOR PREGNANT
6 WOMEN.—Not later than 180 days after the date of the
7 enactment of this Act, the Secretary of Transportation
8 shall review and, if appropriate, prescribe regulations that
9 direct all air carriers to include pregnant women in their
10 policies with respect to preboarding or advance boarding
11 of aircraft.

12 (d) FAMILY SEATING.—Not later than 1 year after
13 the date of the enactment of this Act, the Secretary shall
14 review and, if appropriate, establish a policy directing all
15 air carriers to ensure that, if a family is traveling on a
16 reservation with a child under the age of 13, that child
17 is able to sit in a seat adjacent to the seat of an accom-
18 panying family member over the age of 13, to the max-
19 imum extent practicable, at no additional cost.

20 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**
21 **MENT.**

22 (a) IN GENERAL.—Section 42302 is amended—

23 (1) by redesignating subsections (b) and (c) as
24 subsections (c) and (d), respectively;

1 (2) by inserting after subsection (a), the fol-
2 lowing:

3 “(b) POINT OF SALE.—Each air carrier, foreign air
4 carrier, and ticket agent shall inform each consumer of
5 a carrier service, at the point of sale, that the consumer
6 can file a complaint about that service with the carrier
7 and with the Aviation Consumer Protection Division of the
8 Department of Transportation.”;

9 (3) by amending subsection (c), as redesign-
10 nated, to read as follows:

11 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
12 ICE NOTICE.—Each air carrier and foreign air carrier
13 shall include on its Internet Web site, any related mobile
14 device application, and online service—

15 “(1) the hotline telephone number established
16 under subsection (a) or for the Aviation Consumer
17 Protection Division of the Department of Transpor-
18 tation;

19 “(2) an active link and the email address, tele-
20 phone number, and mailing address of the air car-
21 rier or foreign air carrier, as applicable, for a con-
22 sumer to submit a complaint to the carrier about the
23 quality of service;

1 “(3) notice that the consumer can file a com-
2 plaint with the Aviation Consumer Protection Divi-
3 sion of the Department of Transportation;

4 “(4) an active link to the Internet Web site of
5 the Aviation Consumer Protection Division of the
6 Department of Transportation for a consumer to file
7 a complaint; and

8 “(5) the active link described in paragraph (2)
9 on the same Internet Web site page as the active
10 link described in paragraph (4).”; and

11 (4) in subsection (d), as redesignated—

12 (A) in the matter preceding paragraph (1),
13 by striking “An air carrier or foreign air carrier
14 providing scheduled air transportation using
15 any aircraft that as originally designed has a
16 passenger capacity of 30 or more passenger
17 seats” and inserting “Each air carrier and for-
18 eign air carrier”;

19 (B) in paragraph (1), by striking “air car-
20 rier” and inserting “carrier”; and

21 (C) in paragraph (2), by striking “air car-
22 rier” and inserting “carrier”.

23 (b) RULEMAKING.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall promulgate regulations to implement the re-

1 requirements of section 42302 of title 49, United States
2 Code, as amended.

3 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
4 **TECTION INFORMATION.**

5 (a) INTERNET WEB SITE.—Not later than 180 days
6 after the date of enactment of this Act, the Secretary of
7 Transportation shall—

8 (1) complete an evaluation of the aviation con-
9 sumer protection portion of the Department of
10 Transportation’s public Internet Web site to identify
11 any changes to the user interface that will improve
12 usability, accessibility, consumer satisfaction, and
13 Web site performance;

14 (2) in completing the evaluation under para-
15 graph (1)—

16 (A) consider the best practices of other
17 Federal agencies with effective Web sites; and

18 (B) consult with the Federal Web Man-
19 agers Council;

20 (3) develop a plan, including an implementation
21 timeline, for—

22 (A) making the changes identified under
23 paragraph (1); and

1 (B) making any necessary changes to that
2 portion of the Web site that will enable a con-
3 sumer—

4 (i) to access information regarding
5 each complaint filed with the Aviation Con-
6 sumer Protection Division of the Depart-
7 ment of Transportation;

8 (ii) to search the complaints described
9 in clause (i) by the name of the air carrier,
10 the dates of departure and arrival, the air-
11 ports of origin and departure, and the type
12 of complaint; and

13 (iii) to determine the date a complaint
14 was filed and the date a complaint was re-
15 solved; and

16 (4) submit the evaluation and plan to appro-
17 priate committees of Congress.

18 (b) MOBILE APPLICATION SOFTWARE.—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary of Transportation shall—

21 (1) implement a program to develop application
22 software for wireless devices that will enable a user
23 to access information and perform activities related
24 to aviation consumer protection, such as—

1 (A) information regarding airline pas-
2 senger protections, including protections related
3 to lost baggage and baggage fees, disclosure of
4 additional fees, bumping, cancelled or delayed
5 flights, damaged or lost baggage, and tarmac
6 delays; and

7 (B) file an aviation consumer complaint,
8 including a safety and security, airline service,
9 disability and discrimination, or privacy com-
10 plaint, with the Aviation Consumer Protection
11 Division of the Department of Transportation;
12 and

13 (2) make the application software available to
14 the public at no cost.

15 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
16 **SYSTEMS.**

17 Not later than 2 years after the date of enactment
18 of this Act, the Architectural and Transportation Barriers
19 Compliance Board, in consultation with the Secretary of
20 Transportation, shall conduct a study to determine the
21 ways in which particular individuals with significant dis-
22 abilities who use wheelchairs, including power wheelchairs,
23 can be accommodated through in cabin wheelchair re-
24 straint systems.

1 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**
2 **FOR PERSONS WITH DISABILITIES.**

3 (a) IN GENERAL.—Not later than 270 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 describing—

7 (1) each air carrier’s training policy for its per-
8 sonnel and contractors regarding assistance for per-
9 sons with disabilities, as required by Department of
10 Transportation regulations;

11 (2) any variations among the air carriers in the
12 policies described in paragraph (1);

13 (3) how the training policies are implemented to
14 meet the Department of Transportation regulations;

15 (4) how frequently an air carrier must train
16 new employees and contractors due to turnover in
17 positions that require such training;

18 (5) how frequently, in the prior 10 years, the
19 Department of Transportation has requested, after
20 reviewing a training policy, that an air carrier take
21 corrective action; and

22 (6) the action taken by an air carrier under
23 paragraph (5).

24 (b) BEST PRACTICES.—After the date the report is
25 submitted under subsection (a), the Secretary of Trans-
26 portation, based on the findings of the report, shall de-

1 velop and disseminate to air carriers such best practices
2 as the Secretary considers necessary to improve the train-
3 ing policies.

4 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**
5 **NEEDS OF PASSENGERS WITH DISABILITIES.**

6 (a) ESTABLISHMENT.—The Secretary of Transpor-
7 tation shall establish an advisory committee for the air
8 travel needs of passengers with disabilities (referred to in
9 this section as the “Advisory Committee”).

10 (b) DUTIES.—The Advisory Committee shall advise
11 the Secretary with regard to the implementation of the
12 Air Carrier Access Act of 1986 (Public Law 99–435; 100
13 Stat. 1080), including—

14 (1) assessing the disability-related access bar-
15 riers encountered by passengers with disabilities;

16 (2) determining the extent to which the pro-
17 grams and activities of the Department of Transpor-
18 tation are addressing the barriers described in para-
19 graph (1);

20 (3) recommending improvements to the air
21 travel experience of passengers with disabilities; and

22 (4) such activities as the Secretary considers
23 necessary to carry out this section.

24 (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 year and those that will likely be
9 an issue in the next 5 years;

10 (B) an evaluation of the extent to which
11 the Department of Transportation’s programs
12 and activities are eliminating disability-related
13 access barriers;

14 (C) a description of the Advisory Commit-
15 tee’s actions during the prior calendar year;

16 (D) a description of activities that the Ad-
17 visory Committee proposed to undertake in the
18 succeeding calendar year; and

19 (E) any recommendations for legislation,
20 administrative action, or other action that the
21 Advisory Committee considers appropriate.

22 (2) REPORT TO CONGRESS.—Not later than 60
23 days after the date the Secretary receives the report
24 under subparagraph (A), the Secretary shall submit
25 to Congress a copy of the report, including any addi-

1 tional findings or recommendations that the Sec-
2 retary considers appropriate.

3 (g) TERMINATION.—The Advisory Committee shall
4 terminate 2 years after the date of enactment of this Act.

5 **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE,**
6 **CANCELLATION, AND BAGGAGE FEES.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a study of existing airline in-
9 dustry change, cancellation, and bag fees and the current
10 industry practice for handling changes to or cancellation
11 of ticketed travel on covered air carriers.

12 (b) CONSIDERATIONS.—In conducting the study, the
13 Comptroller General shall consider, at a minimum—

14 (1) whether and how each covered air carrier
15 calculates its change fees, cancellation fees, and bag
16 fees; and

17 (2) the relationship between the cost of the
18 ticket and the date of change or cancellation as com-
19 pared to the date of travel.

20 (c) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to the appropriate committees of Congress a report
23 on the study, including the Comptroller General's findings,
24 conclusions, and recommendations.

1 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
2 **TECTION RULES.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a study to consider and evalu-
5 ate Department of Transportation enforcement of aviation
6 consumer protection rules.

7 (b) CONTENTS.—The study under subsection (a)
8 shall include an evaluation of—

9 (1) available enforcement mechanisms;

10 (2) any obstacles to enforcement; and

11 (3) trends in Department of Transportation en-
12 forcement actions.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General shall
15 submit to the appropriate committees of Congress a report
16 on the study, including the Comptroller General's findings,
17 conclusions, and recommendations.

18 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

19 (a) IN GENERAL.—Not later than 18 months after
20 the date of enactment of this Act, the Secretary of Trans-
21 portation shall initiate a proceeding to study the minimum
22 seat pitch for passenger seats on aircraft operated by air
23 carriers (as defined in section 40102 of title 49, United
24 States Code).

25 (b) CONSIDERATIONS.—In reviewing any minimum
26 seat pitch under subsection (a), the Secretary shall con-

1 sider the safety of passengers, including passengers with
2 disabilities.

3 **SEC. 3122. CELL PHONE VOICE COMMUNICATIONS.**

4 (a) IN GENERAL.—Subchapter I of chapter 417, as
5 amended by section 2307 of this Act, is further amended
6 by adding at the end the following:

7 **“§ 41726. Cell phone voice communications**

8 “(a) PROHIBITION AUTHORITY.—The Secretary of
9 Transportation may issue regulations—

10 “(1) to prohibit an individual on an aircraft
11 from engaging in voice communications using a mo-
12 bile communications device during a flight of that
13 aircraft in scheduled passenger interstate or intra-
14 state air transportation; and

15 “(2) that exempt from the prohibition described
16 in paragraph (1)—

17 “(A) any member of the flight crew on
18 duty on an aircraft;

19 “(B) any flight attendant on duty on an
20 aircraft; and

21 “(C) any Federal law enforcement officer
22 acting in an official capacity.

23 “(b) DEFINITIONS.—In this section:

24 “(1) FLIGHT.—The term ‘flight’ means, with
25 respect to an aircraft, the period beginning when the

1 aircraft takes off and ending when the aircraft
2 lands.

3 “(2) MOBILE COMMUNICATIONS DEVICE.—

4 “(A) IN GENERAL.—The term ‘mobile
5 communications device’ means any portable
6 wireless telecommunications equipment utilized
7 for the transmission or reception of voice data.

8 “(B) LIMITATION.—The term ‘mobile com-
9 munications device’ does not include a phone in-
10 stalled on an aircraft.”.

11 (b) TABLE OF CONTENTS.—The table of contents at
12 the beginning of chapter 417, as amended by section 2307
13 of this Act, is further amended by inserting after the item
14 relating to section 41725 the following:

“41726. Cell phone voice communications.”.

15 **SEC. 3123. AVAILABILITY OF SLOTS FOR NEW ENTRANT AIR**
16 **CARRIERS AT NEWARK LIBERTY INTER-**
17 **NATIONAL AIRPORT.**

18 (a) DEFINITIONS.—The terms “new entrant air car-
19 rier” and “slot” have the meanings given those terms in
20 section 41714(h) of title 49, United States Code.

21 (b) SLOTS FOR NEW ENTRANT AIR CARRIERS.—The
22 Secretary shall, annually, by granting exemptions from the
23 requirements under part 93 of title 14, Code of Federal
24 Regulations, or by other means, make not less than 8 slots

1 at Newark Liberty International Airport available to en-
2 able new entrant air carriers to provide air transportation.

3 (c) APPLICABILITY.—Subsection (a) shall not apply
4 in any year—

5 (1) new entrant air carriers operate 5 percent
6 or more of the total number of slots at Newark Lib-
7 erty International Airport; or

8 (2) the Secretary makes a determination that
9 making slots available to enable new entrant air car-
10 riers to provide air transportation at that airport is
11 not in the public interest and doing so would signifi-
12 cantly increase operational delays.

13 (d) REPORT TO CONGRESS.—The Secretary shall no-
14 tify the Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Transportation
16 and Infrastructure of the House of Representatives not
17 later than 14 calendar days after the date a determination
18 is made under subsection (c)(2), including the reasons for
19 that determination.

20 **Subtitle B—Essential Air Service**

21 **SEC. 3201. ESSENTIAL AIR SERVICE.**

22 (a) AUTHORIZATION EXTENSION.—Section 41742(a)
23 is amended—

24 (1) in paragraph (2), by striking
25 “\$150,000,000” and all that follows though “July

1 15, 2016” and inserting “\$155,000,000 for each of
2 fiscal years 2016 through 2017”; and

3 (2) by striking paragraph (3).

4 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
5 amended by striking clause (ii) and inserting the following:

6 “(ii) was determined, on or after Oc-
7 tober 1, 1988, and before December 1,
8 2012, under this subchapter by the Sec-
9 retary of Transportation to be eligible to
10 receive subsidized small community air
11 service under section 41736(a);”.

12 (c) SEASONAL SERVICE.—The Secretary of Trans-
13 portation may consider the flexibility of current oper-
14 ational dates and airport accessibility to meet local com-
15 munity needs when issuing requests for proposal of essen-
16 tial air service at seasonal airports.

17 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
18 **MENT PROGRAM.**

19 (a) EXTENSION OF AUTHORIZATION.—Section
20 41743(e)(2) is amended to read as follows:

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to the Sec-
23 retary \$10,000,000 for each of fiscal years 2016
24 through 2017 to carry out this section. Such sums
25 shall remain available until expended.”.

1 (b) ELIGIBILITY.—Section 41743(c)(1) is amended
2 to read as follows:

3 “(1) SIZE.—On the date of the most recent no-
4 tice of order soliciting community proposals issued
5 by the Secretary under this section, the airport serv-
6 ing the community or consortium—

7 “(A) was not larger than a small hub air-
8 port, as determined using the Department of
9 Transportation’s most recent published classi-
10 fication; and

11 “(B)(i) had insufficient air carrier service;
12 or

13 “(ii) had unreasonably high air fares.”.

14 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

15 (a) IN GENERAL.—Section 41743(c)(4) is amend-
16 ed—

17 (1) by inserting “(B) SAME PROJECTS.—” be-
18 fore the second sentence and indenting appro-
19 priately;

20 (2) by inserting “(A) IN GENERAL.—” before
21 the first sentence and indenting appropriately;

22 (3) in subparagraph (B), as designated by this
23 subsection, by striking “No community” and insert-
24 ing “Except as provided in subparagraph (C)”; and

25 (4) by adding at the end the following:

1 “(C) EXCEPTION.—The Secretary may
2 waive the limitation under subparagraph (B)
3 related to projects that are the same if the Sec-
4 retary determines that the community or con-
5 sortium spent little or no money on its previous
6 project or encountered industry or environ-
7 mental challenges, due to circumstances that
8 were reasonably beyond the control of the com-
9 munity or consortium.”.

10 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
11 41743(e)(1) is amended by adding at the end the fol-
12 lowing: “The Secretary may amend the scope of a grant
13 agreement at the request of the community or consortium
14 and any participating air carrier, and may limit the scope
15 of a grant agreement to only the elements using grant as-
16 sistance or to only the elements achieved, if the Secretary
17 determines that the amendment is reasonably consistent
18 with the original purpose of the project.”.

19 **SEC. 3204. WAIVERS.**

20 Section 41732 is amended by adding at the end the
21 following:

22 “(c) WAIVERS.—Notwithstanding section 41733(e),
23 upon request by an eligible place, the Secretary may waive,
24 in whole or in part, subsections (a) and (b) of this section
25 or subsections (a) through (c) of section 41734. A waiver

1 issued under this subsection shall remain in effect for a
2 limited period of time, as determined by the Secretary.”.

3 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**
4 **TO SMALL COMMUNITIES.**

5 (a) IN GENERAL.—Not later than 120 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation and the Administrator of the Federal Aviation Ad-
8 ministration shall establish a working group—

9 (1) to identify obstacles to attracting and main-
10 taining air transportation service to and from small
11 communities; and

12 (2) to develop recommendations for maintaining
13 and improving air transportation service to and from
14 small communities.

15 (b) OUTREACH.—In carrying out the requirements
16 under paragraphs (1) and (2) of subsection (a), the work-
17 ing group shall consult with—

18 (1) interested Governors;

19 (2) representatives of State and local agencies,
20 and other officials and groups, representing rural
21 States and other rural areas;

22 (3) other representatives of relevant State and
23 local agencies; and

1 (4) members of the public with experience in
2 aviation safety, pilot training, economic development,
3 and related issues.

4 (c) CONSIDERATIONS.—In carrying out the require-
5 ments under paragraphs (1) and (2) of subsection (a), the
6 working group shall—

7 (1) consider whether funding for, and terms of,
8 current or potential new programs is sufficient to
9 help ensure continuation of or improvement to air
10 transportation service to small communities, includ-
11 ing the Essential Air Service Program and the Small
12 Community Air Service Development Program;

13 (2) identify initiatives to help support pilot
14 training to provide air transportation service to
15 small communities;

16 (3) consider whether Federal funding for air-
17 ports serving small communities, including airports
18 that have lost air transportation services or had de-
19 creased enplanements in recent years, is adequate to
20 ensure that small communities have access to qual-
21 ity, affordable air transportation service;

22 (4) consider potential improvements in pilot
23 training and any constraints affecting pilot career
24 pathways that, if addressed, would increase both
25 aviation safety and pilot supply;

1 (5) identify innovative State or local efforts that
2 have established public-private partnerships that are
3 successful in attracting and retaining air transpor-
4 tation service in small communities; and

5 (6) consider such other issues as the Secretary
6 and Administrator consider appropriate.

7 (d) COMPOSITION.—

8 (1) IN GENERAL.—The working group shall be
9 facilitated through the Administrator or the Admin-
10 istrator’s designee.

11 (2) MEMBERSHIP.—Members of the working
12 group shall be appointed by the Administrator and
13 shall include representatives of—

14 (A) State and local government, including
15 State and local aviation officials;

16 (B) State Governors;

17 (C) aviation safety experts;

18 (D) economic development officials; and

19 (E) the traveling public from small com-
20 munities.

21 (e) REPORT AND RECOMMENDATIONS.—Not later
22 than 1 year after the date of enactment of this Act, the
23 Secretary and the Administrator shall submit to the ap-
24 propriate committees of Congress a report, including—

1 (1) a summary of the views expressed by the
2 participants in the outreach under subsection (b);

3 (2) a description of the working group’s find-
4 ings, including the identification of any areas of gen-
5 eral consensus among the non-Federal participants
6 in the outreach under subsection (b); and

7 (3) any recommendations for legislative or regu-
8 latory action that would assist in maintaining and
9 improving air transportation service to and from
10 small communities.

11 **TITLE IV—NEXTGEN AND FAA** 12 **ORGANIZATION**

13 **SEC. 4001. DEFINITIONS.**

14 In this title:

15 (1) **ADMINISTRATION.**—The term “Administra-
16 tion” means the Federal Aviation Administration.

17 (2) **ADMINISTRATOR.**—The term “Adminis-
18 trator” means the Administrator of the Federal
19 Aviation Administration.

20 (3) **ADS-B.**—The term “ADS-B” means auto-
21 matic dependent surveillance-broadcast.

22 (4) **ADS-B OUT.**—The term “ADS-B Out”
23 means automatic dependent surveillance-broadcast
24 with the ability to transmit information from the

1 aircraft to ground stations and to other equipped
2 aircraft.

3 (5) NEXTGEN.—The term “NextGen” means
4 the Next Generation Air Transportation System.

5 **Subtitle A—Next Generation Air**
6 **Transportation System**

7 **SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Administrator shall sub-
10 mit to the appropriate committees of Congress a report
11 on the Administrator’s assessment of each NextGen pro-
12 gram.

13 (b) CONTENTS.—The report under subsection (a)
14 shall include—

15 (1) an estimate of the date that each NextGen
16 program will have a positive return on investment;

17 (2) an assessment of the impacts of each such
18 program for—

19 (A) the Federal Government; and

20 (B) the users of the national airspace sys-
21 tem;

22 (3) a description of how each such program di-
23 rectly contributes to a more safe and efficient air
24 traffic control system; and

1 (4) the status of NextGen programs and of the
2 projected return on investment for each such pro-
3 gram.

4 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
5 ment under subsection (a) the Administrator shall—

6 (1) develop, in coordination with the NextGen
7 Advisory Committee and considering the need for a
8 balance between long-term and near-term user bene-
9 fits, a prioritization of each NextGen program;

10 (2) include the priority list in the report under
11 subsection (b); and

12 (3) prepare budget submissions to reflect the
13 current status of NextGen programs and projected
14 returns on investment for each program.

15 (d) DEFINITIONS.—In this section:

16 (1) KEY MILESTONES.—The term “key mile-
17 stones” includes cost and deployment schedule, and
18 benefits anticipated in the most recent baseline.

19 (2) RETURN ON INVESTMENT.—The term “re-
20 turn on investment” means the cost associated with
21 technologies that are required by law or policy as
22 compared to the benefits derived from such tech-
23 nologies by a government or a user of airspace.

24 (e) REPEAL OF NEXTGEN PRIORITIES.—Section 202
25 of the FAA Modernization and Reform Act of 2012 (Pub-

1 lie Law 112–95; 49 U.S.C. 40101 note) and the item re-
2 lating to that section in the table of contents under section
3 1(b) of that Act are repealed.

4 **SEC. 4102. ENSURING FAA READINESS TO USE NEW TECH-**
5 **NOLOGY.**

6 (a) IN GENERAL.—Not later than December 31,
7 2017, the Administrator shall—

8 (1) ensure the capability of the Administration
9 to receive space-based ADS-B data; and

10 (2) use the data described under paragraph (1)
11 to provide positive air traffic control, including sepa-
12 ration of aircraft over the oceans and other specific
13 regions not covered by radar.

14 (b) REPORT.—Not later than 6 months after the date
15 of enactment of this Act, and biannually thereafter until
16 the date that the Administrator certifies that the Adminis-
17 tration has the capability to receive space-based ADS–B
18 data, the Administrator shall submit to the appropriate
19 committees of Congress a report that—

20 (1) details the actions the Administrator has
21 taken to ensure 2018 readiness and usage;

22 (2) details the actions that remain to be taken
23 to implement such capability;

1 (3) includes a schedule for expected completion
2 of each outstanding action described in paragraph
3 (2); and

4 (4) includes a detailed description of the invest-
5 ment decisions and requests for funding made by the
6 Administrator that are consistent with the terrestrial
7 ADS-B implementation to ensure a sustained pro-
8 gram beyond 2018.

9 **SEC. 4103. NEXTGEN ANNUAL PERFORMANCE GOALS.**

10 (a) ANNUAL PERFORMANCE GOALS.—Section 214 of
11 the FAA Modernization and Reform Act of 2012 (Public
12 Law 112–95; 49 U.S.C. 40101 note) is amended—

13 (1) by redesignating subsection (d) as sub-
14 section (e); and

15 (2) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) ANNUAL PERFORMANCE GOALS.—The Adminis-
18 trator shall establish annual NextGen performance goals
19 for each of the performance metrics set forth in subsection
20 (a) to meet the performance metric baselines identified
21 under subsection (b). Such goals shall be consistent with
22 the annual performance objectives established by the sen-
23 ior policy committee (commonly known as the ‘NextGen
24 Advisory Committee’) established under section 710 of the

1 Vision 100—Century of Aviation Reauthorization Act
2 (Public Law 108–176; 49 U.S.C. 40101 note).”.

3 (b) NEXTGEN METRICS REPORT.—Section 710(e)(2)
4 of the Vision 100—Century of Aviation Reauthorization
5 Act (Public Law 108–176; 49 U.S.C. 40101 note) is
6 amended—

7 (1) in subparagraph (D), by striking “; and”
8 and inserting a semicolon;

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

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

12 “(F) a description of the progress made in
13 meeting the annual NextGen performance goals
14 relative to the performance metrics established
15 under section 214 of the FAA Modernization
16 and Reform Act of 2012 (Public Law 112–95;
17 49 U.S.C. 40101 note).”.

18 (c) CHIEF NEXTGEN OFFICER.—Section 106(s)(3) is
19 amended—

20 (1) in paragraph (2)(B), by adding at the end
21 the following: “In evaluating the performance of the
22 Chief NextGen Officer for the purpose of awarding
23 a bonus under this subparagraph, the Administrator
24 shall consider the progress toward meeting the
25 NextGen performance goals established pursuant to

1 section 214(d) of the FAA Modernization and Re-
2 form Act of 2012 (Public Law 112–95; 49 U.S.C.
3 40101 note).”; and

4 (2) in paragraph (3), by adding at the end the
5 following: “The annual performance goals set forth
6 in the agreement shall include quantifiable NextGen
7 airspace performance objectives regarding efficiency,
8 productivity, capacity, and safety, which shall be es-
9 tablished by the senior policy committee (commonly
10 known as the ‘NextGen Advisory Committee’) estab-
11 lished under section 710 of the Vision 100—Century
12 of Aviation Reauthorization Act (Public Law 108–
13 176; 49 U.S.C. 40101 note).”.

14 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) On September 26, 2014, an Administration
18 contract employee deliberately started a fire that de-
19 stroyed critical equipment at the Administration’s
20 Chicago Air Route Traffic Control Center (referred
21 to in this section as the “Chicago Center”) in Au-
22 rora, Illinois.

23 (2) As a result of the damage, Chicago Center
24 was unable to control air traffic for more than 2
25 weeks, thousands of flights were delayed or cancelled

1 into and out of O'Hare International Airport and
2 Midway Airport in Chicago, and aviation stake-
3 holders and airlines reportedly lost over
4 \$350,000,000.

5 (3) According to the Office of the Inspector
6 General of the Department of Transportation, the
7 fire at Chicago Center demonstrated that the Ad-
8 ministration's contingency plans for the Chicago
9 Center and the airspace it controls do not ensure re-
10 dundancy and resiliency for sustained operations.

11 (4) Further, the Inspector General found that
12 Chicago Center incident highlighted the limited flexi-
13 bility and lack of resiliency in critical elements of the
14 Administration's current air traffic control infra-
15 structure, including limited communication capacity
16 and the inability to easily transfer control of air-
17 space and flight plans.

18 (b) COMPREHENSIVE CONTINGENCY PLAN.—Not
19 later than 180 days after the date of enactment of this
20 Act, the Administrator shall update the Administration's
21 comprehensive contingency plan to address potential air
22 traffic facility outages that could have a major impact on
23 operation of the national airspace system.

24 (c) REPORT.—Not later than 60 days after the date
25 the plan is updated under subsection (b), the Adminis-

1 trator shall submit to the appropriate committees of Con-
2 gress a report on the update, including any recommenda-
3 tions for ensuring air traffic facility outages do not have
4 a major impact on operation of the national airspace sys-
5 tem.

6 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The Administration’s ADS-B program is
10 expected to be the centerpiece of the NextGen effort
11 at the Administration, but the satellite-based system
12 faces uncertainty and controversy.

13 (2) In May 2010, the Administration published
14 a final rule that mandated airspace users be
15 equipped with ADS-B Out avionics by January 1,
16 2020.

17 (3) Subsequently, in April 2015, the Adminis-
18 tration announced completion of the ADS-B
19 ground-based radio infrastructure. However, the
20 ADS-B program faces considerable uncertainty and
21 unanswered questions about whether or not the
22 2020 mandate is still meaningful.

23 (4) In 2014, the Office of the Inspector General
24 found that while ADS-B is providing benefits where
25 radar is limited or nonexistent in places such as the

1 Gulf of Mexico, the system is providing only limited
2 initial services to pilots and air traffic controllers in
3 domestic airspace.

4 (5) The Office of the Inspector General also
5 found, in 2014, that all elements of the system, such
6 as avionics, the ground infrastructure, and controller
7 automation systems, had not yet been tested in com-
8 bination to determine if the overall system can be
9 used in congested airspace and perform as well as
10 existing radar, much less allow aircraft to fly closer
11 together. This is referred to as “end-to-end testing.”

12 (6) When this report was issued, commercial
13 and general aviation stakeholders voiced serious con-
14 cerns that equipping with new avionics for the 2020
15 mandate will be difficult due to the cost and limited
16 availability of avionics, and capacity of certified re-
17 pair stations to install avionics.

18 (b) ASSESSMENT.—Not later than 1 year after the
19 date of enactment of this Act, the Inspector General of
20 the Department of Transportation shall assess—

21 (1) Administration and industry readiness to
22 meet the ADS-B mandate by 2020;

23 (2) changes to ADS-B program since May
24 2010; and

1 (3) additional options to comply with the man-
2 date and consequences, both for individual system
3 users and for the overall safety and efficiency of the
4 national airspace system, for noncompliance.

5 (c) REPORT.—Not later than 60 days after the date
6 the assessment under subsection (b) is complete, the In-
7 specter General of the Department of Transportation shall
8 submit to the appropriate committees of Congress a report
9 on the progress made toward meeting the ADS-B man-
10 date by 2020, including any recommendations of the In-
11 specter General to carry out such mandate.

12 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

13 (a) IN GENERAL.—To implement a more effective
14 international strategy for achieving NextGen interoper-
15 ability with foreign countries, the Administrator shall take
16 the following actions:

17 (1) Conduct a gap analysis to identify potential
18 risks to NextGen interoperability with other Air
19 Navigation Service Providers and establish a sched-
20 ule for periodically reevaluating such risks.

21 (2) Develop a plan that identifies and docu-
22 ments actions the Administrator will undertake to
23 mitigate such risks, using information from the gap
24 analysis as a basis for making management deci-

1 sions about how to allocate resources for such ac-
2 tions.

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 analysis conducted under paragraph (1) of subsection (a)
7 and on the actions the Administrator has taken under
8 paragraph (2) of such subsection.

9 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

10 (a) IN GENERAL.—The Administrator shall—

11 (1) identify and analyze technical and oper-
12 ational maturity gaps in NextGen transition and im-
13 plementation plans; and

14 (2) develop a plan to mitigate the gaps identi-
15 fied in paragraph (1).

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Administrator shall submit
18 to the appropriate committees of Congress a report on the
19 actions taken to carry out the plan required by subsection
20 (a)(2).

21 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
22 **IMPROVEMENTS.**

23 (a) IN GENERAL.—To help ensure that NextGen
24 operational improvements are fully implemented in the
25 midterm, the Administrator shall—

1 (1) work with airlines and other users of the
2 national airspace system (referred to in this section
3 as “NAS”) to develop and implement a system to
4 systematically track the use of existing performance
5 based navigation (referred to in this section as
6 “PBN”) procedures;

7 (2) require consideration of other key oper-
8 ational improvements in planning for NextGen im-
9 provements, including identifying additional
10 metroplexes for PBN projects, non-metroplex PBN
11 procedures, as well as the identification of unused
12 flight routes for decommissioning;

13 (3) develop and implement guidelines for ensur-
14 ing timely inclusion of appropriate stakeholders, in-
15 cluding airport representatives, in the planning and
16 implementation of NextGen improvement efforts;
17 and

18 (4) assure that NextGen planning documents
19 provide stakeholders information on how and when
20 operational improvements are expected to achieve
21 NextGen goals and targets.

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
25 progress made toward implementing the requirements of

1 subsection (a), and on the schedule and process that will
2 be used to implement PBN at additional airports, includ-
3 ing information on how the Administration will partner
4 and coordinate with private industry to ensure expeditious
5 implementation of performance based navigation.

6 **SEC. 4109. CYBERSECURITY.**

7 (a) IN GENERAL.—The Administrator shall—

8 (1) identify and implement ways to better incor-
9 porate cybersecurity measures as a systems char-
10 acteristic at all levels and phases of the architecture
11 and design of air traffic control programs, including
12 NextGen programs;

13 (2) develop a threat model that will identify
14 vulnerabilities to better focus resources to mitigate
15 cybersecurity risks;

16 (3) develop an appropriate plan to mitigate
17 cybersecurity risk, to respond to an attack, intru-
18 sion, or otherwise unauthorized access and to adapt
19 to evolving cybersecurity threats; and

20 (4) foster a cybersecurity culture throughout
21 the Administration, including air traffic control pro-
22 grams and relevant contractors.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator shall submit
25 to the appropriate committees of Congress a report on the

1 progress made toward implementing the requirements
2 under subsection (a).

3 **SEC. 4110. SECURING AIRCRAFT AVIONICS SYSTEMS.**

4 (a) IN GENERAL.—The Administrator of the Federal
5 Aviation Administration shall consider revising Federal
6 Aviation Administration regulations regarding airworthi-
7 ness 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.—The Administrator’s consider-
18 ation and any action taken under subsection (a) shall be
19 in accordance with the recommendations of the Aircraft
20 Systems Information Security Protection Working Group
21 under section 5029(d) of this Act.

22 **SEC. 4111. DEFINING NEXTGEN.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Comptroller General of the United States
25 shall—

1 (1) assess how the line items included in the
2 Administration's NextGen budget request relate to
3 the goals and expected outcomes of NextGen, includ-
4 ing how NextGen programs directly contribute to a
5 measurably safer and more efficient air traffic con-
6 trol system; and

7 (2) submit to the appropriate committees of
8 Congress a report on the results of the assessment
9 under paragraph (1), including any recommenda-
10 tions for the removal of line items that do not per-
11 tain to the overall vision for NextGen.

12 **SEC. 4112. HUMAN FACTORS.**

13 (a) IN GENERAL.—In order to avoid having to subse-
14 quently modify products and services developed as a part
15 of NextGen, the Administrator shall—

16 (1) recognize and incorporate, in early design
17 phases of all relevant NextGen programs, the human
18 factors and procedural and airspace implications of
19 stated goals and associated technical changes; and

20 (2) ensure that a human factors specialist, sep-
21 arate from the research and certification groups, is
22 directly involved with the NextGen approval process.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator shall submit
25 to the appropriate committees of Congress a report on the

1 progress made toward implementing the requirements
2 under subsection (a).

3 **SEC. 4113. MAJOR ACQUISITION REPORTS.**

4 (a) IN GENERAL.—The Administrator shall evaluate
5 the current acquisition practices of the Administration to
6 ensure that such practices—

7 (1) identify the current estimated costs for each
8 acquisition system, including all segments;

9 (2) separately identify cumulative amounts for
10 acquisition costs, technical refresh, and other en-
11 hancements in order to identify the total baselined
12 and re-baselined costs for each system; and

13 (3) account for the way funds are being used
14 when reporting to managers, Congress, and other
15 stakeholders.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Administrator shall submit
18 to the appropriate committees of Congress a report on the
19 progress made toward implementing the requirements
20 under subsection (a).

21 **SEC. 4114. EQUIPAGE MANDATES.**

22 (a) IN GENERAL.—Before NextGen-related equipage
23 mandates are imposed on users of the national airspace
24 system, the Administrator, in collaboration with all rel-
25 evant stakeholders, shall—

1 (1) provide a statement of estimated cost and
2 benefits that is based upon mature and stable tech-
3 nical specifications; and

4 (2) create a schedule for Administration
5 deliverables and investments by both users and the
6 Administration, including for procedure and airspace
7 design, infrastructure deployment, and training.

8 **SEC. 4115. WORKFORCE.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Administrator shall—

11 (1) identify and assess barriers to attracting,
12 developing, training, and retaining a talented work-
13 force in the areas of systems engineering, architec-
14 ture, systems integration, digital communications,
15 and cybersecurity;

16 (2) develop a comprehensive plan to attract, de-
17 velop, train, and retain talented individuals; and

18 (3) identify the resources needed to attract, de-
19 velop, and retain this talent.

20 (b) REPORT.—The Administrator shall submit to the
21 appropriate committees of Congress a report on the
22 progress made toward implementing the requirements
23 under subsection (a).

1 **SEC. 4116. ARCHITECTURAL LEADERSHIP.**

2 (a) IN GENERAL.—In order to provide an adequate
3 technical foundation for steering NextGen’s technical gov-
4 ernance and managing inevitable changes in technology
5 and operations, the Administrator shall—

6 (1) develop a plan that—

7 (A) uses an architecture leadership com-
8 munity and an effective governance approach to
9 assure a proper balance between documents and
10 artifacts and to provide high-level guidance;

11 (B) enables effective management and
12 communication of dependencies;

13 (C) provides flexibility and the ability to
14 evolve to ensure accommodation of future
15 needs; and

16 (D) communicates changing circumstances
17 in order to align agency and airspace user ex-
18 pectations;

19 (2) determine the feasibility of conducting a
20 small number of experiments among the Administra-
21 tion’s system integration partners to prototype can-
22 didate solutions for establishing and managing a vi-
23 brant architectural community; and

24 (3) develop a method to initiate, grow, and en-
25 gage a capable architecture community, from both
26 within and outside of the Administration, who will

1 expand the breadth and depth of expertise that is
2 steering architectural changes.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to the appropriate committees of Congress a report on the
6 progress made toward implementing the requirements
7 under subsection (a).

8 **SEC. 4117. PROGRAMMATIC RISK MANAGEMENT.**

9 (a) IN GENERAL.—To better inform the Administra-
10 tion’s decisions regarding the prioritization of efforts and
11 allocation of resources for NextGen, the Administrator
12 shall—

13 (1) solicit input from specialists in probability
14 and statistics to identify and prioritize the pro-
15 grammatic and implementation risks to NextGen;
16 and

17 (2) develop a method to manage and mitigate
18 the risks identified in paragraph (1).

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Administrator shall submit
21 to the appropriate committees of Congress a report on the
22 progress made toward implementing the requirements
23 under subsection (a).

1 **SEC. 4118. NEXTGEN PRIORITIZATION.**

2 The Administrator shall consider expediting NextGen
3 modernization implementation projects at public use air-
4 ports that share airspace with active military training
5 ranges and do not have radar coverage where such imple-
6 mentation would improve the safety of aviation operations.

7 **Subtitle B—Administration**
8 **Organization and Employees**

9 **SEC. 4201. COST-SAVING INITIATIVES.**

10 (a) IN GENERAL.—To ensure that Administration
11 initiatives are being implemented in a timely and fiscally
12 responsible manner, the Administrator shall—

13 (1) identify and implement agencywide cost-sav-
14 ing initiatives; and

15 (2) develop appropriate schedules and metrics
16 to measure whether the initiatives are successful in
17 reducing costs.

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 on the
21 progress made toward implementing the requirements
22 under subsection (a).

23 **SEC. 4202. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
24 **FURLOUGHS.**

25 (a) DEFINITION OF ESSENTIAL EMPLOYEE.—In this
26 section, the term “essential employee” means an employee

1 of the Administration who performs work involving the
2 safety of human life or the protection of property, as de-
3 termined by the Administrator.

4 (b) IN GENERAL.—In implementing spending reduc-
5 tions under Federal law, the Administrator may furlough
6 1 or more employees of the Administration, except an es-
7 sential employee, if the Administrator determines the fur-
8 lough is necessary to achieve the required spending reduc-
9 tions.

10 (c) TRANSFER OF BUDGETARY RESOURCES.—The
11 Administrator may transfer budgetary resources within
12 the Administration to carry out subsection (b), except that
13 the transfer may only be made to maintain essential em-
14 ployees.

15 **SEC. 4203. CONTROLLER CANDIDATE INTERVIEWS.**

16 (a) IN GENERAL.—Not later than 60 days after the
17 date of enactment of this Act, the Administrator shall re-
18 quire that an in-person interview be conducted with each
19 individual applying for an air traffic control specialist po-
20 sition before that individual may be hired to fill that posi-
21 tion.

22 (b) GUIDANCE.—Not later than 30 days after the
23 date of enactment of this Act, the Administrator shall es-
24 tablish guidelines regarding the in-person interview proc-
25 ess described in subsection (a).

1 **SEC. 4204. HIRING OF AIR TRAFFIC CONTROLLERS.**

2 (a) IN GENERAL.—Section 44506 is amended by
3 adding at the end the following:

4 “(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL
5 SPECIALISTS.—

6 “(1) CONSIDERATION OF APPLICANTS.—

7 “(A) ENSURING SELECTION OF MOST
8 QUALIFIED APPLICANTS.—In appointing indi-
9 viduals to the position of air traffic controllers,
10 the Administrator shall give preferential consid-
11 eration to qualified individuals maintaining 52
12 consecutive weeks of air traffic control experi-
13 ence involving the full-time active separation of
14 air traffic after receipt of an air traffic certifi-
15 cation or air traffic control facility rating within
16 5 years of application while serving at—

17 “(i) a Federal Aviation Administra-
18 tion air traffic control facility;

19 “(ii) a civilian or military air traffic
20 control facility of the Department of De-
21 fense; or

22 “(iii) a tower operating under con-
23 tract with the Federal Aviation Adminis-
24 tration under section 47124 of this title.

25 “(B) CONSIDERATION OF ADDITIONAL AP-
26 PPLICANTS.—The Administrator shall consider

1 additional applicants for the position of air traf-
2 fic controller by referring an approximately
3 equal number of employees for appointment
4 among the 2 applicant pools. The number of
5 employees referred for consideration from each
6 group shall not differ by more than 10 percent.

7 “(i) POOL ONE.—Applicants who:

8 “(I) have successfully completed
9 air traffic controller training and
10 graduated from an institution partici-
11 pating in the Collegiate Training Ini-
12 tiative program maintained under
13 subsection (c)(1) who have received
14 from the institution—

15 “(aa) an appropriate rec-
16 ommendation; or

17 “(bb) an endorsement certi-
18 fying that the individual would
19 have met the requirements in ef-
20 fect as of December 31, 2013,
21 for an appropriate recommenda-
22 tion;

23 “(II) are eligible for a veterans
24 recruitment appointment pursuant to
25 section 4214 of title 38, United States

1 Code, and provide a Certificate of Re-
2 lease or Discharge from Active Duty
3 within 120 days of the announcement
4 closing;

5 “(III) are eligible veterans (as
6 defined in section 4211 of title 38,
7 United States Code) maintaining avia-
8 tion experience obtained in the course
9 of the individual’s military experience;
10 or

11 “(IV) are preference eligible vet-
12 erans (as defined in section 2108 of
13 title 5, United States Code).

14 “(ii) POOL TWO.—Applicants who
15 apply under a vacancy announcement re-
16 cruiting from all United States citizens.

17 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

18 “(A) BIOGRAPHICAL ASSESSMENTS.—The
19 Administration shall not use any biographical
20 assessment when hiring under subparagraph
21 (A) or subparagraph (B)(i) of paragraph (1).

22 “(B) RECONSIDERATION OF APPLICANTS
23 DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL
24 ASSESSMENTS.—

1 “(i) IN GENERAL.—If an individual
2 described in subparagraph (A) or subpara-
3 graph (B)(i) of paragraph (1) who applied
4 for the position of air traffic controller
5 with the Administration in response to Va-
6 cancy Announcement FAA-AMC-14-
7 ALLSRCE-33537 (issued on February 10,
8 2014) and was disqualified from the posi-
9 tion as the result of a biographical assess-
10 ment, the Administrator shall provide the
11 applicant an opportunity to reapply as
12 soon as practicable for the position under
13 the revised hiring practices.

14 “(ii) WAIVER OF AGE RESTRICTION.—
15 The Administrator shall waive any max-
16 imum age restriction for the position of air
17 traffic controller with the Administration
18 that would otherwise disqualify an indi-
19 vidual from the position if the individual—

20 “(I) is reapplying for the position
21 pursuant to clause (i) on or before
22 December 31, 2017; and

23 “(II) met the maximum age re-
24 quirement on the date of the individ-

1 puted under subsection (a), except that if the individual
2 has at least 5 years of service in any combination as:

3 “(1) an air traffic controller as defined by sec-
4 tion 2109(1)(A)(i);

5 “(2) a first level supervisor of an air traffic
6 controller as defined by section 2109(1)(A)(i); or

7 “(3) a second level supervisor of an air traffic
8 controller as defined by section 2109(1)(A)(i);

9 so much of the annuity as is computed with respect to
10 such type of service shall be computed by multiplying 1
11 $\frac{7}{10}$ percent of the individual’s average pay by the years
12 of such service.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall be deemed to be effective on December
15 12, 2003.

16 (c) PROCEDURES REQUIRED.—The Director of the
17 Office of Personnel Management shall establish such pro-
18 cedures as are necessary to provide for—

19 (1) notification to each annuitant affected by
20 the amendments made by this section;

21 (2) recalculation of the benefits of affected an-
22 nuitants;

23 (3) an adjustment to applicable monthly benefit
24 amounts pursuant to such recalculation, to begin as
25 soon as is practicable; and

1 (4) a lump sum payment to each affected annu-
2 itant equal to the additional total benefit amount
3 that such annuitant would have received had the
4 amendment made by subsection (a) been in effect on
5 December 12, 2003.

6 **SEC. 4206. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

7 (a) **REQUIREMENT TO PROVIDE SERVICES AND RE-**
8 **LATED SUPPORT.**—The Administrator of the Federal
9 Aviation Administration shall provide air traffic services
10 and aviation safety support for aviation events, including
11 airshows and fly-ins, without the imposition or collection
12 of any fee, tax, or other charge for that purpose. Amounts
13 for the provision of such services and support shall be de-
14 rived from amounts appropriated or otherwise available
15 for the Federal Aviation Administration.

16 (b) **DETERMINATION OF SERVICES AND SUPPORT TO**
17 **BE PROVIDED.**—In determining the services and support
18 to be provided for an aviation event for purposes of sub-
19 section (a), the Administrator shall take into account the
20 following:

21 (1) The services and support required to meet
22 levels of activity at prior events, if any, similar to
23 the event.

24 (2) The anticipated need for services and sup-
25 port at the event.

1 **SEC. 4207. FULL ANNUITY SUPPLEMENT FOR CERTAIN AIR**
2 **TRAFFIC CONTROLLERS.**

3 Section 8421a of title 5, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “The amount”
6 and inserting “Except as provided in subsection (c),
7 the amount”;

8 (2) by redesignating subsection (c) as sub-
9 section (d); and

10 (3) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) This section shall not apply to an individual de-
13 scribed in section 8412(e) during any period in which the
14 individual, after separating from the service as described
15 in that section, is employed full-time as an air traffic con-
16 trol instructor under contract with the Federal Aviation
17 Administration, including an instructor working at an on-
18 site facility (such as an airport).”.

19 **SEC. 4208. INCLUSION OF DISABLED VETERAN LEAVE IN**
20 **FEDERAL AVIATION ADMINISTRATION PER-**
21 **SONNEL MANAGEMENT SYSTEM.**

22 (a) IN GENERAL.—Section 40122(g)(2) is amend-
23 ed—

24 (1) in subparagraph (H), by striking “; and”
25 and inserting a semicolon;

1 (2) in subparagraph (I)(iii), by striking the pe-
2 riod at the end and inserting “; and”; and

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

4 “(J) subject to paragraph (4), section
5 6329, relating to disabled veteran leave.”.

6 (b) CERTIFICATION OF LEAVE.—Section 40122(g) is
7 amended—

8 (1) by redesignating paragraph (4) as para-
9 graph (5); and

10 (2) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) CERTIFICATION OF DISABLED VETERAN
13 LEAVE.—In order to verify that leave credited to an
14 employee pursuant to paragraph (2)(J) is used for
15 treating a service-connected disability, that employee
16 shall, notwithstanding section 6329(c) of title 5,
17 submit to the Assistant Administrator for Human
18 Resource Management of the Federal Aviation Ad-
19 ministration certification, in such form and manner
20 as the Administrator of the Federal Aviation Admin-
21 istration may prescribe, that the employee used that
22 leave for purposes of being furnished treatment for
23 that disability by a health care provider.”.

24 (c) APPLICATION.—The amendments made by this
25 section shall apply with respect to any employee of the

1 Federal Aviation Administration hired on or after the date
2 that is 1 year after the date of enactment of this Act.

3 (d) POLICIES AND PROCEDURES.—Not later than
4 270 days after the date of enactment of this Act, the Ad-
5 ministrator of the Federal Aviation Administration shall
6 prescribe policies and procedures to carry out the amend-
7 ments made by this section that are comparable, to the
8 maximum extent practicable, to the regulations prescribed
9 by the Office of Personnel Management under section
10 6329 of title 5, United States Code.

11 (e) ANNUAL REPORT.—Not later than 1 year after
12 the date of enactment of this Act and not less frequently
13 than once each year thereafter until the date that is 5
14 years after the date of enactment of this Act, the Adminis-
15 trator shall publish on a publicly accessible Internet Web
16 site a report on—

17 (1) the effect carrying out this section and the
18 amendments made by this section has had on the
19 workforce; and

20 (2) the number of veterans benefitting from
21 carrying out this section and the amendments made
22 by this section.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
3 **VESTIGATIVE OFFICERS.**

4 Section 1113 is amended by striking subsection (h).

5 **SEC. 5002. PERFORMANCE-BASED NAVIGATION.**

6 Section 213(c) of the FAA Modernization and Re-
7 form Act of 2012 (Public Law 112–95; 49 U.S.C. 40101
8 note) is amended by adding at the end the following:

9 “(3) NOTIFICATIONS AND CONSULTATIONS.—

10 Not later than 90 days before applying a categorical
11 exclusion under this subsection to a new procedure
12 at an OEP airport, the Administrator shall—

13 “(A) notify and consult with the operator
14 of the airport at which the procedure would be
15 implemented; and

16 “(B) consider consultations or other en-
17 gagement with the community in the which the
18 airport is located to inform the public of the
19 procedure.

20 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
21 CLUSIONS.—

22 “(A) IN GENERAL.—The Administrator
23 shall review any decision of the Administrator
24 made on or after February 14, 2012, and be-
25 fore the date of enactment of this paragraph to

1 grant a categorical exclusion under this sub-
2 section with respect to a procedure to be imple-
3 mented at an OEP airport that was a material
4 change from procedures previously in effect at
5 the airport to determine if the implementation
6 of the procedure had a significant effect on the
7 human environment in the community in which
8 the airport is located if the operator of that air-
9 port—

10 “(i) requests such a review; and

11 “(ii) demonstrates that there is good
12 cause to believe that the implementation of
13 the procedure had such an effect.

14 “(B) CONTENT OF REVIEW.—If, in con-
15 ducting a review under subparagraph (A) with
16 respect to a procedure implemented at an OEP
17 airport, the Administrator, in consultation with
18 the operator of the airport, determines that im-
19 plementing the procedure had a significant ef-
20 fect on the human environment in the commu-
21 nity in which the airport is located, the Admin-
22 istrator shall—

23 “(i) consult with the operator of the
24 airport to identify measures to mitigate the

1 effect of the procedure on the human envi-
2 ronment; and

3 “(ii) in conducting such consultations,
4 consider the use of alternative flight paths
5 that do not substantially degrade the effi-
6 ciencies achieved by the implementation of
7 the procedure being reviewed.

8 “(C) HUMAN ENVIRONMENT DEFINED.—
9 In this paragraph, the term ‘human environ-
10 ment’ has the meaning given such term in sec-
11 tion 1508.14 of title 40, Code of Federal Regu-
12 lations (as in effect on the day before the date
13 of enactment of this paragraph).”.

14 **SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.**

15 Section 40128 is amended—

16 (1) in subsection (a)(3), by striking “the” be-
17 fore “title 14”; and

18 (2) by amending subsection (f) to read as fol-
19 lows:

20 “(f) TRANSPORTATION ROUTES.—

21 “(1) IN GENERAL.—This section shall not apply
22 to any air tour operator while flying over or near
23 any Federal land managed by the Director of the
24 National Park Service, including Lake Mead Na-
25 tional Recreation Area, solely as a transportation

1 route, to conduct an air tour over the Grand Canyon
2 National Park.

3 “(2) EN ROUTE.—For purposes of this sub-
4 section, an air tour operator flying over the Hoover
5 Dam in the Lake Mead National Recreation Area en
6 route to the Grand Canyon National Park shall be
7 deemed to be flying solely as a transportation
8 route.”.

9 **SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMER-**
10 **CIAL SPACE LAUNCH SITE RUNWAYS.**

11 (a) IN GENERAL.—Section 44718(b)(1) is amended—

12 (1) by striking “air navigation facilities and
13 equipment” and inserting “air or space navigation
14 facilities and equipment”;

15 (2) in subparagraph (D), by striking “; and”
16 and inserting a semicolon;

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

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

20 “(F) the impact on launch and reentry for
21 launch and reentry vehicles arriving or depart-
22 ing from a launch site or reentry site licensed
23 by the Secretary.”.

24 (b) RULEMAKING.—Not later than 18 months after
25 the date of enactment of this Act, the Administrator of

1 the Federal Aviation Administration shall initiate a rule-
2 making to implement the amendments made by subsection
3 (a).

4 **SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOP-**
5 **MENT.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall submit to the appropriate committees of Congress
9 a report on the existing system of spaceports licensed by
10 the Federal Aviation Administration that includes rec-
11 ommendations regarding—

12 (1) the extent to which, and the manner in
13 which, the Federal Government could participate in
14 the construction, improvement, development, or
15 maintenance of such spaceports; and

16 (2) potential funding sources.

17 **SEC. 5006. AVIATION FUEL.**

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

23 (1) determines that the unleaded aviation gaso-
24 line qualifies as a replacement for an approved lead-
25 ed gasoline;

1 (2) identifies the aircraft and engines that are
2 eligible to use the qualified replacement unleaded
3 gasoline; and

4 (3) adopts a process (other than the traditional
5 means of certification) to allow eligible aircraft and
6 engines to operate using qualified replacement un-
7 leaded gasoline in a manner that ensures safety.

8 (b) **TIMING.**—The Administrator shall adopt the
9 process described in subsection (a)(3) not later than 180
10 days after the later of—

11 (1) the date on which the Administration com-
12 pletes the Piston Aviation Fuels Initiative; or

13 (2) the date on which the American Society for
14 Testing and Materials publishes a production speci-
15 fication for an unleaded aviation gasoline.

16 **SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS**
17 **PLAN.**

18 (a) **IN GENERAL.**—No later than 1 year after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation and the Secretary of Health and Human Services,
21 in coordination with the Secretary of Homeland Security,
22 the Secretary of Labor, the Secretary of State, the Sec-
23 retary of Defense, and representatives of other Federal de-
24 partments and agencies, as necessary, shall develop a com-

1 prehensive national aviation communicable disease pre-
2 paredness plan.

3 (b) MINIMUM COMPONENTS.—The plan developed
4 under subsection (a) shall—

5 (1) be developed in consultation with other rel-
6 evant stakeholders, including State, local, tribal, and
7 territorial governments, air carriers, first respond-
8 ers, and the general public;

9 (2) provide for the development of a commu-
10 nications system or protocols for providing com-
11 prehensive, appropriate, and up-to-date information
12 regarding communicable disease threats and pre-
13 paredness between all relevant stakeholders;

14 (3) document the roles and responsibilities of
15 relevant Federal department and agencies, including
16 coordination requirements;

17 (4) provide guidance to air carriers, airports,
18 and other appropriate aviation stakeholders on how
19 to develop comprehensive communicable disease pre-
20 paredness plans for their respective organizations, in
21 accordance with the plan to be developed under sub-
22 section (a);

23 (5) be scalable and adaptable so that the plan
24 can be used to address the full range of commu-
25 nicable disease threats and incidents;

1 (6) provide information on communicable
2 threats and response training resources for all rel-
3 evant stakeholders, including Federal, State, local,
4 tribal, and territorial government employees, airport
5 officials, aviation industry employees and contrac-
6 tors, first responders, and health officials;

7 (7) develop protocols for the dissemination of
8 comprehensive, up-to-date, and appropriate informa-
9 tion to the traveling public concerning communicable
10 disease threats and preparedness;

11 (8) be updated periodically to incorporate les-
12 sons learned with supplemental information; and

13 (9) be provided in writing, electronically, and
14 accessible via the Internet.

15 (c) INTERAGENCY FRAMEWORK.—The plan devel-
16 oped under subsection (a) shall—

17 (1) be conducted under the existing interagency
18 framework for national level all hazards emergency
19 preparedness planning or another appropriate frame-
20 work; and

21 (2) be consistent with the obligations of the
22 United States under international agreements.

1 **SEC. 5008. ADVANCED MATERIALS CENTER OF EXCEL-**
2 **LENCE.**

3 (a) IN GENERAL.—Chapter 445 is amended by add-
4 ing at the end the following:

5 **“§ 44518. Advanced Materials Center of Excellence**

6 “(a) IN GENERAL.—The Administrator of the Fed-
7 eral Aviation Administration shall continue operation of
8 the Advanced Materials Center of Excellence (referred to
9 in this section as the ‘Center’) under its structure as in
10 effect on March 1, 2016, which shall focus on applied re-
11 search and training on the durability and maintainability
12 of advanced materials in transport airframe structures.

13 “(b) RESPONSIBILITIES.—The Center shall—

14 “(1) promote and facilitate collaboration among
15 academia, the Transportation Division of the Fed-
16 eral Aviation Administration, and the commercial
17 aircraft industry, including manufacturers, commer-
18 cial air carriers, and suppliers; and

19 “(2) establish goals set to advance technology,
20 improve engineering practices, and facilitate con-
21 tinuing education in relevant areas of study.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to the Administrator
24 \$500,000 for each of the fiscal years 2016 and 2017 to
25 carry out this section.”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 chapter 445 is amended by adding at the end the fol-
3 lowing:

“44518. Advanced Materials Center of Excellence.”.

4 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Comptroller General
7 of the United States shall—

8 (1) complete a study of crimes of violence (as
9 defined in section 16 of title 18, United States
10 Code) committed against airline customer service
11 representatives while they are performing their du-
12 ties and on airport property; and

13 (2) submit the findings of the study, including
14 any recommendations, to Congress.

15 (b) GAP ANALYSIS.—The study shall include a gap
16 analysis to determine if State and local laws and resources
17 are adequate to deter or otherwise address the crimes of
18 violence described in subsection (a) and recommendations
19 on how to address any identified gaps.

20 **SEC. 5010. SECONDARY COCKPIT BARRIERS.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “Saracini Aviation Safety Act of 2016”.

23 (b) REQUIREMENT.—Not later than one year after
24 the date of the enactment of this Act, the Administrator
25 of the Federal Aviation Administration shall issue an

1 order requiring installation of a secondary cockpit barrier
2 on each new aircraft that is manufactured for delivery to
3 a passenger air carrier in the United States operating
4 under the provisions of part 121 of title 14, Code of Fed-
5 eral Regulations.

6 **SEC. 5011. GAO EVALUATION AND AUDIT.**

7 Section 15(a)(1) of the Railway Labor Act (45
8 U.S.C. 165(a)(1)) is amended by striking “2 years” and
9 inserting “4 years”.

10 **SEC. 5012. FEDERAL AVIATION ADMINISTRATION PER-**
11 **FORMANCE MEASURES AND TARGETS.**

12 (a) PERFORMANCE MEASURES.—Not later than 180
13 days after the date of enactment of this Act, the Secretary
14 of Transportation shall establish performance measures
15 relating to the administration of the Federal Aviation Ad-
16 ministration, which shall, at a minimum, include measures
17 to assess—

18 (1) the reduction of delays in the completion of
19 projects; and

20 (2) the effectiveness of the Administration in
21 achieving the goals described in section 47171 of
22 title 49, United States Code.

23 (b) PERFORMANCE TARGETS.—Not later than 180
24 days after the date on which the Secretary establishes per-
25 formance measures in accordance with subsection (a), the

1 Secretary shall establish performance targets relating to
2 each of the measures described in that subsection.

3 (c) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Inspector General of the De-
5 partment of Transportation shall submit to Congress a re-
6 port describing the progress of the Secretary in meeting
7 the performance targets established under subsection (b).

8 **SEC. 5013. STAFFING OF CERTAIN AIR TRAFFIC CONTROL**
9 **TOWERS.**

10 (a) IN GENERAL.—The Administrator of the Federal
11 Aviation Administration shall ensure appropriate staffing
12 at the Core 30 air traffic control towers and associated
13 terminal radar approach control facilities and air route
14 traffic control centers and ensure, as appropriate, staffing
15 levels at those control towers, facilities, and centers are
16 not below the average number of air traffic controllers be-
17 tween the “high” and “low” staffing ranges, as specified
18 in the document of the Federal Aviation Administration
19 entitled, “A Plan for the Future: 10-Year Strategy for Air
20 Traffic Control Workforce 2015–2024”.

21 (b) RETENTION.—The Administrator shall review
22 strategies to improve retention of experienced certified
23 professional controllers at the control towers, facilities,
24 and centers described in subsection (a)(1).

1 **SEC. 5014. CRITICAL AIRFIELD MARKINGS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration shall issue a request for proposal for a study
5 that includes—

6 (1) an independent, third-party study to assess
7 the durability of Type III and Type I glass beads
8 applied to critical markings over a 12-month period
9 at no fewer than 2 primary airports in varying
10 weather conditions to measure the retroreflectivity lev-
11 els of such markings on a quarterly basis; and

12 (2) a study at 2 other airports carried out by
13 applying Type III beads on one half of the centerline
14 and Type I beads to the other half and providing for
15 assessments from pilots through surveys adminis-
16 tered by a third party as to the visibility and per-
17 formance of the Type III glass beads as compared
18 to the Type I glass beads over a 6-month period.

19 **SEC. 5015. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
20 **FIELD PAVEMENT TECHNOLOGIES.**

21 Using amounts made available under section
22 48102(a) of title 49, United States Code, the Adminis-
23 trator of the Federal Aviation Administration shall carry
24 out a program for the research and deployment of aircraft
25 pavement technologies under which the Administrator
26 makes grants to, and enters into cooperative agreements

1 with, institutions of higher education and nonprofit orga-
2 nizations that—

3 (1) research concrete and asphalt airfield pave-
4 ment technologies that extend the life of airfield
5 pavements;

6 (2) develop and conduct training;

7 (3) provide for demonstration projects; and

8 (4) promote the latest airfield pavement tech-
9 nologies to aid in the development of safer, more
10 cost effective, and more durable airfield pavements.

11 **SEC. 5016. REPORT ON GENERAL AVIATION FLIGHT SHAR-**
12 **ING.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator of the Federal Aviation Ad-
15 ministration shall submit to the appropriate committees
16 of Congress a report assessing the feasibility of flight
17 sharing for general aviation. The report shall include an
18 assessment of any regulations that may need to be up-
19 dated to allow for safe and efficient flight sharing, includ-
20 ing regulations imposing limitations on the forms of com-
21 munication persons who hold private pilot certificates may
22 use.

1 **SEC. 5017. INCREASE IN DURATION OF GENERAL AVIATION**
2 **AIRCRAFT REGISTRATION.**

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 initiate a rulemaking to increase the du-
6 ration of aircraft registrations for noncommercial general
7 aviation aircraft to 5 years.

8 **SEC. 5018. MODIFICATION OF LIMITATION OF LIABILITY**
9 **RELATING TO AIRCRAFT.**

10 Section 44112(b) is amended—

- 11 (1) by striking “on land or water”; and
12 (2) by inserting “operational” before “control”.

13 **SEC. 5019. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
14 **OF ILLEGAL DRUGS SEIZED AT INTER-**
15 **NATIONAL AIRPORTS IN THE UNITED STATES.**

16 (a) **IN GENERAL.**—The Comptroller General of the
17 United States shall conduct a study of illegal drugs, in-
18 cluding heroin, fentanyl, and cocaine, seized by Federal
19 authorities at international airports in the United States.

20 (b) **ELEMENTS.**—In conducting the study required by
21 subsection (a), the Comptroller General shall address, at
22 a minimum—

- 23 (1) the types and quantities of drugs seized;
24 (2) the origin of the drugs seized;
25 (3) the airport at which the drugs were seized;

1 Organization, develop a framework and guidance for the
2 use of safe, effective, and nontoxic means of preventing
3 the transportation of disease-carrying mosquitoes and
4 other insects on commercial aircraft.

5 **SEC. 5021. WORK PLAN FOR THE NEW YORK/NEW JERSEY/
6 PHILADELPHIA METROPLEX PROGRAM.**

7 Not later than 90 days after the date of enactment
8 of this Act, the Administrator of the Federal Aviation Ad-
9 ministration shall develop and publish in the Federal Reg-
10 ister a work plan for the New York/New Jersey/Philadel-
11 phia metroplex program.

12 **SEC. 5022. 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 of the Federal Aviation Ad-
17 ministration shall submit to the appropriate committees
18 of Congress a report on the Federal Aviation Administra-
19 tion's staffing and scheduling plans for air traffic control
20 facilities in the New York City and Newark region for the
21 1-year period beginning on such date of enactment.

22 **SEC. 5023. GAO STUDY OF INTERNATIONAL AIRLINE ALLI-
23 ANCES.**

24 (a) IN GENERAL.—The Comptroller General of the
25 United States shall conduct a study of certain cooperative

1 agreements between United States air carriers and non-
2 United States air carriers (referred to in this section as
3 “alliances”), which—

4 (1) have been created pursuant to section
5 41309 of title 49, United States Code; and

6 (2) have been exempted from antitrust laws (as
7 defined in the first section of the Clayton Act (15
8 U.S.C. 12)) pursuant to section 41308 of title 49,
9 United States Code.

10 (b) SCOPE.—The study conducted under subsection
11 (a) shall assess—

12 (1) the consequences of alliances, including re-
13 duced competition, stifling new entrants into mar-
14 kets, increasing prices in markets, and other adverse
15 consequences;

16 (2) the representations made by air carriers to
17 the Secretary of Transportation for the necessity of
18 an antitrust exemption;

19 (3) the Department of Transportation’s expec-
20 tations of public benefits resulting from alliances, in-
21 cluding whether such expected benefits were actually
22 achieved;

23 (4) the adequacy of the Department of Trans-
24 portation’s efforts in the approval and monitoring of
25 alliances, including possessing relevant experience

1 and expertise in the fields of antitrust and consumer
2 protection;

3 (5) whether there has been sufficient trans-
4 parency in the approval of alliances, including oppor-
5 tunities for public review and feedback;

6 (6) the role of the Department of Justice in the
7 oversight of alliances;

8 (7) whether there are alternatives to antitrust
9 immunity that could be conferred that would also
10 produce public benefits;

11 (8) whether alliances should be required to ex-
12 pire;

13 (9) the level of competition between air carriers
14 who are members of the same alliance;

15 (10) the level of competition between alliances;

16 (11) whether the Department of Transportation
17 should amend, modify, or revoke any exemption from
18 the antitrust laws granted by the Secretary of
19 Transportation in connection with an alliance; and

20 (12) the effect of alliances on the number and
21 quality of jobs for United States air carrier flight
22 crew employees, including the share of alliance flying
23 done by such employees.

24 (c) RECOMMENDATIONS.—Not later than 180 days
25 after the date of enactment of this Act, the Comptroller

1 General shall submit to Congress the results of the study
2 conducted under subsection (a), which shall include rec-
3 ommendations on the reforms needed to improve competi-
4 tion and enhance choices for consumers, including—

5 (1) whether oversight of alliances should be ex-
6 ercised by the Department of Justice rather than by
7 the Department of Transportation; and

8 (2) whether antitrust immunity for alliances
9 should expire.

10 **SEC. 5024. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
11 **AND TURBINE-POWERED MULTIENGINE AIR-**
12 **CRAFT.**

13 The Secretary of Transportation shall revise such
14 regulations as may be necessary to ensure that multi-year
15 lessees and owners of large and turbine-powered multien-
16 gine aircraft are treated equally for purposes of joint own-
17 ership policies of the Federal Aviation Administration.

18 **SEC. 5025. EVALUATION OF EMERGING TECHNOLOGIES.**

19 (a) **STUDY.**—The Administrator of the Federal Avia-
20 tion Administration, in consultation with representatives
21 of the aviation community and institutions of higher edu-
22 cation (as defined in section 101(a) of the Higher Edu-
23 cation Act of 1964 (20 U.S.C. 1001(a))), shall conduct
24 a study to evaluate the potential impact of emerging tech-
25 nologies, such as electric propulsion and autonomous con-

1 trol, on the current state of aircraft design, operations,
2 maintenance, and licensing.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 a report to the appropriate committees of Congress that
6 summarizes the results of the study conducted under sub-
7 section (a).

8 **SEC. 5026. STUDENT OUTREACH REPORT.**

9 Not later than 6 months after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall submit a report to the appropriate com-
12 mittees of Congress that describes the Administration's
13 existing outreach efforts, such as the STEM Aviation and
14 Space Education Outreach Program, to elementary and
15 secondary students who are interested in careers in
16 science, technology, engineering, art, and mathematics—

17 (1) to prepare and inspire such students for
18 aeronautical careers; and

19 (2) to mitigate an anticipated shortage of pilots
20 and other aviation professionals.

21 **SEC. 5027. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
22 **CONTROL SYSTEM.**

23 Notwithstanding any other provision of law, the Fed-
24 eral Aviation Administration, as appropriate, shall upon
25 request of a private aircraft owner or operator, block the

1 registration number of the aircraft of the owner or oper-
2 ator from any public dissemination or display, except in
3 data made available to a Government agency, for the non-
4 commercial flights of the owner or operator.

5 **SEC. 5028. CONDUCT OF SECURITY SCREENING BY THE**
6 **TRANSPORTATION SECURITY ADMINISTRA-**
7 **TION AT CERTAIN AIRPORTS.**

8 (a) IN GENERAL.—The Administrator of the Trans-
9 portation Security Administration shall provide for secu-
10 rity screening to be conducted by the Transportation Secu-
11 rity Administration at, and provide all necessary staff and
12 equipment to, any airport—

13 (1) that lost commercial air service on or after
14 January 1, 2013; and

15 (2) the operator of which, following the loss de-
16 scribed in paragraph (1), submits to the Adminis-
17 trator—

18 (A) a request for security screening to be
19 conducted at the airport by the Transportation
20 Security Administration; and

21 (B) written confirmation of a commitment
22 from a commercial air carrier—

23 (i) that the air carrier wants to pro-
24 vide commercial air service at the airport;
25 and

1 (ii) that such service will commence
2 not later than 1 year after the date of the
3 submission of the request under subpara-
4 graph (A).

5 (b) DEADLINE.—The Administrator of the Transpor-
6 tation Security Administration shall ensure that the proc-
7 ess of implementing security screening by the Transpor-
8 tation Security Administration at an airport described in
9 subsection (a) is complete not later than the later of—

10 (1) the date that is 90 days after the date on
11 which the operator of the airport submits to the Ad-
12 ministrator a request for such screening under para-
13 graph (2)(A) of that subsection; or

14 (2) the date on which the air carrier intends to
15 provide commercial air service at the airport.

16 (c) EFFECT ON OTHER AIRPORTS.—The Adminis-
17 trator of the Transportation Security Administration shall
18 carry out this section in a manner that does not negatively
19 affect operations at airports that are provided security
20 screening by the Transportation Security Administration.

21 **SEC. 5029. AVIATION CYBERSECURITY.**

22 (a) COMPREHENSIVE AVIATION FRAMEWORK.—

23 (1) IN GENERAL.—Not later than 240 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Federal Aviation Administration shall

1 facilitate and support the development of a com-
2 prehensive framework of principles and policies to
3 reduce cybersecurity risks to the national airspace
4 system, civil aviation, and agency information sys-
5 tems.

6 (2) SCOPE.—As part of the principles and poli-
7 cies under paragraph (1), the Administrator shall—

8 (A) clarify cybersecurity roles and respon-
9 sibilities of offices and employees, including
10 governance structures of any advisory commit-
11 tees addressing cybersecurity at the Federal
12 Aviation Administration;

13 (B) recognize the interactions of different
14 components of the national airspace system and
15 the interdependent and interconnected nature of
16 aircraft and air traffic control systems;

17 (C) identify and implement objectives and
18 actions to reduce cybersecurity risks to the air
19 traffic control information systems, including
20 actions to improve implementation of informa-
21 tion security standards and best practices of the
22 National Institute of Standards and Tech-
23 nology, and policies and guidance issued by the
24 Office of Management and Budget for agency
25 systems;

1 (D) support voluntary efforts by industry,
2 RTCA, Inc., or standards-setting organizations
3 to develop and identify consensus standards,
4 best practices, and guidance on aviation sys-
5 tems information security protection, consistent
6 with the activities described in section 2(e) of
7 the National Institute of Standards and Tech-
8 nology Act (15 U.S.C. 272(e)); and

9 (E) establish guidelines for the voluntary
10 sharing of information between and among
11 aviation stakeholders pertaining to aviation-re-
12 lated cybersecurity incidents, threats, and
13 vulnerabilities.

14 (3) LIMITATIONS.—In carrying out the activi-
15 ties under this section, the Administrator shall—

16 (A) coordinate with aviation stakeholders,
17 including industry, airlines, manufacturers, air-
18 ports, RTCA, Inc., and unions;

19 (B) consult with the Secretary of Defense,
20 Secretary of Homeland Security, Director of
21 National Institute of Standards and Tech-
22 nology, the heads of other relevant agencies,
23 and international regulatory authorities; and

24 (C) evaluate on a periodic basis, but not
25 less than once every 2 years, the effectiveness

1 of the principles established under this sub-
2 section.

3 (b) **THREAT MODEL.**—The Secretary of Transpor-
4 tation, in coordination with the Administrator of the Fed-
5 eral Aviation Administration, shall implement the open
6 recommendation issued in 2015 by the Government Ac-
7 countability Office to assess the potential cost and time-
8 table of developing and maintaining an agency-wide threat
9 model to strengthen cybersecurity across the Federal Avia-
10 tion Administration.

11 (c) **SECURE ACCESS TO FACILITIES AND SYSTEMS.**—

12 (1) **IDENTITY MANAGEMENT REQUIREMENTS.**—

13 Not later than 1 year after the date of enactment
14 of this Act, the Secretary of Transportation shall
15 implement open recommendations issued in 2014 by
16 the Inspector General of the Department of Trans-
17 portation—

18 (A) to work with the Federal Aviation Ad-
19 ministration to revise its plan to effectively
20 transition remaining users to require personal
21 identity verification, including create a plan of
22 actions and milestones with a planned comple-
23 tion date to monitor and track progress; and

24 (B) to work with the Director of the Office
25 of Security of the Department of Transpor-

1 tation to develop or revise plans to effectively
2 transition remaining facilities to require per-
3 sonal identity verification cards at the Federal
4 Aviation Administration.

5 (2) IDENTITY MANAGEMENT ASSESSMENT.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this Act,
8 the Secretary of Transportation shall prepare a
9 plan to implement the use of identity manage-
10 ment, including personal identity verification, at
11 the Federal Aviation Administration, consistent
12 with section 504 of the Cybersecurity Enhance-
13 ment Act of 2014 (Public Law 113–274; 15
14 U.S.C. 7464) and section 225 of title II of divi-
15 sion N of the Cybersecurity Act of 2015 (Public
16 Law 114–113; 129 Stat. 2242).

17 (B) CONTENTS.—The plan shall include—

18 (i) an assessment of the current im-
19 plementation and use of identity manage-
20 ment, including personal identity
21 verification, at the Federal Aviation Ad-
22 ministration for secure access to govern-
23 ment facilities and information systems, in-
24 cluding a breakdown of requirements for
25 use and identification of which systems

1 and facilities are enabled to use personal
2 identity verification; and

3 (ii) the actions to be taken, including
4 specified deadlines, by the Chief Informa-
5 tion Officers of the Department of Trans-
6 portation and the Federal Aviation Admin-
7 istration to increase the implementation
8 and use of such measures, with the goal of
9 100 percent implementation across the
10 agency.

11 (3) REPORT.—The Secretary shall submit the
12 plan to the appropriate committees of Congress.

13 (4) CLASSIFIED INFORMATION.—The report
14 submitted under paragraph (3) shall be in unclassi-
15 fied form, but may include a classified annex.

16 (d) AIRCRAFT SECURITY.—

17 (1) IN GENERAL.—The Aircraft Systems Infor-
18 mation Security Protection Working Group shall pe-
19 riodically review rulemaking, policy, and guidance
20 for certification of avionics software and hardware
21 (including any system on board an aircraft) and con-
22 tinued airworthiness in order to reduce cybersecurity
23 risks to aircraft systems.

24 (2) REQUIREMENTS.—In conducting the re-
25 views, the working group—

1 (A) shall assess the cybersecurity risks to
2 aircraft systems, including recognizing the
3 interactions of different components of the na-
4 tional airspace system and the interdependent
5 and interconnected nature of aircraft and air
6 traffic control systems;

7 (B) shall assess the extent to which exist-
8 ing rulemaking, policy, and guidance to pro-
9 mote safety also promote aircraft systems infor-
10 mation security protection; and

11 (C) based on the results of subparagraphs
12 (A) and (B), may make recommendations to the
13 Administrator of the Federal Aviation Adminis-
14 tration if separate or additional rulemaking,
15 policy, or guidance is needed to address aircraft
16 systems information security protection.

17 (3) IN-FLIGHT ENTERTAINMENT SYSTEMS RE-
18 VIEW.—As part of its review under subparagraphs
19 (A) and (B) of paragraph (2), the working group
20 shall review the cybersecurity risks of in-flight enter-
21 tainment systems to consider whether such systems
22 can and should be isolated and separate from sys-
23 tems required for safe flight and operations, includ-
24 ing reviewing standards for air gaps or other means
25 determined appropriate.

1 (4) RECOMMENDATIONS.—In any recommenda-
2 tion under paragraph (2)(C), the working group
3 shall identify a cost-effective and technology-neutral
4 approach and incorporate voluntary consensus
5 standards and best practices and international prac-
6 tices to the fullest extent possible.

7 (5) REPORT.—

8 (A) IN GENERAL.—Not later than 60 days
9 after the date of enactment of this Act, and pe-
10 riodically thereafter, the working group shall
11 provide a report to the Administrator of the
12 Federal Aviation Administration on the findings
13 of the review and any recommendations.

14 (B) CONGRESS.—The Administrator shall
15 submit to the appropriate committees of Con-
16 gress a copy of each report provided by the
17 working group.

18 (6) CLASSIFIED INFORMATION.—Each report
19 submitted under this subsection shall be in unclassi-
20 fied form, but may include a classified annex.

21 (e) CYBERSECURITY IMPLEMENTATION PROGRESS.—
22 The Administrator of the Federal Aviation Administration
23 shall—

24 (1) not later than 90 days after the date of en-
25 actment of this Act, and periodically thereafter until

1 the completion date, provide to the appropriate com-
2 mittees of Congress a briefing on the actions the Ad-
3 ministrator has taken to improve information secu-
4 rity management, including the steps taken to imple-
5 ment subsections (a), (b) and (c) and all of the
6 issues and open recommendations identified in
7 cybersecurity audit reports issued in 2014 and 2015
8 by the Inspector General of the Department of
9 Transportation and the Government Accountability
10 Office; and

11 (2) not later than 1 year after the date of en-
12 actment of this Act, issue a final report to the ap-
13 propriate committees of Congress on the steps taken
14 to improve information security management, includ-
15 ing implementation of subsections (a), (b) and (c)
16 and all of the issues and open recommendations
17 identified in the cybersecurity audit reports issued in
18 2014 and 2015 by the Inspector General of the De-
19 partment of Transportation and the Government Ac-
20 countability Office.

21 **SEC. 5030. PROHIBITIONS AGAINST SMOKING ON PAS-**
22 **SENGER FLIGHTS.**

23 Section 41706 is amended—

24 (1) by redesignating subsection (d) as sub-
25 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) **ELECTRONIC CIGARETTES.**—

4 “(1) **INCLUSION.**—The use of an electronic cig-
5 arette shall be treated as smoking for purposes of
6 this section.

7 “(2) **ELECTRONIC CIGARETTE DEFINED.**—In
8 this section, the term ‘electronic cigarette’ means a
9 device that delivers nicotine or other substances to
10 a user of the device in the form of a vapor that is
11 inhaled to simulate the experience of smoking.”.

12 **SEC. 5031. NATIONAL MULTIMODAL FREIGHT ADVISORY**
13 **COMMITTEE.**

14 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
15 tation shall establish a national multimodal freight advi-
16 sory committee (referred to in this section as the “Com-
17 mittee”) in the Department of Transportation, which shall
18 consist of a balanced cross-section of public and private
19 freight stakeholders representative of all freight transpor-
20 tation modes, including—

21 (1) airports, highways, ports and waterways,
22 rail, and pipelines;

23 (2) shippers;

24 (3) carriers;

25 (4) freight-related associations;

- 1 (5) the freight industry workforce;
- 2 (6) State departments of transportation;
- 3 (7) local governments;
- 4 (8) metropolitan planning organizations;
- 5 (9) regional or local transportation authorities,
- 6 such as port authorities;
- 7 (10) freight safety organizations; and
- 8 (11) university research centers.

9 (b) PURPOSE.—The purpose of the Committee shall
10 be to promote a safe, economically efficient, and environ-
11 mentally sustainable national freight system.

12 (c) DUTIES.—The Committee, in consultation with
13 State departments of transportation and metropolitan
14 planning organizations, shall provide advice and rec-
15 ommendations to the Secretary of Transportation on mat-
16 ters related to freight transportation in the United States,
17 including—

- 18 (1) the implementation of freight transportation
19 requirements;
- 20 (2) the establishment of a National Multimodal
21 Freight Network under section 70103 of title 49,
22 United States Code;
- 23 (3) the development of the national freight stra-
24 tegic plan under section 70102 of such title;

1 (4) the development of measures of conditions
2 and performance in freight transportation;

3 (5) the development of freight transportation
4 investment, data, and planning tools; and

5 (6) recommendations for Federal legislation.

6 (d) QUALIFICATIONS.—Each member of the Com-
7 mittee shall be sufficiently qualified to represent the inter-
8 ests of the member’s specific stakeholder group, such as—

9 (1) general business and financial experience;

10 (2) experience or qualifications in the areas of
11 freight transportation and logistics;

12 (3) experience in transportation planning, safe-
13 ty, technology, or workforce issues;

14 (4) experience representing employees of the
15 freight industry;

16 (5) experience representing State or local gov-
17 ernments or metropolitan planning organizations in
18 transportation-related issues; or

19 (6) experience in trade economics relating to
20 freight flows.

21 (e) SUPPORT STAFF, INFORMATION, AND SERV-
22 ICES.—The Secretary of Transportation shall provide sup-
23 port staff for the Committee. Upon the request of the
24 Committee, the Secretary shall provide such information,
25 administrative services, and supplies as the Secretary con-

1 siders necessary for the Committee to carry out its duties
2 under this section.

3 **SEC. 5032. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
5 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
6 by striking “47176” and inserting “47175”.

7 (b) CONSULTATION ON CARRIER RESPONSE NOT
8 COVERED BY PLAN.—Section 41313(c)(16), as amended
9 by section 3104 of this Act, is further amended by striking
10 “the foreign air carrier will consult” and inserting “will
11 consult”.

12 (c) WEIGHING MAIL.—Section 41907 is amended by
13 striking “and –administrative” and inserting “and admin-
14 istrative”.

15 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
16 44728 is amended—

17 (1) in subsection (e), by striking “chapter” and
18 inserting “title”; and

19 (2) in subsection (d)(3), by striking “is” and
20 inserting “be”.

21 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
22 amended by striking “United States government” and in-
23 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 MENTMENTS.—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)”.

8 **SEC. 5033. VISIBLE DETERRENT.**

9 Section 1303 of the Implementing Recommendations
10 of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (3), by striking “; and”
14 and inserting a semicolon;

15 (B) in paragraph (4), by striking the pe-
16 riod at the end and inserting “; and”; and

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

18 “(5) if the VIPR team is deployed to an air-
19 port, shall require, as appropriate based on risk,
20 that the VIPR team conduct operations—

21 “(A) in the sterile area and any other
22 areas to which only individuals issued security
23 credentials have unescorted access; and

24 “(B) in non-sterile areas.”; and

1 (2) in subsection (b), by striking “such sums as
2 necessary for fiscal years 2007 through 2011” and
3 inserting “such sums as necessary, including funds
4 to develop not more than 60 VIPR teams, for fiscal
5 years 2016 through 2017”.

6 **SEC. 5034. LAW ENFORCEMENT TRAINING FOR MASS CAS-**
7 **UALTY AND ACTIVE SHOOTER INCIDENTS.**

8 Section 2006(a)(2) of the Homeland Security Act of
9 2002 (6 U.S.C. 607(a)(2)) is amended—

10 (1) by redesignating subparagraphs (E)
11 through (I) as subparagraphs (F) through (J), re-
12 spectively; and

13 (2) by inserting after subparagraph (D) the fol-
14 lowing:

15 “(E) training exercises to enhance pre-
16 paredness for and response to mass casualty
17 and active shooter incidents and security events
18 at public locations, including airports and mass
19 transit systems;”.

20 **SEC. 5035. ASSISTANCE TO AIRPORTS AND SURFACE**
21 **TRANSPORTATION SYSTEMS.**

22 Section 2008(a) of the Homeland Security Act of
23 2002 (6 U.S.C. 609(a)) is amended—

24 (1) by redesigning paragraphs (9) through (13)
25 as paragraphs (10) through (14), respectively; and

1 (2) by inserting after paragraph (8) the fol-
2 lowing:

3 “(9) enhancing the security and preparedness
4 of secure and non-secure areas of eligible airports
5 and surface transportation systems.”.

6 **SEC. 5036. AUTHORIZATION OF CERTAIN FLIGHTS BY**
7 **STAGE 2 AIRPLANES.**

8 (a) IN GENERAL.—Notwithstanding section 47534 of
9 title 49, United States Code, not later than 180 days after
10 the date of the enactment of this Act, the Administrator
11 of the Federal Aviation Administration shall initiate a
12 pilot program to permit the operator of a Stage 2 airplane
13 to operate that airplane in nonrevenue service into not
14 more than four medium hub airports or nonhub airports
15 if—

16 (1) the airport—

17 (A) is certified under part 139 of title 14,
18 Code of Federal Regulations;

19 (B) has a runway that—

20 (i) is longer than 8,000 feet and not
21 less than 200 feet wide; and

22 (ii) is load bearing with a pavement
23 classification number of not less than 38;

24 and

1 (C) has a maintenance facility with a
2 maintenance certificate issued under part 145
3 of such title; and

4 (2) the operator of the Stage 2 airplane oper-
5 ates not more than 10 flights per month using that
6 airplane.

7 (b) TERMINATION.—The regulations required by sub-
8 section (a) shall terminate on the earlier of—

9 (1) the date that is 10 years after the date of
10 the enactment of this Act; or

11 (2) the date on which the Administrator deter-
12 mines that no Stage 2 airplanes remain in service.

13 (c) DEFINITIONS.—In this section:

14 (1) MEDIUM HUB AIRPORT; NONHUB AIR-
15 PORT.—The terms “medium hub airport” and
16 “nonhub airport” have the meanings given those
17 terms in section 40102 of title 49, United States
18 Code.

19 (2) STAGE 2 AIRPLANE.—The term “Stage 2
20 airplane” has the meaning given that term in section
21 91.851 of title 14, Code of Federal Regulations (as
22 in effect on the day before the date of the enactment
23 of this Act).

1 **TITLE VI—TRANSPORTATION SE-**
2 **CURITY AND TERRORISM**
3 **PREVENTION**

4 **Subtitle A—Airport Security**
5 **Enhancement and Oversight Act**

6 **SEC. 6101. SHORT TITLE.**

7 This subtitle may be cited as the “Airport Security
8 Enhancement and Oversight Act”.

9 **SEC. 6102. FINDINGS.**

10 Congress makes the following findings:

11 (1) A number of recent airport security
12 breaches in the United States have involved the use
13 of Secure Identification Display Area (referred to in
14 this section as “SIDA”) badges, the credentials used
15 by airport and airline workers to access the secure
16 areas of an airport.

17 (2) In December 2014, a Delta ramp agent at
18 Hartsfield-Jackson Atlanta International Airport
19 was charged with using his SIDA badge to bypass
20 airport security checkpoints and facilitate an inter-
21 state gun smuggling operation over a number of
22 months via commercial aircraft.

23 (3) In January 2015, an Atlanta-based Aviation
24 Safety Inspector of the Federal Aviation Administra-
25 tion used his SIDA badge to bypass airport security

1 checkpoints and transport a firearm in his carry-on
2 luggage.

3 (4) In February 2015, a local news investiga-
4 tion found that over 1,000 SIDA badges at
5 Hartsfield-Jackson Atlanta International Airport
6 were lost or missing.

7 (5) In March 2015, and again in May 2015,
8 Transportation Security Administration contractors
9 were indicted for participating in a drug smuggling
10 ring using luggage passed through the secure area
11 of the San Francisco International Airport.

12 (6) The Administration has indicated that it
13 does not maintain a list of lost or missing SIDA
14 badges, and instead relies on airport operators to
15 track airport worker credentials.

16 (7) The Administration rarely uses its enforce-
17 ment authority to fine airport operators that reach
18 a certain threshold of missing SIDA badges.

19 (8) In April 2015, the Aviation Security Advi-
20 sory Committee issued 28 recommendations for im-
21 provements to airport access control.

22 (9) In June 2015, the Inspector General of the
23 Department of Homeland Security reported that the
24 Administration did not have all relevant information
25 regarding 73 airport workers who had records in

1 United States intelligence-related databases because
2 the Administration was not authorized to receive all
3 terrorism-related information under current inter-
4 agency watchlisting policy.

5 (10) The Inspector General also found that the
6 Administration did not have appropriate checks in
7 place to reject incomplete or inaccurate airport
8 worker employment investigations, including crimi-
9 nal history record checks and work authorization
10 verifications, and had limited oversight over the air-
11 port operators that the Administration relies on to
12 perform criminal history and work authorization
13 checks for airport workers.

14 (11) There is growing concern about the poten-
15 tial insider threat at airports in light of recent ter-
16 rorist activities.

17 **SEC. 6103. DEFINITIONS.**

18 In this subtitle:

19 (1) ADMINISTRATION.—The term “Administra-
20 tion” means the Transportation Security Adminis-
21 tration.

22 (2) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Transpor-
24 tation Security Administration.

1 (3) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Commerce, Science,
5 and Transportation of the Senate;

6 (B) the Committee on Homeland Security
7 and Governmental Affairs of the Senate; and

8 (C) the Committee on Homeland Security
9 of the House of Representatives.

10 (4) ASAC.—The term “ASAC” means the
11 Aviation Security Advisory Committee established
12 under section 44946 of title 49, United States Code.

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of Homeland Security.

15 (6) SIDA.—The term “SIDA” means Secure
16 Identification Display Area as defined in section
17 1540.5 of title 49, Code of Federal Regulations, or
18 any successor regulation to such section.

19 **SEC. 6104. THREAT ASSESSMENT.**

20 (a) INSIDER THREATS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of enactment of this Act, the Administrator
23 shall conduct or update an assessment to determine
24 the level of risk posed to the domestic air transpor-
25 tation system by individuals with unescorted access

1 to a secure area of an airport (as defined in section
2 44903(j)(2)(H)) in light of recent international ter-
3 rorist activity.

4 (2) CONSIDERATIONS.—In conducting or updat-
5 ing the assessment under paragraph (1), the Admin-
6 istrator shall consider—

7 (A) domestic intelligence;

8 (B) international intelligence;

9 (C) the vulnerabilities associated with
10 unescorted access authority granted to domestic
11 airport operators and air carriers, and their em-
12 ployees;

13 (D) the vulnerabilities associated with
14 unescorted access authority granted to foreign
15 airport operators and air carriers, and their em-
16 ployees;

17 (E) the processes and practices designed to
18 mitigate the vulnerabilities associated with
19 unescorted access privileges granted to airport
20 operators and air carriers, and their employees;

21 (F) the recent security breaches at domes-
22 tic and foreign airports; and

23 (G) the recent security improvements at
24 domestic airports, including the implementation

1 of recommendations made by relevant advisory
2 committees.

3 (b) **REPORTS TO CONGRESS.**—The Administrator
4 shall submit to the appropriate committees of Congress—

5 (1) a report on the results of the assessment
6 under subsection (a), including any recommenda-
7 tions for improving aviation security;

8 (2) a report on the implementation status of
9 any recommendations made by the ASAC; and

10 (3) regular updates about the insider threat en-
11 vironment as new information becomes available and
12 as needed.

13 **SEC. 6105. OVERSIGHT.**

14 (a) **ENHANCED REQUIREMENTS.**—

15 (1) **IN GENERAL.**—Subject to public notice and
16 comment, and in consultation with airport operators,
17 the Administrator shall update the rules on access
18 controls issued by the Secretary under chapter 449
19 of title 49, United States Code.

20 (2) **CONSIDERATIONS.**—As part of the update
21 under paragraph (1), the Administrator shall con-
22 sider—

23 (A) increased fines and advanced oversight
24 for airport operators that report missing more

1 than 5 percent of credentials for unescorted ac-
2 cess to any SIDA of an airport;

3 (B) best practices for Category X airport
4 operators that report missing more than 3 per-
5 cent of credentials for unescorted access to any
6 SIDA of an airport;

7 (C) additional audits and status checks for
8 airport operators that report missing more than
9 3 percent of credentials for unescorted access to
10 any SIDA of an airport;

11 (D) review and analysis of the prior 5
12 years of audits for airport operators that report
13 missing more than 3 percent of credentials for
14 unescorted access to any SIDA of an airport;

15 (E) increased fines and direct enforcement
16 requirements for both airport workers and their
17 employers that fail to report within 24 hours an
18 employment termination or a missing credential
19 for unescorted access to any SIDA of an air-
20 port; and

21 (F) a method for termination by the em-
22 ployer of any airport worker that fails to report
23 in a timely manner missing credentials for
24 unescorted access to any SIDA of an airport.

1 (b) TEMPORARY CREDENTIALS.—The Administrator
2 may encourage the issuance by airport and aircraft opera-
3 tors of free one-time, 24-hour temporary credentials for
4 workers who have reported their credentials missing, but
5 not permanently lost, stolen, or destroyed, in a timely
6 manner, until replacement of credentials under section
7 1542.211 of title 49 Code of Federal Regulations is nec-
8 essary.

9 (c) NOTIFICATION AND REPORT TO CONGRESS.—The
10 Administrator shall—

11 (1) notify the appropriate committees of Con-
12 gress each time an airport operator reports that
13 more than 3 percent of credentials for unescorted
14 access to any SIDA at a Category X airport are
15 missing or more than 5 percent of credentials to ac-
16 cess any SIDA at any other airport are missing; and

17 (2) submit to the appropriate committees of
18 Congress an annual report on the number of viola-
19 tions and fines related to unescorted access to the
20 SIDA of an airport collected in the preceding fiscal
21 year.

22 **SEC. 6106. CREDENTIALS.**

23 (a) LAWFUL STATUS.—Not later than 90 days after
24 the date of enactment of this Act, the Administrator shall
25 issue guidance to airport operators regarding placement

1 of an expiration date on each airport credential issued to
2 a non-United States citizen no longer than the period of
3 time during which that non-United States citizen is law-
4 fully authorized to work in the United States.

5 (b) REVIEW OF PROCEDURES.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of enactment of this Act, the Administrator
8 shall—

9 (A) issue guidance for transportation secu-
10 rity inspectors to annually review the proce-
11 dures of airport operators and air carriers for
12 applicants seeking unescorted access to any
13 SIDA of an airport; and

14 (B) make available to airport operators
15 and air carriers information on identifying sus-
16 picious or fraudulent identification materials.

17 (2) INCLUSIONS.—The guidance shall require a
18 comprehensive review of background checks and em-
19 ployment authorization documents issued by the
20 Citizenship and Immigration Services during the
21 course of a review of procedures under paragraph
22 (1).

23 **SEC. 6107. VETTING.**

24 (a) ELIGIBILITY REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, and subject
3 to public notice and comment, the Administrator
4 shall revise the regulations issued under section
5 44936 of title 49, United States Code, in accordance
6 with this section and current knowledge of insider
7 threats and intelligence, to enhance the eligibility re-
8 quirements and disqualifying criminal offenses for
9 individuals seeking or having unescorted access to a
10 SIDA of an airport.

11 (2) DISQUALIFYING CRIMINAL OFFENSES.—In
12 revising the regulations under paragraph (1), the
13 Administrator shall consider adding to the list of
14 disqualifying criminal offenses and criteria the of-
15 fenses and criteria listed in section 122.183(a)(4) of
16 title 19, Code of Federal Regulations and section
17 1572.103 of title 49, Code of Federal Regulations.

18 (3) WAIVER PROCESS FOR DENIED CREDEN-
19 TIALS.—Notwithstanding section 44936(b) of title
20 49, United States Code, in revising the regulations
21 under paragraph (1) of this subsection, the Adminis-
22 trator shall—

23 (A) ensure there exists or is developed a
24 waiver process for approving the issuance of
25 credentials for unescorted access to the SIDA,

1 for an individual found to be otherwise ineli-
2 gible for such credentials; and

3 (B) consider, as appropriate and prac-
4 ticable—

5 (i) the circumstances of any disquali-
6 fying act or offense, restitution made by
7 the individual, Federal and State mitiga-
8 tion remedies, and other factors from
9 which it may be concluded that the indi-
10 vidual does not pose a terrorism risk or a
11 risk to aviation security warranting denial
12 of the credential; and

13 (ii) the elements of the appeals and
14 waiver process established under section
15 70105(c) of title 46, United States Code.

16 (4) LOOK BACK.—In revising the regulations
17 under paragraph (1), the Administrator shall pro-
18 pose that an individual be disqualified if the indi-
19 vidual was convicted, or found not guilty by reason
20 of insanity, of a disqualifying criminal offense within
21 15 years before the date of an individual’s applica-
22 tion, or if the individual was incarcerated for that
23 crime and released from incarceration within 5 years
24 before the date of the individual’s application.

1 (5) CERTIFICATIONS.—The Administrator shall
2 require an airport or aircraft operator, as applicable,
3 to certify for each individual who receives unescorted
4 access to any SIDA of an airport that—

5 (A) a specific need exists for providing that
6 individual with unescorted access authority; and

7 (B) the individual has certified to the air-
8 port or aircraft operator that the individual un-
9 derstands the requirements for possessing a
10 SIDA badge.

11 (6) REPORT TO CONGRESS.—Not later than 90
12 days after the date of enactment, the Administrator
13 shall submit to the appropriate committees of Con-
14 gress a report on the status of the revision to the
15 regulations issued under section 44936 of title 49,
16 United States Code, in accordance with this section.

17 (7) RULE OF CONSTRUCTION.—Nothing in this
18 subsection may be construed to affect existing avia-
19 tion worker vetting fees imposed by the Administra-
20 tion.

21 (b) RECURRENT VETTING.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of enactment of this Act, the Administrator
24 and the Director of the Federal Bureau of Investiga-
25 tion shall fully implement the Rap Back service for

1 recurrent vetting of eligible Administration-regulated
2 populations of individuals with unescorted access to
3 any SIDA of an airport.

4 (2) REQUIREMENTS.—As part of the require-
5 ment in paragraph (1), the Administrator shall en-
6 sure that—

7 (A) any status notifications the Adminis-
8 tration receives through the Rap Back service
9 about criminal offenses be limited to only dis-
10 qualifying criminal offenses in accordance with
11 the regulations promulgated by the Administra-
12 tion under section 44903 of title 49, United
13 States Code, or other Federal law; and

14 (B) any information received by the Ad-
15 ministration through the Rap Back service is
16 provided directly and immediately to the rel-
17 evant airport and aircraft operators.

18 (3) REPORT TO CONGRESS.—Not later than 60
19 days after the date of enactment of this Act, the Ad-
20 ministrator shall submit to the appropriate commit-
21 tees of Congress a report on the implementation sta-
22 tus of the Rap Back service.

23 (c) ACCESS TO TERRORISM-RELATED DATA.—Not
24 later than 30 days after the date of enactment of this Act,
25 the Administrator and the Director of National Intel-

1 ligenca shall coordinate to ensure that the Administrator
2 is authorized to receive automated, real-time access to ad-
3 ditional Terrorist Identities Datamart Environment
4 (TIDE) data and any other terrorism related category
5 codes to improve the effectiveness of the Administration's
6 credential vetting program for individuals that are seeking
7 or have unescorted access to a SIDA of an airport.

8 (d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—
9 Not later than 90 days after the date of enactment of this
10 Act, the Secretary shall authorize each airport operator
11 to have direct access to the E-Verify program and the Sys-
12 tematic Alien Verification for Entitlements (SAVE) auto-
13 mated system to determine the eligibility of individuals
14 seeking unescorted access to a SIDA of an airport.

15 **SEC. 6108. METRICS.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Administrator shall de-
18 velop and implement performance metrics to measure the
19 effectiveness of security for the SIDAs of airports.

20 (b) CONSIDERATIONS.—In developing the perform-
21 ance metrics under subsection (a), the Administrator may
22 consider—

- 23 (1) adherence to access point procedures;
- 24 (2) proper use of credentials;

1 (3) differences in access point requirements be-
2 tween airport workers performing functions on the
3 airside of an airport and airport workers performing
4 functions in other areas of an airport;

5 (4) differences in access point characteristics
6 and requirements at airports; and

7 (5) any additional factors the Administrator
8 considers necessary to measure performance.

9 **SEC. 6109. INSPECTIONS AND ASSESSMENTS.**

10 (a) MODEL AND BEST PRACTICES.—Not later than
11 180 days after the date of enactment of this Act, the Ad-
12 ministrators, in consultation with the ASAC, shall develop
13 a model and best practices for unescorted access security
14 that—

15 (1) use intelligence, scientific algorithms, and
16 risk-based factors;

17 (2) ensure integrity, accountability, and control;

18 (3) subject airport workers to random physical
19 security inspections conducted by Administration
20 representatives in accordance with this section;

21 (4) appropriately manage the number of SIDA
22 access points to improve supervision of and reduce
23 unauthorized access to these areas; and

24 (5) include validation of identification mate-
25 rials, such as with biometrics.

1 (b) INSPECTIONS.—Consistent with a risk-based se-
2 curity approach, the Administrator shall expand the use
3 of transportation security officers and inspectors to con-
4 duct enhanced, random and unpredictable, data-driven,
5 and operationally dynamic physical inspections of airport
6 workers in each SIDA of an airport and at each SIDA
7 access point—

8 (1) to verify the credentials of airport workers;

9 (2) to determine whether airport workers pos-
10 sess prohibited items, except for those that may be
11 necessary for the performance of their duties, as ap-
12 propriate, in any SIDA of an airport; and

13 (3) to verify whether airport workers are fol-
14 lowing appropriate procedures to access a SIDA of
15 an airport.

16 (c) SCREENING REVIEW.—

17 (1) IN GENERAL.—The Administrator shall con-
18 duct a review of airports that have implemented ad-
19 ditional airport worker screening or perimeter secu-
20 rity to improve airport security, including—

21 (A) comprehensive airport worker screen-
22 ing at access points to secure areas;

23 (B) comprehensive perimeter screening, in-
24 cluding vehicles;

1 (C) enhanced fencing or perimeter sensors;
2 and

3 (D) any additional airport worker screen-
4 ing or perimeter security measures the Admin-
5 istrator identifies.

6 (2) BEST PRACTICES.—After completing the re-
7 view under paragraph (1), the Administrator shall—

8 (A) identify best practices for additional
9 access control and airport worker security at
10 airports; and

11 (B) disseminate the best practices identi-
12 fied under subparagraph (A) to airport opera-
13 tors.

14 (3) PILOT PROGRAM.—The Administrator may
15 conduct a pilot program at 1 or more airports to
16 test and validate best practices for comprehensive
17 airport worker screening or perimeter security under
18 paragraph (2).

19 **SEC. 6110. COVERT TESTING.**

20 (a) IN GENERAL.—The Administrator shall increase
21 the use of red-team, covert testing of access controls to
22 any secure areas of an airport.

23 (b) ADDITIONAL COVERT TESTING.—The Inspector
24 General of the Department of Homeland Security shall

1 conduct red-team, covert testing of airport access controls
2 to the SIDA of airports.

3 (c) REPORTS TO CONGRESS.—

4 (1) ADMINISTRATOR REPORT.—Not later than
5 90 days after the date of enactment of this Act, the
6 Administrator shall submit to the appropriate com-
7 mittee of Congress a report on the progress to ex-
8 pand the use of inspections and of red-team, covert
9 testing under subsection (a).

10 (2) INSPECTOR GENERAL REPORT.—Not later
11 than 180 days after the date of enactment of this
12 Act, the Inspector General of the Department of
13 Homeland Security shall submit to the appropriate
14 committee of Congress a report on the effectiveness
15 of airport access controls to the SIDA of airports
16 based on red-team, covert testing under subsection
17 (b).

18 **SEC. 6111. SECURITY DIRECTIVES.**

19 (a) REVIEW.—Not later than 180 days after the date
20 of enactment of this Act, and annually thereafter, the Ad-
21 ministrator, in consultation with the appropriate regulated
22 entities, shall conduct a comprehensive review of every
23 current security directive addressed to any regulated enti-
24 ty—

1 (1) to determine whether the security directive
2 continues to be relevant;

3 (2) to determine whether the security directives
4 should be streamlined or consolidated to most effi-
5 ciently maximize risk reduction; and

6 (3) to update, consolidate, or revoke any secu-
7 rity directive as necessary.

8 (b) NOTICE.—For each security directive that the
9 Administrator issues, the Administrator shall submit to
10 the appropriate committees of Congress notice of—

11 (1) the extent to which the security directive re-
12 sponds to a specific threat, security threat assess-
13 ment, or emergency situation against civil aviation;
14 and

15 (2) when it is anticipated that the security di-
16 rective will expire.

17 **SEC. 6112. IMPLEMENTATION REPORT.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall—

21 (1) assess the progress made by the Adminis-
22 tration and the effect on aviation security of imple-
23 menting the requirements under sections 6104
24 through 6111 of this Act; and

1 (2) report to the appropriate committees of
2 Congress on the results of the assessment under
3 paragraph (1), including any recommendations.

4 **SEC. 6113. MISCELLANEOUS AMENDMENTS.**

5 (a) ASAC TERMS OF OFFICE.—Section
6 44946(c)(2)(A) is amended to read as follows:

7 “(A) TERMS.—The term of each member
8 of the Advisory Committee shall be 2 years, but
9 a member may continue to serve until the As-
10 sistant Secretary appoints a successor. A mem-
11 ber of the Advisory Committee may be re-
12 appointed.”.

13 (b) FEEDBACK.—Section 44946(b)(5) is amended to
14 read as follows:

15 “(5) FEEDBACK.—Not later than 90 days after
16 receiving recommendations transmitted by the Advi-
17 sory Committee under paragraph (2) or paragraph
18 (4), the Assistant Secretary shall respond in writing
19 to the Advisory Committee with feedback on each of
20 the recommendations, an action plan to implement
21 any of the recommendations with which the Assist-
22 ant Secretary concurs, and a justification for why
23 any of the recommendations have been rejected.”.

1 **Subtitle B—TSA PreCheck**
2 **Expansion Act**

3 **SEC. 6201. SHORT TITLE.**

4 This subtitle may be cited as the “TSA PreCheck Ex-
5 pansion Act”.

6 **SEC. 6202. DEFINITIONS.**

7 In this subtitle:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Transpor-
10 tation Security Administration.

11 (2) DEPARTMENT.—The term “Department”
12 means the Department of Homeland Security.

13 (3) PRECHECK PROGRAM.—The term
14 “PreCheck Program” means the trusted traveler
15 program implemented by the Transportation Secu-
16 rity Administration under section 109(a)(3) of the
17 Aviation and Transportation Security Act (49
18 U.S.C. 114).

19 (4) TSA.—The term “TSA” means the Trans-
20 portation Security Administration.

21 **SEC. 6203. PRECHECK PROGRAM AUTHORIZATION.**

22 The Administrator shall continue to administer the
23 PreCheck Program established under the authority of the
24 Aviation and Transportation Security Act (Public Law
25 107–71; 115 Stat. 597).

1 **SEC. 6204. PRECHECK PROGRAM ENROLLMENT EXPAN-**
2 **SION.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Administrator shall
5 publish PreCheck Program enrollment standards that add
6 multiple private sector application capabilities for the
7 PreCheck Program to increase the public’s enrollment ac-
8 cess to the program, including standards that allow the
9 use of secure technologies, including online enrollment, ki-
10 osks, tablets, or staffed laptop stations at which individ-
11 uals can apply for entry into the program.

12 (b) REQUIREMENTS.—Upon publication of the
13 PreCheck Program enrollment standards under subsection
14 (a), the Administrator shall—

15 (1) coordinate with interested parties—

16 (A) to deploy TSA-approved ready-to-mar-
17 ket private sector solutions that meet the
18 PreCheck Program enrollment standards under
19 subsection (a);

20 (B) to make available additional PreCheck
21 Program enrollment capabilities; and

22 (C) to offer secure online and mobile en-
23 rollment opportunities;

24 (2) partner with the private sector to collect
25 biographic and biometric identification information
26 via kiosks, mobile devices, or other mobile enroll-

1 ment platforms to increase enrollment flexibility and
2 minimize the amount of travel to enrollment centers
3 for applicants;

4 (3) ensure that any information, including bio-
5 graphic information, is collected in a manner that—

6 (A) is comparable with the appropriate and
7 applicable standards developed by the National
8 Institute of Standards and Technology; and

9 (B) protects privacy and data security, in-
10 cluding that any personally identifiable informa-
11 tion is collected, retained, used, and shared in
12 a manner consistent with section 552a of title
13 5, United States Code (commonly known as
14 “Privacy Act of 1974”), and with agency regu-
15 lations;

16 (4) ensure that the enrollment process is
17 streamlined and flexible to allow an individual to
18 provide additional information to complete enroll-
19 ment and verify identity;

20 (5) ensure that any enrollment expansion using
21 a private sector risk assessment instead of a finger-
22 print-based criminal history records check is evalu-
23 ated and certified by the Secretary of Homeland Se-
24 curity, and verified by the Government Account-
25 ability Office or a federally funded research and de-

1 velopment center after award to be equivalent to a
2 fingerprint-based criminal history records check con-
3 ducted through the Federal Bureau of Investigation
4 with respect to the effectiveness in identifying indi-
5 viduals who are not qualified to participate in the
6 PreCheck program due to disqualifying criminal his-
7 tory; and

8 (6) ensure that the Secretary has certified that
9 reasonable procedures are in place with regard to
10 the accuracy, relevancy, and proper utilization of in-
11 formation employed in private sector risk assess-
12 ments.

13 (c) **MARKETING OF PRECHECK PROGRAM.**—Upon
14 publication of PreCheck Program enrollment standards
15 under subsection (a), the Administrator shall—

16 (1) in accordance with those standards, develop
17 and implement—

18 (A) a continual process, including an asso-
19 ciated timeframe, for approving private sector
20 marketing of the PreCheck Program; and

21 (B) a long-term strategy for partnering
22 with the private sector to encourage enrollment
23 in such program;

24 (2) submit to Congress, at the end of each fis-
25 cal year, a report on any PreCheck Program applica-

1 tion fees collected in excess of the costs of admin-
2 istering the program, including to access the feasi-
3 bility of the program, for the preceding fiscal year;
4 and

5 (3) include in the report under paragraph (2)
6 recommendations for using such amounts to support
7 marketing of the program under this subsection.

8 (d) IDENTITY VERIFICATION ENHANCEMENT.—Not
9 later than 120 days after the date of enactment of this
10 Act, the Administrator shall—

11 (1) coordinate with the heads of appropriate
12 components of the Department to leverage depart-
13 ment-held data and technologies to verify the citizen-
14 ship of individuals enrolling in the PreCheck Pro-
15 gram;

16 (2) partner with the private sector to use bio-
17 metrics and authentication standards, such as rel-
18 evant standards developed by the National Institute
19 of Standards and Technology, to facilitate enroll-
20 ment in the program; and

21 (3) consider leveraging the existing resources
22 and abilities of airports to conduct fingerprint and
23 background checks to expedite identity verification.

24 (e) PRECHECK PROGRAM LANES OPERATION.—The
25 Administrator shall—

1 (1) ensure that PreCheck Program screening
2 lanes are open and available during peak and high-
3 volume travel times at appropriate airports to indi-
4 viduals enrolled in the PreCheck Program; and

5 (2) make every practicable effort to provide ex-
6 pedited screening at standard screening lanes during
7 times when PreCheck Program screening lanes are
8 closed to individuals enrolled in the program in
9 order to maintain operational efficiency.

10 (f) VETTING FOR PRECHECK PROGRAM PARTICI-
11 PANTS.—Not later than 90 days after the date of enact-
12 ment of this Act, the Administrator shall initiate an as-
13 sessment to identify any security vulnerabilities in the vet-
14 ting process for the PreCheck Program, including deter-
15 mining whether subjecting PreCheck Program partici-
16 pants to recurrent fingerprint-based criminal history
17 records checks, in addition to recurrent checks against the
18 terrorist watchlist, could be done in a cost-effective man-
19 ner to strengthen the security of the PreCheck Program.

1 **Subtitle C—Securing Aviation**
2 **From Foreign Entry Points and**
3 **Guarding Airports Through En-**
4 **hanced Security Act of 2016**

5 **SEC. 6301. SHORT TITLE.**

6 This subtitle may be cited as the “Securing Aviation
7 from Foreign Entry Points and Guarding Airports
8 Through Enhanced Security Act of 2016”.

9 **SEC. 6302. LAST POINT OF DEPARTURE AIRPORT SECURITY**
10 **ASSESSMENT.**

11 (a) **IN GENERAL.**—Not later than 180 days after the
12 date of enactment of this Act, the Administrator of the
13 Transportation Security Administration shall conduct a
14 comprehensive security risk assessment of all last point
15 of departure airports with nonstop flights to the United
16 States.

17 (b) **CONTENTS.**—The security risk assessment re-
18 quired under subsection (a) shall include consideration of
19 the following:

20 (1) The level of coordination and cooperation
21 between the Transportation Security Administration
22 and the foreign government of the country in which
23 the last point of departure airport with nonstop
24 flights to the United States is located.

1 (2) The intelligence and threat mitigation capa-
2 bilities of the country in which such airport is lo-
3 cated.

4 (3) The number of known or suspected terror-
5 ists annually transiting through such airport.

6 (4) The degree to which the foreign government
7 of the country in which such airport is located man-
8 dates, encourages, or prohibits the collection, anal-
9 ysis, and sharing of passenger name records.

10 (5) The passenger security screening practices,
11 capabilities, and capacity of such airport.

12 (6) The security vetting undergone by aviation
13 workers at such airport.

14 (7) The access controls utilized by such airport
15 to limit to authorized personnel access to secure and
16 sterile areas of such airports.

17 **SEC. 6303. SECURITY COORDINATION ENHANCEMENT**
18 **PLAN.**

19 (a) IN GENERAL.—Not later than 240 days after the
20 date of enactment of this Act, the Administrator of the
21 Transportation Security Administration shall submit to
22 Congress and the Government Accountability Office a
23 plan—

24 (1) to enhance and bolster security collabora-
25 tion, coordination, and information sharing relating

1 to securing international-inbound aviation between
2 the United States and domestic and foreign part-
3 ners, including U.S. Customs and Border Protection,
4 foreign government entities, passenger air carriers,
5 cargo air carriers, and United States Government
6 entities, in order to enhance security capabilities at
7 foreign airports, including airports that may not
8 have nonstop flights to the United States but are
9 nonetheless determined by the Administrator to be
10 high risk; and

11 (2) that includes an assessment of the ability of
12 the Administration to enter into a mutual agreement
13 with a foreign government entity that permits Ad-
14 ministration representatives to conduct without prior
15 notice inspections of foreign airports.

16 (b) GAO REVIEW.—Not later than 180 days after the
17 submission of the plan required under subsection (a), the
18 Comptroller General of the United States shall review the
19 efforts, capabilities, and effectiveness of the Transpor-
20 tation Security Administration to enhance security capa-
21 bilities at foreign airports and determine if the implemen-
22 tation of such efforts and capabilities effectively secures
23 international-inbound aviation.

1 **SEC. 6304. WORKFORCE ASSESSMENT.**

2 Not later than 270 days after the date of enactment
3 of this Act, the Administrator of the Transportation Secu-
4 rity Administration shall submit to Congress a comprehen-
5 sive workforce assessment of all Administration personnel
6 within the Office of Global Strategies of the Administra-
7 tion or whose primary professional duties contribute to the
8 Administration's global efforts to secure transportation se-
9 curity, including a review of whether such personnel are
10 assigned in a risk-based, intelligence-driven manner.

11 **SEC. 6305. DONATION OF SCREENING EQUIPMENT TO PRO-**
12 **TECT THE UNITED STATES.**

13 (a) IN GENERAL.—The Administrator of the Trans-
14 portation Security Administration is authorized to donate
15 security screening equipment to a foreign last point of de-
16 parture airport operator if such equipment can be reason-
17 ably expected to mitigate a specific vulnerability to the se-
18 curity of the United States or United States citizens.

19 (b) REPORT.—Not later than 30 days before any do-
20 nation of security screening equipment pursuant to sub-
21 section (a), the Administrator of the Transportation Secu-
22 rity Administration shall provide to the Committee on
23 Homeland Security and Governmental Affairs and the
24 Committee on Commerce, Science, and Transportation of
25 the Senate and the Committee on Homeland Security of

1 the House of Representatives a detailed written expla-
2 nation of the following:

3 (1) The specific vulnerability to the United
4 States or United States citizens that will be miti-
5 gated by such donation.

6 (2) An explanation as to why the recipient of
7 such donation is unable or unwilling to purchase se-
8 curity screening equipment to mitigate such vulner-
9 ability.

10 (3) An evacuation plan for sensitive tech-
11 nologies in case of emergency or instability in the
12 country to which such donation is being made.

13 (4) How the Administrator will ensure the secu-
14 rity screening equipment that is being donated is
15 used and maintained over the course of its life by
16 the recipient.

17 (5) The total dollar value of such donation.

18 **SEC. 6306. NATIONAL CARGO SECURITY PROGRAM.**

19 (a) IN GENERAL.—The Administrator of the Trans-
20 portation Security Administration may evaluate foreign
21 countries' air cargo security programs to determine wheth-
22 er such programs provide a level of security commensurate
23 with the level of security required by United States air
24 cargo security programs.

25 (b) APPROVAL AND RECOGNITION.—

1 (1) IN GENERAL.—If the Administrator of the
2 Transportation Security Administration determines
3 that a foreign country’s air cargo security program
4 evaluated under subsection (a) provides a level of se-
5 curity commensurate with the level of security re-
6 quired by United States air cargo security programs,
7 the Administrator shall approve and officially recog-
8 nize such foreign country’s air cargo security pro-
9 gram.

10 (2) EFFECT OF APPROVAL AND RECOGNI-
11 TION.—If the Administrator of the Transportation
12 Security Administration approves and officially re-
13 cognizes pursuant to paragraph (1) a foreign coun-
14 try’s air cargo security program, cargo aircraft of
15 such foreign country shall not be required to adhere
16 to United States air cargo security programs that
17 would otherwise be applicable.

18 (c) REVOCATION AND SUSPENSION.—

19 (1) IN GENERAL.—If the Administrator of the
20 Transportation Security Administration determines
21 at any time that a foreign country’s air cargo secu-
22 rity program approved and officially recognized
23 under subsection (b) no longer provides a level of se-
24 curity commensurate with the level of security re-
25 quired by United States air cargo security programs,

1 the Administrator may revoke or temporarily sus-
2 pend such approval and official recognition until
3 such time as the Administrator determines that such
4 foreign country's cargo security programs provide a
5 level of security commensurate with the level of secu-
6 rity required by such United States air cargo secu-
7 rity programs.

8 (2) NOTIFICATION.—If the Administrator of
9 the Transportation Security Administration revokes
10 or suspends pursuant to paragraph (1) a foreign
11 country's air cargo security program, the Adminis-
12 trator shall notify the Committee on Homeland Se-
13 curity of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of
15 the Senate not later than 30 days after such revoca-
16 tion or suspension.

17 **Subtitle D—Miscellaneous**

18 **SEC. 6401. INTERNATIONAL TRAINING AND CAPACITY DE-** 19 **VELOPMENT.**

20 (a) IN GENERAL.—In accordance with section 114 of
21 title 49, United States Code, the Administrator of the
22 Transportation Security Administration shall establish an
23 international training and capacity development program
24 to train the appropriate authorities of foreign governments
25 in air transportation security.

1 (b) CONTENTS OF TRAINING.—If the Administrator
2 determines that a foreign government would benefit from
3 training and capacity development assistance, the Admin-
4 istrator may provide to the appropriate authorities of that
5 foreign government technical assistance and training pro-
6 grams to strengthen aviation security in managerial, oper-
7 ational, and technical areas, including—

- 8 (1) active shooter scenarios;
- 9 (2) incident response;
- 10 (3) use of canines;
- 11 (4) mitigation of insider threats;
- 12 (5) perimeter security;
- 13 (6) operation and maintenance of security
14 screening technology; and
- 15 (7) recurrent related training and exercises.

16 **SEC. 6402. CHECKPOINTS OF THE FUTURE.**

17 (a) IN GENERAL.—The Administrator of the Trans-
18 portation Security Administration, in accordance with
19 chapter 449 of title 49, United States Code, shall request
20 the Aviation Security Advisory Committee to develop rec-
21 ommendations for more efficient and effective passenger
22 screening processes.

23 (b) CONSIDERATIONS.—In making recommendations
24 to improve existing passenger screening processes, the
25 Aviation Security Advisory Committee shall consider—

- 1 (1) the configuration of a checkpoint;
- 2 (2) technology innovation;
- 3 (3) ways to address any vulnerabilities identi-
- 4 fied in audits of checkpoint operations;
- 5 (4) ways to prevent security breaches at air-
- 6 ports where Federal security screening is provided;
- 7 (5) best practices in aviation security;
- 8 (6) recommendations from airport and aircraft
- 9 operators, and any relevant advisory committees;
- 10 and
- 11 (7) “curb to curb” processes and procedures.

12 (c) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the appropriate committees of Congress a report on the
15 results of the Aviation Security Advisory Committee re-
16 view, including any recommendations for improving
17 screening processes.

18 **TITLE VII—AIRPORT AND AIR-**
19 **WAY TRUST FUND PROVI-**
20 **SIONS AND RELATED TAXES**

21 **SEC. 7101. EXPENDITURE AUTHORITY FROM AIRPORT AND**
22 **AIRWAY TRUST FUND.**

23 (a) IN GENERAL.—Section 9502(d)(1) of the Inter-
24 nal Revenue Code of 1986 is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “July 16, 2016” and inserting “October
3 1, 2017”; and

4 (2) in subparagraph (A), by striking the semi-
5 colon at the end and inserting “or the Federal Avia-
6 tion Administration Reauthorization Act of 2016;”.

7 (b) CONFORMING AMENDMENT.—Section 9502(e)(2)
8 of such Code is amended by striking “July 16, 2016” and
9 inserting “October 1, 2017”.

10 **SEC. 7102. EXTENSION OF TAXES FUNDING AIRPORT AND**
11 **AIRWAY TRUST FUND.**

12 (a) FUEL TAXES.—Section 4081(d)(2)(B) of the In-
13 ternal Revenue Code of 1986 is amended by striking “July
14 15, 2016” and inserting “September 30, 2017”.

15 (b) TICKET TAXES.—

16 (1) PERSONS.—Section 4261(k)(1)(A)(ii) of
17 such Code is amended by striking “July 15, 2016”
18 and inserting “September 30, 2017”.

19 (2) PROPERTY.—Section 4271(d)(1)(A)(ii) of
20 such Code is amended by striking “July 15, 2016”
21 and inserting “September 30, 2017”.

22 (c) FRACTIONAL OWNERSHIP PROGRAMS.—

23 (1) TREATMENT AS NON-COMMERCIAL AVIA-
24 TION.—Section 4083(b) of such Code is amended by

1 striking “July 16, 2016” and inserting “October 1,
2 2017”.

3 (2) EXEMPTION FROM TICKET TAXES.—Section
4 4261(j) of such Code is amended by striking “July
5 15, 2016” and inserting “September 30, 2017”.