

## Senate Commerce Committee FAA Markup Amendment Log S. 2658 Markup, March 16, 2016

**Version 2.1** – This version has amendment summaries. However, we do not yet have an authoritative list of the differences between the 289-page base bill and the 303-page Thune-Nelson substitute version – we will add that later to our preliminary summary of the differences that were most obvious. Links are to the PDFs of amendment text.

At the beginning of the markup, Senator Nelson offered a [modified substitute for the whole bill](#) on behalf of Sens. Thune and Nelson, which differed from S. 2658 as introduced in at least the following significant ways:

- Amends sec. 1006(c) of the bill to expand the requirement for a DOT IG report on DBE participation in FAA programs.
- In sec. 1205 of the bill, adds a new (b) to require FAA to respond to requests for expanded contract tower hours within 30 days.
- In sec. 1301(b) of the bill, adds “large hub” to the types of airports eligible for the PFC streamlining process.
- In sec. 2101 of the bill, adds “United States Constitution” to list of privacy protection statutes to be enforced.
- In sec. 2104 of the bill, adds that the report should address First Amendment concerns as well.
- In sec. 2124 of the bill, renames “remote identification capability standards” as “consensus aircraft safety standards”.
- In sec. 2130 of the bill, gives the FAA Administrator waiver authority for drones under 1 kg or for operators under age 13 under the supervision of an adult.
- In sec. 2138 of the bill, adds new parameters.
- Adds a new sec. 2144 requiring DOT to establish a process within 180 days to allow fixed site facilities to apply for UAS exemptions over their territory.
- Adds a new sec. 2145 directing the FAA to establish procedures within 270 days for the safe operation of UAS at institutions of higher learning.
- Adds a new sec. 2146 allowing for regulations issued under selected subsections of sections 332, 333, 334 and 336 of the 2012 FAA authorization law to remain in effect until modified or revoked.
- Adds a new sec. 4117 directing FAA to consider expediting NextGen modernization implementation projects at airports that share space with military training ranges and do not have radar coverage.
- Adds a new sec. 4125 amending 5 U.S.C. §8415(f) to change the basic annuity calculation for air traffic controllers.
- Renumbers sec. 5010 as sec. 5012
- Adds a new sec. 5010 requiring TSA to complete a detailed risk assessment of the need for physical secondary security barriers on aircraft.

- Adds a new sec. 5011 amending section 15(a)(1) of the Railway Labor Act to change the requirement for periodic GAO reviews of the Mediation Board from every 2 years to every 4 years.

The modified Thune-Nelson version of the bill was then immediately amended by 52 other amendments in the en bloc package offered by Sen. Nelson and agreed to by unanimous consent:

- [Cantwell #2 as modified](#) making changes to the FAA delegation program on certification, by eliminating limitations on low and medium risk activities for certain holders of delegation authority.
- [Cantwell #3 as modified](#) granting eight slots at Newark Liberty International Airport to new entrants.
- [Cantwell #4 as modified](#) mandating a study on the impacts of loss of the Contract Weather Observer airport in 57 airports.
- [Manchin #3](#) amending 49 U.S.C. §44112(b) to clarify that that liability requires “operational control” and not just “control” as in current law. Strikes the “on land or water” reference in 44112(b).
- [Manchin #1](#) adding a new 47144 to title 49 U.S.C. to allow AIP grants to be made to repair runway damage as a result of a natural disaster if the airport was denied Stafford Act funding and has exhausted all legal remedies.
- [McCaskill #1](#) mandating lactation rooms at large and medium hub airports.
- [Peters #1 as modified](#) adding language to the AIP regulations to allow use of funds for airports that enter into leases with the armed forces.
- [Peters #3 as modified](#) allowing the use of drones in universities and colleges by faculty, students, and staff.
- [Schatz #2](#) adding representatives of the tourism industry to the study on section 1304.
- [Schatz #3](#) amending sec. 3105(b) of the bill to clarify that it only applies to administering the requirements of sec. 3105(a) regarding emergency medical kits.
- [Blumenthal #2](#) requiring the GAO to conduct a study on international airline alliances, including the consequences on competition and fares.
- [Blumenthal #5](#) requiring air carriers to establish fatigue risk management plans for flight attendants.
- [Blumenthal #7](#) requiring the FAA to review evacuation certification of aircraft, including impacts on water, crew procedures, and changes in passenger demographics.
- [Blumenthal #14](#) expressing the sense of Congress that the Secretaries of Transportation and Agriculture shall develop, in coordination with the World Health Organization, a framework and guidance for the use of safe, effective, and nontoxic of preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
- [Blumenthal #31](#) requiring that the online complaint database under sec. 3115(a) allow searches by date and/or airport and that the mobile app under sec. 3115(b) include information on canceled or delayed flights and damaged or lost baggage.
- [Blunt #1 as modified](#) creating a Collegiate Training Initiative for UAS controllers.

- [Blunt #3 as modified](#) amending sec. 2139 of the bill to broaden the definition of an emergency and to allow exemptions other than line-of-sight and nighttime operation in response to an emergency.
- [Daines #1](#) amending the sense of Congress provision in sec. 2102 to include deletion of information.
- [Daines #2](#) amending the privacy considerations in sec. 2105(b) to include potential exceptions to inclusions in the online database.
- [Daines #6](#) requiring the FAA to establish annual NextGen performance goals, and report how they are achieving those goals.
- [Daines #3 as modified](#) requiring a study on FAA efforts to reach students in elementary and secondary schools who are interested in careers in science, technology, engineering, art, and mathematics (STEM).
- [Daines #4 as modified](#) requiring the FAA to study which airports served by FAA towers currently have non-radar approach and departure control (Type 4 towers) and develop an implementation plan to provide those facilities with approach control radar.
- [Daines #5 as modified](#) requiring a study on the potential impact of emerging technologies like electric propulsion and autonomous control.
- [Klobuchar #3 as modified](#) requiring the establishment of a training system for certain air carrier employees to identify and combat human trafficking.
- [Klobuchar #5 as modified](#) instructing the Secretary of Transportation to make sure that medical device batteries are still able to be shipped by air.
- [Markey #5](#) instructing the FAA to put a clear link to the UAS database on its website.
- [Markey #13](#) amending sec. 2128 of the bill to drop the reference to “by statute or by executive order of the President.”
- [Markey #22](#) prohibiting the TSA from allowing passengers to carry small, non-locking knives through airport security.
- [Markey #6 as modified](#) amending sec. 2106 of the bill to require that the database include locations, operational times, general purposes, and technical capabilities of public UAS.
- [Markey #11 as modified](#) modifying the date of expiration of the UAS database rules to September 30, 2017.
- [Markey #12 as modified](#) amending sec. 2122 of the bill to add the improvement of privacy protections to the UAS test site program requirements.
- [Markey #21 as modified](#) adding baggage fees to the report on change and cancellation fees.
- [Markey #24 as modified](#) allowing the Secretary of Transportation to prohibit cell phone calls aboard airplanes.
- [Udall #1 as modified](#) grandfathering current UAS test centers.
- [Wicker #1 as modified](#) modifying language in the bill to clarify which entities are eligible to apply for emergency response exemptions.
- [Fischer #1 as modified](#) requiring the inclusion of disabled veteran’s leave in FAA’s personnel management system.
- [Johnson #1](#) requiring the FAA to provide air traffic services and aviation safety support for aviation events like airshows free of charge.
- [Moran #1](#) allowing the use of AIP money for hangars used by private aircraft.

- [Moran #5](#) allowing certain retired air traffic controllers to receive full annuity supplements under the Federal Employees' Retirement System.
- [Moran #8](#) ensuring that multi-year lessees and owners of large and turbine-powered multiengine aircraft are treated equally for purposes of FAA joint ownership policies.
- [Moran #7 as modified](#) requiring the FAA Administrator to engage with stakeholders before deciding on the scope and requirements for a future flight service program.
- [Moran #9 as modified](#) setting aside \$500,000 on FY2016 and FY2017 for the operation of the Advanced Materials Center of Excellence.
- [Ayotte #1 as modified](#) requiring GAO to conduct a study on illegal drugs seized at U.S. international airports.
- [Booker #1](#) adding a new section to the bill directing FAA to carry out a program of R&D on airfield pavement technologies.
- [Booker #2](#) requires the FAA to develop, in 90 days, a workplan for the New York/New Jersey/Philadelphia airspace redesign.
- [Booker #3](#) requiring the FAA to promote an independent third-party study of critical airfield markings.
- [Booker #6](#) requiring the FAA to study the feasibility of general aviation flight sharing.
- [Booker #9](#) requiring the FAA to study staffing and scheduling plans for air traffic control facilities in New York City and Newark.
- [Booker #8 as modified](#) requiring appropriate staffing at the 30 most important air traffic control towers (*Core 30*), associated terminal radar approach control facilities, and air route traffic control centers.
- [Booker #11 as modified](#) allowing allow micro-drones (under 4.4 pounds, operating during the day, at less than 40 knots and under 400 feet) to be operated by someone without any airman certification.
- [Sullivan #4](#) requiring the FAA to allow aircraft owners to require that their aircraft registration number not be publicly displayed.
- [Sullivan #1 as modified](#) requiring the establishment of performance measures and targets for the FAA.
- [Sullivan #2 as modified](#) requiring the FAA to increase the duration of aircraft registrations for non-commercial general aviation aircraft to five years.

To that modified base text, the following amendments were offered during the markup:

- [Klobuchar #4](#) relating to flight crew duty and rest requirements – *offered and withdrawn.*
- [Markey #9 as modified](#) amending sec. 2106 of the bill requiring that the database include information on how personally identifiable information will be collected, retained and used – *approved by a roll call vote of 13 yeas, 8 nays.*
- [Heller #1](#) adding a new section to the bill requiring DOT to issue a final rule within 2 years of enactment authorizing the use of drones for carriage of property for hire – *approved by a roll call vote of 18 yeas, 4 nays.*

- [Markey #20](#) to require fees charged by airlines to be reasonable and proportional to costs incurred – *failed on a tie vote of 12 yeas, 12 nays.*
- [Markey #18](#) adding extensive provisions to the bill relating to possible cyberattacks on aviation – *failed by a roll call vote of 8 yeas, 16 nays.*
- [Thune #1](#) requiring the FAA to produce a comprehensive framework of principles and policies to reduce the risk of cyberattacks on aviation – *approved by voice vote.*
- [Moran #2](#) requiring TSA to provide screening at small airports that lost commercial service after January 1 2013 and where air carriers have given notice that they would like to resume service – *approved by voice vote.*

**S. 2658, as amended, was then ordered favorably reported to the full Senate by voice vote.**