

***In the Senate of the United States,***

*April 19, 2016.*

*Resolved*, That the bill from the House of Representatives (H.R. 636) entitled “An Act to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and insert the following:

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

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

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

6 *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 UAS operations by tribal governments.*
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- Sec. 2152. Effect on other laws.*
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## PART IV—OPERATOR SAFETY

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- Sec. 2211. Definitions.*  
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- Sec. 2221. Aircraft certification performance objectives and metrics.*  
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*Sec. 2224. Type certification resolution process.*  
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- Sec. 2231. Flight standards performance objectives and metrics.*  
*Sec. 2232. FAA task force on flight standards reform.*  
*Sec. 2233. Centralized safety guidance database.*  
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- Sec. 2241. Safety workforce training strategy.*  
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- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.*  
*Sec. 2252. Bilateral exchanges of safety oversight responsibilities.*  
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*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.*  
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*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.*  
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- Sec. 2317. Safe air transportation of lithium cells and batteries.*  
*Sec. 2318. Prohibition on implementation of policy change to permit small, non-locking knives on aircraft.*  
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*Subtitle D—General Aviation Safety*

- Sec. 2401. Automated weather observing systems policy.*  
*Sec. 2402. Tower marking.*  
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*Subtitle E—General Provisions*

- Sec. 2501. Designated agency safety and health officer.*  
*Sec. 2502. Repair stations located outside United States.*  
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*Subtitle F—Third Class Medical Reform and General Aviation Pilot Protections*

- Sec. 2601. Short title.*  
*Sec. 2602. Medical certification of certain small aircraft pilots.*  
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*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.*  
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*Sec. 3109. Refunds for delayed baggage.*  
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*Sec. 3121. Dimensions for passenger seats.*  
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*Subtitle B—Essential Air Service*

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

*TITLE IV—NEXTGEN AND FAA ORGANIZATION*

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- 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.*  
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*Sec. 4205. Computation of basic annuity for certain air traffic controllers.*  
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- Sec. 5017. Increase in duration of general aviation aircraft registration.*
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- 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 multiengine aircraft.*
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- Sec. 5028. Conduct of security screening by the Transportation Security Administration at certain airports.*
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- Sec. 5030. Prohibitions against smoking on passenger flights.*
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- Sec. 5032. Technical and conforming amendments.*
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TITLE VI—TRANSPORTATION SECURITY AND TERRORISM  
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- Sec. 6101. Short title.*
- Sec. 6102. Findings.*
- Sec. 6103. Definitions.*
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- Sec. 6105. Oversight.*

*Sec. 6106. Credentials.*  
*Sec. 6107. Vetting.*  
*Sec. 6108. Metrics.*  
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*Subtitle B—TSA PreCheck Expansion Act*

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*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 of*  
**4** *an amendment to, or repeal of, a section or other provision,*  
**5** *the reference shall be considered to be made to a section or*  
**6** *other provision of title 49, United States Code.*



1 **SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF**  
2 **CONGRESS.**

3 *In this Act, unless expressly provided otherwise, the*  
4 *term “appropriate committees of Congress” means the Com-*  
5 *mittee on Commerce, Science, and Transportation of the*  
6 *Senate and the Committee on Transportation and Infra-*  
7 *structure of the House of Representatives.*

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

9 *Except as otherwise expressly provided, this Act and*  
10 *the amendments made by this Act shall take effect on the*  
11 *date of enactment of this Act.*

12 **TITLE I—AUTHORIZATIONS**  
13 **Subtitle A—Funding of FAA**  
14 **Programs**

15 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**  
16 **NOISE COMPATIBILITY PLANNING AND PRO-**  
17 **GRAMS.**

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

1 *Safety research, and Airports Technology-Efficiency re-*  
 2 *search, \$3,350,000,000 for fiscal year 2016 and*  
 3 *\$3,750,000,000 for fiscal year 2017”.*

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

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

8 *Section 48101(a) is amended by striking paragraphs*  
 9 *(1) through (5) and inserting the following:*

10 *“(1) \$2,855,241,025 for fiscal year 2016.*

11 *“(2) \$2,862,020,524 for fiscal year 2017.”.*

12 **SEC. 1003. FAA OPERATIONS.**

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

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

17 *and*

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

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

23 *(c) AUTHORITY TO TRANSFER FUNDS.—Section*  
 24 *106(k)(3) is amended by striking “2012 through 2015 and*

1 *for the period beginning on October 1, 2015, and ending*  
 2 *on July 15, 2016” and inserting “2016 through 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 subsection*  
 12 *(g)”;*

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

15 *(C) by striking paragraph (9) and inserting*  
 16 *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 fol-*  
 23 *lows:*

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 to*  
7                           *the Airport and Airway Trust Fund*  
8                           *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 second*  
12                           *preceding fiscal year minus the total*  
13                           *amount made available for obligation*  
14                           *from the Airport and Airway Trust*  
15                           *Fund for the second preceding fiscal*  
16                           *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 PALAU.**—  
25           *Section 47115(j) is amended by striking “2015 and for the*

1 *period beginning on October 1, 2015, and ending on July*  
2 *15, 2016,” and inserting “2017”.*

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

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

10 *(1) IN GENERAL.—For each of fiscal years 2016*  
11 *through 2017, the Inspector General of the Depart-*  
12 *ment of Transportation shall submit to Congress a re-*  
13 *port on the number of new small business concerns*  
14 *owned and controlled by socially and economically*  
15 *disadvantaged individuals, including those owned by*  
16 *veterans, that participated in the programs and ac-*  
17 *tivities funded using the amounts made available*  
18 *under this Act.*

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

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

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

8           (B) the results of an assessment, to be con-  
9           ducted by the Inspector General, on the reasons  
10          why the top airports have been successful in pro-  
11          viding such opportunities; and

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

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

21          ***Subtitle B—Airport Improvement***  
22          ***Program Modifications***

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

24          Section 47114(c)(1)(F) is amended to read as follows:

1           “(F) *SPECIAL RULE FOR FISCAL YEARS 2016*  
2           *THROUGH 2017.*—*Notwithstanding subparagraph*  
3           *(A), the Secretary shall apportion to a sponsor*  
4           *of an airport under that subparagraph for each*  
5           *of fiscal years 2016 through 2017 an amount*  
6           *based on the number of passenger boardings at*  
7           *the airport during calendar year 2012 if the air-*  
8           *port—*

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

11                    “(ii) *had fewer than 10,000 passenger*  
12                    *boardings during the calendar year used to*  
13                    *calculate the apportionment for fiscal year*  
14                    *2016 or 2017 under subparagraph (A); and*

15                    “(iii) *had scheduled air service in the*  
16                    *calendar year used to calculate the appor-*  
17                    *tionment.”.*

18 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**

19                    **IN COLD WEATHER STATES.**

20            (a) *IN GENERAL.*—*The Administrator of the Federal*  
21            *Aviation Administration, to the extent practicable, shall*  
22            *schedule the Administrator’s review of construction projects*  
23            *so that projects to be carried out in the States in which*  
24            *the weather during a typical calendar year prevents major*

1 *construction projects from being carried out before May 1*  
2 *are reviewed as early as possible.*

3       **(b) REPORT.**—*The Administrator shall update the ap-*  
4 *propriate committees of Congress annually on the effective-*  
5 *ness of the review and prioritization.*

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

7       *Section 47128(a) is amended by striking “9 qualified*  
8 *States for fiscal years 2000 and 2001 and 10 qualified*  
9 *States for each fiscal year thereafter” and inserting “15*  
10 *qualified States for fiscal year 2016 and each fiscal year*  
11 *thereafter”.*

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

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

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

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



1       (c) *CAP ON FEDERAL SHARE OF COST OF CONSTRU-*  
2 *CTION.—Section 47124(b)(4)(C) is amended by striking*  
3 *“\$2,000,000” and inserting “\$4,000,000”.*

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

6       “(d) *COST BENEFIT RATIOS.—*

7               “(1) *CONTRACT AIR TRAFFIC CONTROL TOWER*  
8 *PROGRAM AT COST-SHARE AIRPORTS.—Beginning on*  
9 *the date of enactment of the Federal Aviation Admin-*  
10 *istration Reauthorization Act of 2016, if an air traf-*  
11 *fic control tower is operating under the Cost-share*  
12 *Program, the Secretary shall annually calculate a*  
13 *new benefit-to-cost ratio for the tower.*

14               “(2) *CONTRACT TOWER PROGRAM AT NON-COST-*  
15 *SHARE AIRPORTS.—Beginning on the date of enact-*  
16 *ment of the Federal Aviation Administration Reau-*  
17 *thorization Act of 2016, if a tower is operating under*  
18 *the Contract Tower Program and continued under*  
19 *subsection (b)(1), the Secretary shall not calculate a*  
20 *new benefit-to-cost ratio for the tower unless the an-*  
21 *nuual aircraft traffic at the airport where the tower is*  
22 *located decreases by more than 25 percent from the*  
23 *previous year or by more than 60 percent over a 3-*  
24 *year period.*

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

5                   “(A) *The Federal Aviation Administration’s*  
6 *actual cost of wages and benefits of personnel*  
7 *working at the tower.*

8                   “(B) *The Federal Aviation Administration’s*  
9 *actual telecommunications costs of the tower.*

10                   “(C) *Relocation and replacement costs of*  
11 *equipment of the Federal Aviation Administra-*  
12 *tion associated with the tower, if paid for by the*  
13 *Federal Aviation Administration.*

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

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

22                   “(A) *Airway facilities costs, including labor*  
23 *and other costs associated with maintaining and*  
24 *repairing the systems and equipment of the Fed-*  
25 *eral Aviation Administration.*

1           “(B) Costs for depreciating the building and  
2           equipment owned by the Federal Aviation Ad-  
3           ministration.

4           “(C) Indirect overhead costs of the Federal  
5           Aviation Administration.

6           “(D) Costs for utilities, janitorial, and other  
7           services paid for or provided by the airport or  
8           the State or political subdivision of a State hav-  
9           ing jurisdiction over the airport where the tower  
10          is located.

11          “(E) The cost of new or replacement equip-  
12          ment, or construction of a new or replacement  
13          tower, if the costs incurred were incurred by the  
14          airport or the State or political subdivision of a  
15          State having jurisdiction over the airport where  
16          the tower is or will be located.

17          “(F) Other expenses of the Federal Aviation  
18          Administration not directly associated with the  
19          actual operation of the tower.

20          “(5) MARGIN OF ERROR.—The Secretary shall  
21          add a 5 percent margin of error to a benefit-to-cost  
22          ratio determination to acknowledge and account for  
23          any direct or indirect factors that are not included in  
24          the criteria the Secretary used in calculating the ben-  
25          efit-to-cost ratio.

1           “(6) *PROCEDURES.*—*The Secretary shall estab-*  
2 *lish procedures—*

3           “(A) *to allow an airport or the State or po-*  
4 *litical subdivision of a State having jurisdiction*  
5 *over the airport where the tower is located not*  
6 *less than 90 days following the receipt of an ini-*  
7 *tial benefit-to-cost ratio determination from the*  
8 *Secretary—*

9           “(i) *to request the Secretary reconsider*  
10 *that determination; and*

11           “(ii) *to submit updated or additional*  
12 *data to the Secretary in support of the re-*  
13 *consideration;*

14           “(B) *to allow the Secretary not more than*  
15 *90 days to review the data submitted under sub-*  
16 *paragraph (A)(ii) and respond to the request*  
17 *under subparagraph (A)(i);*

18           “(C) *to allow the airport, State, or political*  
19 *subdivision of a State, as applicable, 30 days fol-*  
20 *lowing the date of the response under subpara-*  
21 *graph (B) to review the response before any ac-*  
22 *tion is taken based on a benefit-to-cost deter-*  
23 *mination; and*

24           “(D) *to provide, after the end of the period*  
25 *described in subparagraph (C), an 18-month*

1           *grace period before cost-share payments are due*  
2           *from the airport, State, or political subdivision*  
3           *of a State if as a result of the benefit-to-cost*  
4           *ratio determination the airport, State, or polit-*  
5           *ical subdivision, as applicable, is required to*  
6           *transition to the Cost-share Program.*

7           “(e) *DEFINITIONS.—In this section:*

8                 “(1) *CONTRACT TOWER PROGRAM.—The term*  
9                 ‘*Contract Tower Program*’ *means the level I air traf-*  
10                *fic control tower contract program established under*  
11                *subsection (a) and continued under subsection (b)(1).*

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

15           (e) *CONFORMING AMENDMENTS.—Section 47124(b) is*  
16 *amended—*

17               (1) *in paragraph (1)(C), by striking “the pro-*  
18                *gram established under paragraph (3)” and inserting*  
19                *“the Cost-share Program”;*

20               (2) *in paragraph (3)—*

21                   (A) *in the heading, by striking “CONTRACT*  
22                    *AIR TRAFFIC CONTROL TOWER PROGRAM” and*  
23                    *inserting “COST-SHARE PROGRAM”;*

24                   (B) *in subparagraph (A), by striking “con-*  
25                    *tract tower program established under subsection*

1           (a) and continued under paragraph (1) (in this  
2 paragraph referred to as the ‘Contract Tower  
3 Program’)” and inserting “Contract Tower Pro-  
4 gram”;

5           (C) in subparagraph (B), by striking “In  
6 carrying out the program” and inserting “In  
7 carrying out the Cost-share Program”;

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

11           (E) in subparagraph (D), by striking  
12 “under the program” and inserting “under the  
13 Cost-share Program”; and

14           (F) in subparagraph (F), by striking “the  
15 program continued under paragraph (1)” and  
16 inserting “the Contract Tower Program”; and

17           (3) in paragraph (4)(B)(i)(I), by striking “con-  
18 tract tower program established under subsection (a)  
19 and continued under paragraph (1) or the pilot pro-  
20 gram established under paragraph (3)” and inserting  
21 “Contract Tower Program or the Cost-share Pro-  
22 gram”.

23           (f) EXEMPTION.—Section 47124(b)(3)(D) is amended  
24 by adding at the end the following: “Airports with both  
25 Part 121 air service and more than 25,000 passenger

1 *enplanements in calendar year 2014 shall be exempt from*  
2 *any cost share requirement under the Cost-share Program.”.*

3 (g) *SAVINGS PROVISION.—Notwithstanding the*  
4 *amendments made by this section, the towers for which as-*  
5 *sistance is being provided under section 41724 of title 49,*  
6 *United States Code, on the day before the date of enactment*  
7 *of this Act may continue to be provided such assistance*  
8 *under the terms of that section as in effect on that day.*

9 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR THE**  
10 **CONTRACT TOWER PROGRAM.**

11 (a) *IN GENERAL.—If the Administrator of the Federal*  
12 *Aviation Administration has not implemented a revised*  
13 *cost-benefit methodology for purposes of determining eligi-*  
14 *bility for the Contract Tower Program before the date that*  
15 *is 30 days after the date of enactment of this Act, any air*  
16 *traffic control tower with an application for participation*  
17 *in the Contract Tower Program pending as of January 1,*  
18 *2016, shall be approved for participation in the Contract*  
19 *Tower Program if the Administrator determines the tower*  
20 *is eligible under the criteria set forth in the Federal Avia-*  
21 *tion Administration report, Establishment and Discontinu-*  
22 *ance Criteria for Airport Traffic Control Towers, dated Au-*  
23 *gust 1990 (FAA–APO–90–7).*

24 (b) *REQUESTS FOR ADDITIONAL AUTHORITY.—The*  
25 *Administrator shall respond not later than 30 days after*

1 *the date the Administrator receives a formal request from*  
2 *an airport and air traffic control contractor for additional*  
3 *authority to expand contract tower operational hours and*  
4 *staff to accommodate flight traffic outside of current tower*  
5 *operational hours.*

6 (c) *DEFINITION OF CONTRACT TOWER PROGRAM.—In*  
7 *this section, the term “Contract Tower Program” has the*  
8 *meaning given the term in section 47124(e) of title 49,*  
9 *United States Code.*

10 **SEC. 1206. REMOTE TOWERS.**

11 (a) *PILOT PROGRAM.—*

12 (1) *ESTABLISHMENT.—The Administrator of the*  
13 *Federal Aviation Administration shall establish—*

14 (A) *in consultation with airport operators*  
15 *and general aviation users, a pilot program at*  
16 *public-use airports to construct and operate re-*  
17  *mote towers; and*

18 (B) *a selection process for participation in*  
19 *the pilot program.*

20 (2) *SAFETY CONSIDERATIONS.—In establishing*  
21 *the pilot program, the Administrator shall consult*  
22 *with operators of remote towers in foreign countries*  
23 *to design the pilot program in a manner that*  
24 *leverages as many safety and airspace efficiency bene-*  
25 *fits as possible.*



1           (3) *REQUIREMENTS.*—*In selecting the airports*  
2 *for participation in the pilot program, the Adminis-*  
3 *trator shall—*

4                   (A) *to the extent practicable, ensure that at*  
5 *least 2 different vendors of remote tower systems*  
6 *participate;*

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

11                   (C) *clearly identify the research questions*  
12 *that will be addressed at each airport.*

13           (4) *RESEARCH.*—*In selecting an airport for par-*  
14 *ticipation in the pilot program, the Administrator*  
15 *shall consider—*

16                   (A) *how inclusion of that airport will add*  
17 *research value to assist the Administrator in*  
18 *evaluating the feasibility, safety, and cost-bene-*  
19 *fits of remote towers;*

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

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

24           (5) *DATA.*—*The Administrator shall clearly*  
25 *identify and collect air traffic control information*

1     *and data from participating airports that will assist*  
2     *the Administrator in evaluating the feasibility, safety,*  
3     *and cost-benefits of remote towers.*

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

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

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

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

19             (8) *DEFINITIONS.*—*In this subsection:*

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

24                    (B) *REMOTE TOWER.*—*The term “remote*  
25                    *tower” means a system whereby air traffic serv-*

1           ices are provided to operators at an airport from  
 2           a location that may not be on or near the air-  
 3           port.

4           **(b) AIP FUNDING ELIGIBILITY.**—For purposes of the  
 5 pilot program under subsection (a), and after certificated  
 6 systems are available, constructing a remote tower or ac-  
 7 quiring and installing air traffic control, communications,  
 8 or related equipment for a remote tower shall be considered  
 9 airport development (as defined in section 47102 of title  
 10 49, United States Code) for purposes of subchapter I of  
 11 chapter 471 of that title if components are installed and  
 12 used at the airport, except for off-airport sensors installed  
 13 on leased towers, as needed.

14 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

15           Section 186(d) of the Vision 100—Century of Aviation  
 16 Reauthorization Act (Public Law 108–176; 117 Stat. 2518)  
 17 is amended by striking “and for the period beginning on  
 18 October 1, 2015, and ending on July 15, 2016,” and insert-  
 19 ing “and for fiscal years 2016 through 2017”.

20 **SEC. 1208. AIRPORT ROAD FUNDING.**

21           **(a) AIRPORT DEVELOPMENT GRANT ASSURANCES.**—  
 22 Section 47107(b) is amended by adding at the end the fol-  
 23 lowing:

24                   “(4) This subsection does not prevent the use of  
 25           airport revenue for the maintenance and improve-

1 *ment of the on-airport portion of a surface transpor-*  
2 *tation facility providing access to an airport and*  
3 *non-airport locations if the surface transportation fa-*  
4 *cility is owned or operated by the airport owner or*  
5 *operator and the use of airport revenue is prorated to*  
6 *airport use and limited to portions of the facility lo-*  
7 *cated on the airport. The Secretary shall determine*  
8 *the maximum percentage contribution of airport rev-*  
9 *enue toward surface transportation facility mainte-*  
10 *nance or improvement, taking into consideration the*  
11 *current and projected use of the surface transpor-*  
12 *tation facility located on the airport for airport and*  
13 *non-airport purposes. The de minimus use, as deter-*  
14 *mined by the Secretary, of a surface transportation*  
15 *facility for non-airport purposes shall not require*  
16 *prorating.”.*

17 *(b) RESTRICTIONS ON THE USE OF AIRPORT REV-*  
18 *ENUE.—Section 47133(c) is amended—*

19 *(1) by inserting “(1)” before “Nothing” and in-*  
20 *denting appropriately; and*

21 *(2) by adding at the end the following:*

22 *“(2) Nothing in this section may be construed to*  
23 *prevent the use of airport revenue for the prorated*  
24 *maintenance and improvement costs of the on-airport*



1       (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
 2 *The table of contents for chapter 471 is amended by striking*  
 3 *the item relating to section 47140 and inserting the fol-*  
 4 *lowing:*

“47140. [Reserved].”.

5 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EF-**  
 6 **FICIENCY ASSESSMENTS.**

7       (a) *COST REIMBURSEMENTS.*—*Section 47140a(a) is*  
 8 *amended by striking “airport.” and inserting “airport, and*  
 9 *to reimburse the airport sponsor for the costs incurred in*  
 10 *conducting the assessment.”.*

11       (b) *SAFETY PRIORITY.*—*Section 47140a(b)(2) is*  
 12 *amended by inserting “, including a certification that no*  
 13 *safety projects would be deferred by prioritizing a grant*  
 14 *under this section,” after “an application”.*

15 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**  
 16 **CLASSIFIED AIRPORTS.**

17 *Section 47106(a) is amended—*

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

20       (2) *in paragraph (6)—*

21               (A) *in the matter preceding subparagraph*  
 22 *(A), by striking “for an airport that has an air-*  
 23 *port master plan, the master plan addresses”*  
 24 *and inserting “a master plan project, it will ad-*  
 25 *dress”; and*

1           (B) in subparagraph (E), by striking the  
2           period at the end and inserting “; and”; and  
3           (3) by adding at the end the following:

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

7                   “(A) for maintenance of the pavement of the  
8                   primary runway;

9                   “(B) for obstruction removal for the pri-  
10                  mary runway;

11                  “(C) for the rehabilitation of the primary  
12                  runway; or

13                  “(D) a project that the Secretary considers  
14                  necessary for the safe operation of the airport.”.

15 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYSTEMS.**

16           Section 44502(e) is amended by striking the first sen-  
17           tence and inserting “An airport may transfer, without con-  
18           sideration, to the Administrator of the Federal Aviation Ad-  
19           ministration an instrument landing system consisting of a  
20           glide slope and localizer that conforms to performance speci-  
21           fications of the Administrator if an airport improvement  
22           project grant was used to assist in purchasing the system,  
23           and if the Federal Aviation Administration has determined  
24           that a satellite navigation system cannot provide a suitable  
25           approach.”.

1 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**  
2 **PROGRAM.**

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

5 **“§ 47143. Non-movement area surveillance surface dis-**  
6 **play systems pilot program**

7 “(a) *IN GENERAL.*—The Administrator of the Federal  
8 Aviation Administration may carry out a pilot program  
9 to support non-Federal acquisition and installation of  
10 qualifying non-movement area surveillance surface display  
11 systems and sensors if—

12 “(1) the Administrator determines that acquisi-  
13 tion and installation of qualifying non-movement  
14 area surveillance surface display systems and sensors  
15 improve safety or capacity in the National Airspace  
16 System; and

17 “(2) the non-movement area surveillance surface  
18 display systems and sensors are supplemental to ex-  
19 isting movement area systems and sensors at the se-  
20 lected airports established under other programs ad-  
21 ministered by the Administrator.

22 “(b) *PROJECT GRANTS.*—

23 “(1) *IN GENERAL.*—For purposes of carrying out  
24 the pilot program, the Administrator may make a  
25 project grant out of funds apportioned under para-  
26 graph (1) or paragraph (2) of section 47114(c) to not



1     *more than 5 eligible sponsors to acquire and install*  
2     *qualifying non-movement area surveillance surface*  
3     *display systems and sensors. The Administrator may*  
4     *distribute not more than \$2,000,000 per sponsor from*  
5     *the discretionary fund. The airports selected to par-*  
6     *ticipate in the pilot program shall have existing Fed-*  
7     *eral Aviation Administration movement area systems*  
8     *and airlines that are participants in Federal Avia-*  
9     *tion Administration’s Airport Collaborative Decision*  
10    *Making process.*

11           “(2) *PROCEDURES.*—*In accordance with the au-*  
12    *thority under section 106, the Administrator may es-*  
13    *tablish procurement procedures applicable to grants*  
14    *issued under this subsection. The procedures may per-*  
15    *mit the sponsor to carry out the project with vendors*  
16    *that have been accepted in the procurement procedure*  
17    *or using Federal Aviation Administration contracts.*  
18    *The procedures may provide for the direct reimburse-*  
19    *ment (including administrative costs) of the Adminis-*  
20    *trator by the sponsor using grant funds under this*  
21    *subsection, for the ordering of system-related equip-*  
22    *ment and its installation, or for the direct ordering*  
23    *of system-related equipment and its installation by*  
24    *the sponsor, using such grant funds, from the sup-*  
25    *pliers with which the Administrator has contracted.*

1           “(3) *DATA EXCHANGE PROCESSES.*—*The Admin-*  
2           *istrator may establish data exchange processes to*  
3           *allow airport participation in the Federal Aviation*  
4           *Administration’s Airport Collaborative Decision Mak-*  
5           *ing process and fusion of the non-movement surveil-*  
6           *lance data with the Administration’s movement area*  
7           *systems.*

8           “(c) *DEFINITIONS.*—*In this section:*

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

12           “(2) *NON-MOVEMENT AREA SURVEILLANCE SUR-*  
13           *FACE DISPLAY SYSTEM AND SENSORS.*—*The term*  
14           *‘non-movement area surveillance surface display sys-*  
15           *tem and sensors’ is a non-Federal surveillance system*  
16           *that uses on-airport sensors that track vehicles or air-*  
17           *craft that are equipped with transponders in the non-*  
18           *movement area.*

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

1           “(A) provides the required transmit and re-  
2           ceive data formats consistent with the National  
3           Airspace System architecture at the appropriate  
4           service delivery point;

5           “(B) is on-airport; and

6           “(C) is airport operated.”.

7           (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
8           The table of contents of chapter 471 is amended by inserting  
9           after the item relating to section 47142 the following:

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

10       **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

11       Section 47102 is amended—

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

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

16           (3) in paragraph (3)—

17           (A) in subparagraph (B)—

18           (i) by redesignating clauses (iii)  
19           through (x) as clauses (iv) through (xi), re-  
20           spectively; and

21           (ii) by striking clause (ii) and insert-  
22           ing the following:

23           “(II) security equipment owned  
24           and operated by the airport, including  
25           explosive detection devices, universal

1            *access control systems, perimeter fencing,*  
2            *and emergency call boxes, which*  
3            *the Secretary may require by regula-*  
4            *tion for, or approve as contributing*  
5            *significantly to, the security of individ-*  
6            *uals and property at the airport;*

7            *“(III) safety apparatus owned*  
8            *and operated by the airport, which the*  
9            *Secretary may require by regulation*  
10           *for, or approve as contributing signifi-*  
11           *cantly to, the safety of individuals and*  
12           *property at the airport, and integrated*  
13           *in-pavement lighting systems for run-*  
14           *ways and taxiways and other runway*  
15           *and taxiway incursion prevention de-*  
16           *vices;”;*

17           *(B) in subparagraph (K), by striking “such*  
18           *project will result in an airport receiving appro-*  
19           *priate” and inserting “the airport would be able*  
20           *to receive”; and*

21           *(C) in subparagraph (L)—*

22           *(i) by striking “or conversion of vehi-*  
23           *cles and” and inserting “of vehicles used ex-*  
24           *clusively for transporting passengers on-air-*

1           port, employee shuttle buses within the air-  
2           port, or”;

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

5           (iii) by striking “7505a) and if such  
6           project will result in an airport receiving  
7           appropriate” and inserting “7505a)) and if  
8           the airport would be able to receive”;

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

11          (5) by inserting after paragraph (6) the fol-  
12          lowing:

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

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

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

20           “(11) ‘joint use airport’ means an airport owned  
21          by the Department of Defense, at which both military  
22          and civilian aircraft make shared use of the air-  
23          field.”;

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

1                   “(i) determined by the Secretary to  
2                   have at least—

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

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

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

15                  “(31) ‘unclassified airport’ means a nonprimary  
16                  airport that is included in the National Plan of Inte-  
17                  grated Airport Systems that is not categorized by the  
18                  Administrator of the Federal Aviation Administra-  
19                  tion in the most current report entitled *General Avia-  
20                  tion Airports: A National Asset*.”.

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

22 **DATES.**

23                  Section 47503(b) is amended—

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

1 *change in the operation of the airport that would es-*  
 2 *tablish”; and*

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

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

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

7 *“(2) the implementation timeframe of the opera-*  
 8 *tor’s noise compatibility program”.*

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

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

12 *“(f) AIRPORT SPACE.—*

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

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

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

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

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

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

13 **SEC. 1219. CONTRACT WEATHER OBSERVERS.**

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

18                   (1) *which includes public and stakeholder input,*  
19                   *and examines all safety risks, hazard effects, efficiency*  
20                   *and operational effects on airports, airlines, and*  
21                   *other stakeholders that could result from loss of con-*  
22                   *tract weather observer service at the 57 airports tar-*  
23                   *geted for the loss of this service;*

24                   (2) *detailing how the Federal Aviation Adminis-*  
25                   *tration will accurately report rapidly changing severe*



1 *weather conditions at these airports, including thun-*  
2 *derstorms, lightning, fog, visibility, smoke, dust, haze,*  
3 *cloud layers and ceilings, ice pellets, and freezing*  
4 *rain or drizzle without contract weather observers;*

5 *(3) indicating how airports can comply with ap-*  
6 *plicable Federal Aviation Administration orders gov-*  
7 *erning weather observations given the current docu-*  
8 *mented limitations of automated surface observing*  
9 *systems; and*

10 *(4) identifying the process through which the*  
11 *Federal Aviation Administration analyzed the safety*  
12 *hazards associated with the elimination of the con-*  
13 *tract weather observer program.*

14 *(b) CONTINUED USE OF CONTRACT WEATHER OB-*  
15 *SERVERS.—The Administrator may not discontinue the*  
16 *contract weather observer program at any airport until Oc-*  
17 *tober 1, 2017.*

18 *(c) REPORT ON GOLDEN TRIANGLE INITIATIVE OF*  
19 *NOAA.—*

20 *(1) REPORT REQUIRED.—Not later than 1 year*  
21 *after the date of enactment of this Act, the Adminis-*  
22 *trator of the National Oceanic and Atmospheric Ad-*  
23 *ministration and the Administrator of the Federal*  
24 *Aviation Administration shall jointly submit to the*  
25 *appropriate committees of Congress a report on the*

1 *Golden Triangle Initiative of the National Oceanic*  
2 *and Atmospheric Administration.*

3 (2) *ELEMENTS.—The report shall include the fol-*  
4 *lowing:*

5 (A) *An assessment of the impacts of en-*  
6 *hanced aviation forecast services provided as*  
7 *part of the Golden Triangle Initiative on weath-*  
8 *er-related air traffic delays.*

9 (B) *A description of the costs of providing*  
10 *such enhanced aviation forecast services.*

11 (C) *A description of potential alternative*  
12 *mechanisms to provide enhanced aviation fore-*  
13 *cast services comparable to such enhanced avia-*  
14 *tion forecast services for airports in rural or low*  
15 *population density areas.*

16 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

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

18 “(5) 95 percent for a project at an airport for  
19 which the United States Government’s share would  
20 otherwise be capped at 90 percent under paragraph  
21 (2) or paragraph (3) if the Administrator determines  
22 that the project is a successive phase of a multi-  
23 phased construction project for which the sponsor re-  
24 ceived a grant in fiscal year 2011 or earlier.”

1 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

2 (a) *AIRPORT SECURITY PROGRAM.*—Section 47137 is  
3 amended—

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

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

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

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

10 (1) by striking “or section 23” and inserting “,  
11 section 23”; and

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

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

16 (a) *LACTATION AREA DEFINED.*—Section 47102, as  
17 amended by section 1216 of this Act, is further amended—

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

21 (2) by inserting after paragraph (11) the fol-  
22 lowing:  
23

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

3           “(A) provides a location for members of the  
4           public to express breast milk that is shielded  
5           from view and free from intrusion from the pub-  
6           lic;

7           “(B) has a door that can be locked;

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

10           “(D) is readily accessible to and usable by  
11           individuals with disabilities, including individ-  
12           uals who use wheelchairs; and

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

14           (b) *PROJECT GRANTS WRITTEN ASSURANCES FOR*  
15 *LARGE AND MEDIUM HUB AIRPORTS.—*

16           (1) *IN GENERAL.—Section 47107(a) is amend-*  
17 *ed—*

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

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

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

23           “(22) with respect to a medium or large hub air-  
24           port, the airport owner or operator will maintain a  
25           lactation area in each passenger terminal building of

1 *the airport in the sterile area (as defined in section*  
2 *1540.5 of title 49, Code of Federal Regulations) of the*  
3 *building.”.*

4 (2) *APPLICABILITY.—*

5 (A) *IN GENERAL.—The amendment made*  
6 *by paragraph (1) shall apply to a project grant*  
7 *application submitted for a fiscal year beginning*  
8 *on or after the date that is 2 years after the date*  
9 *of enactment of this Act.*

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

20 (c) *TERMINAL DEVELOPMENT COSTS.—Section*  
21 *47119(a) is amended by adding at the end the following:*

22 “(3) *LACTATION AREAS.—In addition to the*  
23 *projects described in paragraph (1), the Secretary*  
24 *may approve a project for terminal development for*

1       *the construction or installation of a lactation area at*  
2       *a commercial service airport.”.*

3       *(d) PRE-EXISTING FACILITIES.—On application by an*  
4       *airport sponsor, the Secretary of Transportation may deter-*  
5       *mine that a lactation area in existence on the date of enact-*  
6       *ment of this Act complies with the requirement of para-*  
7       *graph (22) of section 47107(a) of title 49, United States*  
8       *Code, as added by subsection (b), notwithstanding the ab-*  
9       *sence of one of the facilities or characteristics referred to*  
10       *in the definition of the term “lactation area” in paragraph*  
11       *(12) of section 47102 of such title, as added by subsection*  
12       *(a).*

13       **SEC. 1223. ELIGIBILITY FOR AIRPORT DEVELOPMENT**  
14                       **GRANTS AT AIRPORTS THAT ENTER INTO**  
15                       **CERTAIN LEASES WITH COMPONENTS OF THE**  
16                       **ARMED FORCES.**

17       *Section 47107, as amended by section 1208 of this Act,*  
18       *is further amended by adding at the end the following:*

19       *“(t) AIRPORTS THAT ENTER INTO CERTAIN LEASES*  
20       *WITH THE ARMED FORCES.—The Secretary of Transpor-*  
21       *tation may not disapprove a project grant application*  
22       *under this subchapter for an airport development project*  
23       *at an airport solely because the airport renews a lease for*  
24       *the use, at a nominal rate, of airport property by a regular*  
25       *or reserve component of the Armed Forces, including the*

1 *National Guard, without regard to whether that component*  
2 *operates aircraft at the airport.”.*

3 **SEC. 1224. CLARIFICATION OF DEFINITION OF AVIATION-**  
4 **RELATED ACTIVITY FOR HANGAR USE.**

5 *Section 47107, as amended by section 1223 of this Act,*  
6 *is further amended by adding at the end the following:*

7 *“(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—*

8 *“(1) IN GENERAL.—The construction of a covered*  
9 *aircraft shall be treated as an aeronautical activity*  
10 *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 sub-*  
17 *section, the term ‘covered aircraft’ means an air-*  
18 *craft—*

19 *“(A) used or intended to be used exclusively*  
20 *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 at  
5 the end the following:

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

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 to  
13 conduct airport development to repair the runway safety  
14 area of the airport damaged as a result of a natural disaster  
15 in order to maintain compliance with the regulations of  
16 the Federal Aviation Administration relating to runway  
17 safety areas, without regard to whether construction of the  
18 runway safety area damaged was carried out using  
19 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 of  
24 Integrated Airport Systems of the Federal Aviation  
25 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 As-  
5           sistance Act (42 U.S.C. 4121 et seq.) with respect to  
6           the disaster;

7           “(5) the operator of the airport has exhausted all  
8           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 the  
11          runway safety area;

12          “(6) there is still a demonstrated need for the  
13          runway safety area to accommodate current or immi-  
14          nent 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 the  
19          Federal Aviation Administration.”.

20          (b) **CONFORMING AMENDMENT.**—*The table of contents*  
21 *for chapter 471, as amended by this subtitle, is further*  
22 *amended by inserting after the item relating to section*  
23 *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 considered*  
8                   *a small business concern if the concern meets the*  
9                   *size standard for the North American Industry*  
10                   *Classification System Code 237310, as adjusted*  
11                   *by the Small Business Administration;”.*

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

14   ***SEC. 1301. PFC STREAMLINING.***

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

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

20                   (2) *by striking subparagraphs (A) and (B).*

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

24                   (1) *in the heading by striking “NONHUB” and*  
25                   *inserting “CERTAIN”; and*

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

4 **SEC. 1302. INTERMODAL ACCESS PROJECTS.**

5           *Section 40117 is amended by adding at the end the*  
6           *following:*

7           “(n) *PFC ELIGIBILITY FOR INTERMODAL GROUND AC-*  
8           *CESS PROJECTS.—*

9                   “(1) *IN GENERAL.—The Secretary may authorize*  
10           *a passenger facility charge imposed under subsection*  
11           *(b)(1) to be used to finance the eligible capital costs*  
12           *of an intermodal ground access project.*

13                   “(2) *DEFINITION OF INTERMODAL GROUND AC-*  
14           *CESS PROJECT.—In this subsection, the term ‘inter-*  
15           *modal ground access project’ means a project for con-*  
16           *structing a local facility owned or operated by an eli-*  
17           *gible agency that—*

18                           “(A) *is located on airport property; and*

19                           “(B) *is directly and substantially related to*  
20           *the movement of passengers or property traveling*  
21           *in air transportation.*

22                   “(3) *ELIGIBLE CAPITAL COSTS.—The eligible*  
23           *capital costs of an intermodal ground access project*  
24           *shall be the lesser of—*

1           “(A) the total capital cost of the project  
2           multiplied by the ratio that the number of indi-  
3           viduals projected to use the project to gain access  
4           to or depart from the airport bears to the total  
5           number of individuals projected to use the local  
6           facility; or

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

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

20          “(5) NONATTAINMENT AREAS.—For airport  
21          property, any area of which is located in a non-  
22          attainment area (as defined under section 171 of the  
23          Clean Air Act (42 U.S.C. 7501)) for 1 or more cri-  
24          teria pollutant, the airport emissions reductions from  
25          less airport surface transportation and parking as a

1       *direct result of the development of an intermodal*  
 2       *project on the airport property would be eligible for*  
 3       *air quality emissions credits.”.*

4       **SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCIATED**  
 5                                   **AIRPORT.**

6       *Section 40117, as amended by section 1302 of this Act,*  
 7       *is further amended by adding at the end the following:*

8           “(o) *USE OF REVENUES AT A PREVIOUSLY ASSOCI-*  
 9       *ATED AIRPORT.—Notwithstanding the requirements relat-*  
 10       *ing to airport control under subsection (b)(1), the Secretary*  
 11       *may authorize use of a passenger facility charge under sub-*  
 12       *section (b) to finance an eligible airport-related project if—*

13           “(1) *the eligible agency seeking to impose the*  
 14       *new charge controls an airport where a \$2.00 pas-*  
 15       *senger facility charge became effective on January 1,*  
 16       *2013; and*

17           “(2) *the location of the project to be financed by*  
 18       *the new charge is at an airport that was under the*  
 19       *control of the same eligible agency that had controlled*  
 20       *the airport described in paragraph (1).”.*

21       **SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FI-**  
 22                                   **NANCING STUDY.**

23       “(a) *FUTURE AVIATION INFRASTRUCTURE AND FINANC-*  
 24       *ING STUDY.—Not later than 60 days after the date of enact-*  
 25       *ment of this Act, the Secretary of Transportation shall enter*

1 *into an agreement with the Transportation Research Board*  
2 *of the National Academies to conduct a study and make*  
3 *recommendations on the actions needed to upgrade and re-*  
4 *store the national aviation infrastructure system to its role*  
5 *as a premier system that meets the growing and shifting*  
6 *demands of the 21st century, including airport infrastruc-*  
7 *ture needs and existing financial resources for commercial*  
8 *service airports.*

9 (b) *CONSULTATION.*—*In carrying out the study, the*  
10 *Transportation Research Board shall convene and consult*  
11 *with a panel of national experts, including—*

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

23 (c) *CONSIDERATIONS.*—*In carrying out the study, the*  
24 *Transportation Research Board shall consider—*

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

3           (2) *the available financial tools and resources for*  
4 *airports of different sizes;*

5           (3) *the current debt held by airports, and its im-*  
6 *act on future construction and capacity needs;*

7           (4) *the impact of capacity constraints on pas-*  
8 *sengers and ticket prices;*

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

12           (6) *the impact to passengers and airports of in-*  
13 *dexing the passenger facility charge for inflation;*

14           (7) *how long airports are constrained with cur-*  
15 *rent passenger facility charge collections;*

16           (8) *the impact of passenger facility charges to*  
17 *promote competition;*

18           (9) *the additional resources or options to fund*  
19 *terminal construction projects;*

20           (10) *the resources eligible for use toward noise*  
21 *reduction and emission reduction projects;*

22           (11) *the gap between AIP-eligible projects and*  
23 *the annual Federal funding provided;*

24           (12) *the impact of regulatory requirements on*  
25 *airport infrastructure financing needs;*

1           (13) *airline competition;*

2           (14) *airline ancillary fees and their impact on*  
3 *ticket pricing and taxable revenue; and*

4           (15) *the ability of airports to finance necessary*  
5 *safety, security, capacity, and environmental projects*  
6 *identified in capital improvement plans.*

7       (d) *REPORT.*—*Not later than 15 months after the date*  
8 *of enactment of this Act, the Transportation Research*  
9 *Board shall submit to the Secretary and the appropriate*  
10 *committees of Congress a report on its findings and rec-*  
11 *ommendations.*

12       (e) *FUNDING.*—*The Secretary is authorized to use such*  
13 *sums as are necessary to carry out the requirements of this*  
14 *section.*

## 15                           **TITLE II—SAFETY**

### 16           **Subtitle A—Unmanned Aircraft** 17                           **Systems Reform**

#### 18   **SEC. 2001. DEFINITIONS.**

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

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



1           **PART I—PRIVACY AND TRANSPARENCY**

2   **SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**  
3                           **ICY.**

4           *It is the policy of the United States that the operation*  
5 *of any unmanned aircraft or unmanned aircraft system*  
6 *shall be carried out in a manner that respects and protects*  
7 *personal privacy consistent with the United States Con-*  
8 *stitution and Federal, State, and local law.*

9   **SEC. 2102. SENSE OF CONGRESS.**

10          *It is the sense of Congress that—*

11               (1) *each person that uses an unmanned aircraft*  
12 *system for compensation or hire, or in the furtherance*  
13 *of a business enterprise, except for news gathering,*  
14 *should have a written privacy policy consistent with*  
15 *section 2101 that is appropriate to the nature and*  
16 *scope of the activities regarding the collection, use, re-*  
17 *tion, dissemination, and deletion of any data col-*  
18 *lected during the operation of an unmanned aircraft*  
19 *system;*

20               (2) *each privacy policy described in paragraph*  
21 *(1) should be periodically reviewed and updated as*  
22 *necessary; and*

23               (3) *each privacy policy described in paragraph*  
24 *(1) should be publicly available.*

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

2 *A violation of a privacy policy by a person that uses*  
3 *an unmanned aircraft system for compensation or hire, or*  
4 *in the furtherance of a business enterprise, in the national*  
5 *airspace system shall be an unfair and deceptive practice*  
6 *in violation of section 5(a) of the Federal Trade Commis-*  
7 *sion Act (15 U.S.C. 45(a)).*

8 **SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFOR-**  
9 **MATION ADMINISTRATION MULTI-STAKE-**  
10 **HOLDER PROCESS.**

11 *Not later than July 31, 2016, the Administrator of the*  
12 *National Telecommunications and Information Adminis-*  
13 *tration shall submit to the appropriate committees of Con-*  
14 *gress a report on the industry privacy best practices devel-*  
15 *oped through the multi-stakeholder engagement process (es-*  
16 *tablished under Presidential Memorandum of February 15,*  
17 *2015 (80 Fed. Reg. 9355)) on unmanned aircraft systems*  
18 *transparency and accountability. In addition to the agreed*  
19 *upon best practices, this report shall include relevant stake-*  
20 *holder recommendations for legislative or regulatory action*  
21 *regarding privacy, accountability, and transparency, in-*  
22 *cluding ways to encourage the adoption of privacy policies*  
23 *by companies that use unmanned aircraft systems for com-*  
24 *ensation or hire, or in the furtherance of a business enter-*  
25 *prise. The report shall take into account existing rights pro-*  
26 *tected under the First Amendment to the United States*

1 *Constitution in public spaces and the First Amendment*  
2 *rights of journalists to control their archives.*

3 **SEC. 2105. IDENTIFICATION STANDARDS.**

4       (a) *IN GENERAL.*—*The Director of the National Insti-*  
5 *tute of Standards and Technology, in collaboration with the*  
6 *Administrator of the Federal Aviation Administration, and*  
7 *in consultation with the Secretary of Transportation, the*  
8 *President of RTCA, Inc., and the Administrator of the Na-*  
9 *tional Telecommunications and Information Administra-*  
10 *tion, shall convene industry stakeholders to facilitate the de-*  
11 *velopment of consensus standards for remotely identifying*  
12 *operators and owners of unmanned aircraft systems and*  
13 *associated unmanned aircraft.*

14       (b) *CONSIDERATIONS.*—*As part of the standards devel-*  
15 *oped under subsection (a), the Director shall consider—*

16               (1) *requirements for remote identification of un-*  
17 *manned aircraft systems;*

18               (2) *appropriate requirements for different classi-*  
19 *fications of unmanned aircraft systems operations,*  
20 *including public and civil;*

21               (3) *the role of manufacturers, the Federal Avia-*  
22 *tion Administration, and the owners of the systems*  
23 *described in paragraphs (1) and (2) in reporting and*  
24 *verifying identification data; and*

1           (4) *the feasibility of the development and oper-*  
2           *ation of a publicly searchable online database to fur-*  
3           *ther enable the immediate remote identification of*  
4           *any unmanned aircraft and its operator by the gen-*  
5           *eral public and potential exceptions to inclusion in*  
6           *the online database.*

7           (c) *DEADLINE.*—*Not later than 1 year after the date*  
8           *of enactment of this Act, the Director shall submit to the*  
9           *appropriate committees of Congress a report on the con-*  
10          *sensus identification standards.*

11          (d) *GUIDANCE.*—*Not later than 1 year after the date*  
12          *that the Director submits the report on the consensus identi-*  
13          *fication standards under subsection (c), the Administrator*  
14          *of the Federal Aviation Administration shall issue regu-*  
15          *latory guidance based on the consensus identification stand-*  
16          *ards.*

17          **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERATORS.**

18          (a) *IN GENERAL.*—*Except for model aircraft under*  
19          *section 44808 of title 49, United States Code, in authorizing*  
20          *the operation of any public unmanned aircraft system or*  
21          *the operation of any unmanned aircraft system by a person*  
22          *conducting civil aircraft operations, the Administrator of*  
23          *the Federal Aviation Administration, to the extent prac-*  
24          *ticable and consistent with applicable law and without*  
25          *compromising national security, homeland defense, or law*

1 enforcement, shall make the identifying information in sub-  
2 section (b) available to the public via an easily searchable  
3 online database. The Administrator shall place a clear and  
4 conspicuous link to the database on the home page of the  
5 Federal Aviation Administration's website.

6 (b) CONTENTS.—The database described in subsection  
7 (a) shall contain the following:

8 (1) The name of each individual, or agency, as  
9 applicable, authorized to conduct civil or public un-  
10 manned aircraft systems operations described in sub-  
11 section (a).

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

14 (3) The expiration date of any authorization re-  
15 lated to a person identified in paragraph (1) or para-  
16 graph (2).

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

21 (5) The tail number or specific identification  
22 number of all unmanned aircraft authorized for use  
23 that links each unmanned aircraft to the owner of  
24 that aircraft.

1           (6) *For any unmanned aircraft system that will*  
2 *collect personally identifiable information about indi-*  
3 *viduals, including the use of facial recognition—*

4                 (A) *the circumstance under which the sys-*  
5 *tem will be used;*

6                 (B) *the specific kinds of personally identifi-*  
7 *able information that the system will collect*  
8 *about individuals; and*

9                 (C) *how the information referred to in sub-*  
10 *paragraph (B), and the conclusions drawn from*  
11 *such information, will be used, disclosed, and*  
12 *otherwise handled, including—*

13                     (i) *how the collection or retention of*  
14 *such information that is unrelated to the*  
15 *specific use will be minimized;*

16                     (ii) *under what circumstances such in-*  
17 *formation might be sold, leased, or otherwise*  
18 *provided to third parties;*

19                     (iii) *the period during which such in-*  
20 *formation will be retained;*

21                     (iv) *when and how such information,*  
22 *including information no longer relevant to*  
23 *the specified use, will be destroyed; and*

24                     (v) *steps that will be used to protect*  
25 *against the unauthorized disclosure of any*

1                    *information or data, such as the use of*  
2                    *encryption methods and other security fea-*  
3                    *tures.*

4                    *(7) With respect to public unmanned aircraft*  
5                    *systems—*

6                    *(A) the locations where the unmanned air-*  
7                    *craft system will operate;*

8                    *(B) the time during which the unmanned*  
9                    *aircraft system will operate;*

10                    *(C) the general purpose of the flight; and*

11                    *(D) the technical capabilities that the un-*  
12                    *manned aircraft system possesses.*

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

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

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

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

3 *Not later than 1 year after the date of enactment of*  
4 *this Act, the Comptroller General of the United States shall*  
5 *conduct and submit to the appropriate committees of Con-*  
6 *gress a review of the privacy issues and concerns associated*  
7 *with the operation of unmanned aircraft systems in the na-*  
8 *tional airspace system that—*

9 *(1) examines and identifies the existing Federal,*  
10 *State, or local laws, including constitutional law, that*  
11 *address an individual’s personal privacy;*

12 *(2) identifies specific issues and concerns that*  
13 *may limit the availability of existing civil or crimi-*  
14 *nal legal remedies regarding inappropriate operation*  
15 *of unmanned aircraft systems in the national air-*  
16 *space system;*

17 *(3) identifies any deficiencies in current Federal,*  
18 *State, or local privacy protections; and*

19 *(4) recommends legislative or other actions to ad-*  
20 *dress the limitations and deficiencies identified in*  
21 *paragraphs (2) and (3).*

22 **PART II—UNMANNED AIRCRAFT SYSTEMS**

23 **SEC. 2121. DEFINITIONS.**

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



1     **“CHAPTER 448—UNMANNED AIRCRAFT**  
2                                     **SYSTEMS**

“Sec.

“44801. Definitions.

3     **“§44801. Definitions**

4         *“In this chapter—*

5                 *“(1) ‘appropriate committees of Congress’ means*  
6                 *the Committee on Commerce, Science, and Transpor-*  
7                 *tation of the Senate and the Committee on Transpor-*  
8                 *tation and Infrastructure of the House of Representa-*  
9                 *tives.*

10                *“(2) ‘Arctic’ means the United States zone of the*  
11                *Chukchi Sea, Beaufort Sea, and Bering Sea north of*  
12                *the Aleutian chain.*

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

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

19                *“(5) ‘public unmanned aircraft system’ means*  
20                *an unmanned aircraft system that meets the quali-*  
21                *fications and conditions required for operation of a*  
22                *public aircraft (as defined in section 40102(a)).*

23                *“(6) ‘sense and avoid capability’ means the ca-*  
24                *pability of an unmanned aircraft to remain a safe*

1 *distance from and to avoid collisions with other air-*  
2 *borne aircraft.*

3 “(7) ‘small unmanned aircraft’ means an un-  
4 *manned aircraft weighing less than 55 pounds, in-*  
5 *cluding the weight of anything attached to or carried*  
6 *by the aircraft.*

7 “(8) ‘test range’ means a defined geographic area  
8 *where research and development are conducted as au-*  
9 *thorized by the Administrator of the Federal Aviation*  
10 *Administration.*

11 “(9) ‘test site’ means any of the 6 test ranges es-  
12 *tablished by the Administrator of the Federal Avia-*  
13 *tion Administration under section 332(c) of the FAA*  
14 *Modernization and Reform Act of 2012 (49 U.S.C.*  
15 *40101 note), as in effect on the day before the date*  
16 *of enactment of the Federal Aviation Administration*  
17 *Reauthorization Act of 2016, and any public entity*  
18 *authorized by the Federal Aviation Administration as*  
19 *an unmanned aircraft system flight test center before*  
20 *January 1, 2009.*

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

24 “(11) ‘unmanned aircraft system’ means an un-  
25 *manned aircraft and associated elements (including*

1        *communication links and the components that control*  
 2        *the unmanned aircraft) that are required for the oper-*  
 3        *ator to operate safely and efficiently in the national*  
 4        *airspace system.”.*

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

      “448. Unmanned Aircraft Systems ..... 44801”.

8        **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**  
 9                                    **TEST SITES.**

10        *(a) IN GENERAL.—Chapter 448, as designated by sec-*  
 11        *tion 2121 of this Act, is amended by inserting after section*  
 12        *44801 the following:*

13        **“§ 44802. Unmanned aircraft system test sites**

14            *“(a)(1) IN GENERAL.—The Administrator of the Fed-*  
 15        *eral Aviation Administration shall establish and update, as*  
 16        *appropriate, a program for the use of the 6 test sites estab-*  
 17        *lished under section 332(c) of the FAA Modernization and*  
 18        *Reform Act of 2012 (49 U.S.C. 40101 note), and any public*  
 19        *entity authorized by the Federal Aviation Administration*  
 20        *as an unmanned aircraft system flight test center before*  
 21        *January 1, 2009, to facilitate the safe integration of un-*  
 22        *manned aircraft systems into the national airspace system.*

23            *“(2) TERMINATION.—The program shall terminate on*  
 24        *September 30, 2022.*

1       “(b) *PROGRAM REQUIREMENTS.*—*In establishing the*  
2 *program under subsection (a), the Administrator shall—*

3               “(1) *designate airspace for safely testing the in-*  
4 *tegration of unmanned flight operations in the na-*  
5 *tional airspace system;*

6               “(2) *develop operational standards and air traf-*  
7 *fic requirements for unmanned flight operations at*  
8 *test sites, including test ranges;*

9               “(3) *coordinate with and leverage the resources*  
10 *of the National Aeronautics and Space Administra-*  
11 *tion and the Department of Defense;*

12              “(4) *address both civil and public unmanned*  
13 *aircraft systems;*

14              “(5) *ensure that the program is coordinated with*  
15 *relevant aspects of the Next Generation Air Transpor-*  
16 *tation System;*

17              “(6) *provide for verification of the safety of un-*  
18 *manned aircraft systems and related navigation pro-*  
19 *cedures as it relates to continued development of*  
20 *standards for integration into the national airspace*  
21 *system;*

22              “(7) *engage each test site operator in projects for*  
23 *research, development, testing, and evaluation of un-*  
24 *manned aircraft systems to facilitate the Federal*  
25 *Aviation Administration’s development of standards*

1     *for the safe integration of unmanned aircraft into the*  
2     *national airspace system, which may include solu-*  
3     *tions for—*

4             *“(A) developing and enforcing geographic*  
5             *and altitude limitations;*

6             *“(B) classifications of airspace where man-*  
7             *ufacturers must prevent flight of an unmanned*  
8             *aircraft system;*

9             *“(C) classifications of airspace where manu-*  
10            *facturers of unmanned aircraft systems must*  
11            *alert the operator to hazards or limitations on*  
12            *flight;*

13            *“(D) sense and avoid capabilities;*

14            *“(E) beyond-line-of-sight, nighttime oper-*  
15            *ations and unmanned traffic management, or*  
16            *other critical research priorities; and*

17            *“(F) improving privacy protections through*  
18            *the use of advances in unmanned aircraft sys-*  
19            *tems technology;*

20            *“(8) coordinate periodically with all test site op-*  
21            *erators to ensure test site operators know which data*  
22            *should be collected, what procedures should be fol-*  
23            *lowed, and what research would advance efforts to*  
24            *safely integrate unmanned aircraft systems into the*  
25            *national airspace system;*

1           “(9) allow a test site to develop multiple test  
2 ranges within the test site;

3           “(10) streamline the approval process for test  
4 sites when processing unmanned aircraft certificates  
5 of waiver or authorization for operations at the test  
6 sites;

7           “(11) require each test site operator to protect  
8 proprietary technology, sensitive data, or sensitive re-  
9 search of any civil or private entity when using that  
10 test site without the need to obtain an experimental  
11 or special airworthiness certificate;

12           “(12) evaluate options for the operation of 1 or  
13 more small unmanned aircraft systems beyond the  
14 visual line of sight of the operator for testing under  
15 controlled conditions that ensure the safety of persons  
16 and property, including on the ground; and

17           “(13) allow test site operators to receive Federal  
18 funding, other than from the Federal Aviation Ad-  
19 ministration, including in-kind contributions, from  
20 test site participants in the furtherance of research,  
21 development, and testing objectives.

22           “(c) *TEST SITE LOCATIONS*.—In determining the loca-  
23 tion of a test site under subsection (a), the Administrator  
24 shall—

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

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

5           “(3) consult with the Administrator of the Na-  
6           tional Aeronautics and Space Administration and the  
7           Secretary of Defense.

8           “(d) REPORT TO CONGRESS.—

9           “(1) IN GENERAL.—Not later than 1 year after  
10          the date of enactment of the Federal Aviation Admin-  
11          istration Reauthorization Act of 2016, the Adminis-  
12          trator shall submit to the appropriate committees of  
13          Congress a report on the establishment and implemen-  
14          tation of the program under subsection (a).

15          “(2) BRIEFINGS.—Beginning 180 days after the  
16          date of enactment of the Federal Aviation Adminis-  
17          tration Reauthorization Act of 2016, and every 180  
18          days thereafter until September 30, 2017, the Admin-  
19          istrator shall provide to the appropriate committees of  
20          Congress a briefing that includes—

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

24                 “(B) a description of all of the data gen-  
25                 erated from the operations described in subpara-

1           *graph (A), and shared with the Federal Aviation*  
2           *Administration through a cooperative research*  
3           *and development agreement authorized in section*  
4           *2123 of the Federal Aviation Administration Re-*  
5           *authorization Act of 2016, that relate to un-*  
6           *manned aircraft systems research priorities, in-*  
7           *cluding beyond-line-of-sight, unmanned traffic*  
8           *management, nighttime operations, and sense*  
9           *and avoid technology;*

10           *“(C) a description of how the data described*  
11           *in subparagraph (B) will be or is used—*

12                   *“(i) to advance Federal Aviation Ad-*  
13                   *ministration priorities;*

14                   *“(ii) to validate the safety of un-*  
15                   *manned aircraft systems and related tech-*  
16                   *nology; and*

17                   *“(iii) to inform future rulemaking re-*  
18                   *lated to the integration of unmanned air-*  
19                   *craft systems into the national airspace;*

20           *“(D) an evaluation of the activities and*  
21           *specific outcomes from activities at the test sites*  
22           *that support the safe integration of unmanned*  
23           *aircraft systems under this chapter; and*

24           *“(E) recommendations for future Federal*  
25           *Aviation Administration test site operations that*



1           *would generate data necessary to inform future*  
2           *rulemaking related to unmanned aircraft sys-*  
3           *tems.*

4           “(e) *REVIEW OF OPERATIONS BY TEST SITE OPERA-*  
5           *TORS.—The operator of each test site under subsection (a)*  
6           *shall—*

7                   “(1) *review the operations of unmanned aircraft*  
8                   *systems conducted at the test site, including—*

9                           “(A) *ongoing or completed research; and*

10                           “(B) *data regarding operations by private*  
11                   *and public operators; and*

12                   “(2) *submit to the Administrator, in such form*  
13                   *and manner as specified by the Administrator, the re-*  
14                   *sults of the review, including recommendations to fur-*  
15                   *ther enable private research and development oper-*  
16                   *ations at the test sites that contribute to the Federal*  
17                   *Aviation Administration’s safe integration of un-*  
18                   *manned aircraft systems into the national airspace*  
19                   *system, on a quarterly basis until the program termi-*  
20                   *nates.*

21           “(f) *TESTING.—The Secretary may authorize an oper-*  
22           *ator of a test site described in subsection (a) to administer*  
23           *testing requirements established by the Administrator for*  
24           *unmanned aircraft systems operations.”.*

25           “(b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

1           (1) *TABLE OF CONTENTS.*—*The table of contents*  
2           *for chapter 448, as added by section 2121 of this Act,*  
3           *is further amended by inserting after the item relat-*  
4           *ing to section 44801 the following:*

          “44802. *Unmanned aircraft system test sites.*”.

5           (2) *PILOT PROJECTS.*—*Section 332 of the FAA*  
6           *Modernization and Reform Act of 2012 (49 U.S.C.*  
7           *40101 note) is amended by striking subsection (c).*

8 **SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND**  
9           **TESTING.**

10          (a) *RESEARCH PLAN.*—*Not later than 1 year after the*  
11 *date of enactment of this Act, the Administrator of the Fed-*  
12 *eral Aviation Administration and the United States Un-*  
13 *manned Aircraft System Executive Committee, jointly, and*  
14 *in coordination with industry, users, the Center of Excel-*  
15 *lence for Unmanned Aircraft Systems, and test site opera-*  
16 *tors, shall develop a research plan to identify ongoing re-*  
17 *search into the broad range of technical, procedural, and*  
18 *policy concerns arising from the integration of unmanned*  
19 *aircraft systems into the national airspace system, and re-*  
20 *search needs regarding those concerns. In developing the*  
21 *plan, the Administrator shall determine and engage the ap-*  
22 *propriate entities to meet the research needs identified in*  
23 *the plan.*

24          (b) *COLLABORATIVE RESEARCH AND DEVELOPMENT*  
25 *AGREEMENTS.*—*The Administrator may use the other*

1 *transaction authority under section 106(l)(6) of title 49,*  
2 *United States Code, and enter into collaborative research*  
3 *and development agreements, to direct research related to*  
4 *unmanned aircraft systems, including at any test site*  
5 *under section 44802(a) of that title, and in coordination*  
6 *with the Center of Excellence for Unmanned Aircraft Sys-*  
7 *tems.*

8       *(c) USE OF CENTER OF EXCELLENCE FOR UNMANNED*  
9 *AIRCRAFT SYSTEMS.—The Administrator, in carrying out*  
10 *research necessary to establish the consensus safety stand-*  
11 *ards and certification requirements in section 44803 of title*  
12 *49, United States Code, as added by section 2124, shall,*  
13 *to the maximum extent practicable, leverage the research*  
14 *and testing capacity and capabilities of the Center of Excel-*  
15 *lence for Unmanned Aircraft Systems and the test sites (as*  
16 *defined in 44801 of such title, as added by section 2121).*

17 **SEC. 2124. SAFETY STANDARDS.**

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

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

22       *“(a) CONSENSUS AIRCRAFT SAFETY STANDARDS.—*  
23 *Not later than 60 days after the date of enactment of the*  
24 *Federal Aviation Administration Reauthorization Act of*  
25 *2016, the Director of the National Institute of Standards*

1 *and Technology and the Administrator of the Federal Avia-*  
2 *tion Administration, in consultation with government and*  
3 *industry stakeholders and appropriate standards-setting or-*  
4 *ganizations, shall initiate a collaborative process to develop*  
5 *risk-based, consensus industry airworthiness standards re-*  
6 *lated to the safe integration of small unmanned aircraft*  
7 *systems into the national airspace system.*

8       “(b) *CONSIDERATIONS.—In developing the consensus*  
9 *aircraft safety standards, the Director and Administrator*  
10 *shall consider the following:*

11               “(1) *Technologies or standards related to geo-*  
12 *graphic limitations, altitude limitations, and sense*  
13 *and avoid capabilities.*

14               “(2) *Using performance-based standards.*

15               “(3) *Predetermined action to maintain safety in*  
16 *the event that a communications link between a small*  
17 *unmanned aircraft and its operator is lost or com-*  
18 *promised.*

19               “(4) *Detectability and identifiability to pilots,*  
20 *the Federal Aviation Administration, and air traffic*  
21 *controllers, as appropriate.*

22               “(5) *Means to prevent tampering with or modi-*  
23 *fication of any system, limitation, or other safety*  
24 *mechanism or standard under this section or any*

1     *other provision of law, including a means to identify*  
2     *any tampering or modification that has been made.*

3             “(6) *Consensus identification standards under*  
4     *section 2105.*

5             “(7) *How to update or modify a small un-*  
6     *manned aircraft system that was commercially dis-*  
7     *tributed prior to the development of the consensus air-*  
8     *craft safety standards so that, to the greatest extent*  
9     *practicable, such systems meet the consensus aircraft*  
10    *safety standards.*

11            “(8) *Any technology or standard related to small*  
12    *unmanned aircraft systems that promotes aviation*  
13    *safety.*

14            “(c) *CONSULTATION.—In developing the consensus air-*  
15    *craft safety standards under subsection (a), the Director*  
16    *and Administrator shall consult with—*

17            “(1) *the Administrator of the National Aero-*  
18    *navics and Space Administration;*

19            “(2) *the President of RTCA, Inc.;*

20            “(3) *the Secretary of Defense;*

21            “(4) *each operator of a test site under section*  
22    *44802;*

23            “(5) *the Center of Excellence for Unmanned Air-*  
24    *craft Systems;*

1           “(6) *unmanned aircraft systems stakeholders;*  
2           *and*

3           “(7) *community-based aviation organizations.*

4           “(d) *FAA APPROVAL.—Not later than 1 year after the*  
5 *date of enactment of the Federal Aviation Administration*  
6 *Reauthorization Act of 2016, the Administrator of the Fed-*  
7 *eral Aviation Administration shall establish a process for*  
8 *the approval of small unmanned aircraft systems make and*  
9 *models based upon the consensus aircraft safety standards*  
10 *developed under subsection (a). The consensus aircraft safe-*  
11 *ty standards developed under subsection (a) shall allow the*  
12 *Administrator to approve small unmanned aircraft systems*  
13 *for operation within the national airspace system without*  
14 *requiring the type certification process in parts 21 and 23*  
15 *of the Code of Federal Regulations.*

16           “(e) *ELIGIBILITY.—The consensus aircraft safety*  
17 *standards for approval of small unmanned aircraft systems*  
18 *developed under this section shall set eligibility require-*  
19 *ments for an airworthiness approval of a small unmanned*  
20 *aircraft system which shall include the following:*

21           “(1) *An applicant must provide the Federal*  
22 *Aviation Administration with—*

23           “(A) *the aircraft’s operating instructions;*  
24           *and*

1           “(B) the manufacturer’s statement of com-  
2           pliance as described in subsection (f) of this sec-  
3           tion.

4           “(2) A sample aircraft must be inspected by the  
5           Federal Aviation Administration and found to be in  
6           a condition for safe operation and in compliance with  
7           the consensus aircraft safety standards required by  
8           the Administrator in subsection (d).

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

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

14           “(2) state that the aircraft make and model  
15           meets the provisions of the standard identified in  
16           paragraph (1);

17           “(3) state that the aircraft make and model con-  
18           forms to the manufacturer’s design data, using the  
19           manufacturer’s quality assurance system that meets  
20           the identified consensus standard adopted by the Ad-  
21           ministrator in subsection (d), and is manufactured in  
22           way that ensures consistency in the production proc-  
23           ess so that every unit produced meets the applicable  
24           consensus aircraft safety standards;

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

3           “(A) the aircraft’s operating instructions,  
4 that meet the standard identified in paragraph  
5 (1); and

6           “(B) the aircraft’s maintenance and inspec-  
7 tion procedures, that meet the standard identi-  
8 fied in paragraph (1);

9           “(5) state that the manufacturer will monitor  
10 and correct safety-of-flight issues through a continued  
11 airworthiness system that meets the standard identi-  
12 fied in paragraph (1);

13           “(6) state that at the request of the Administra-  
14 tion, the manufacturer will provide access by the Ad-  
15 ministration to its facilities; and

16           “(7) state that the manufacturer, in accordance  
17 with a production acceptance test procedure that  
18 meets an applicable consensus aircraft safety stand-  
19 ard has—

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

22           “(B) found the sample aircraft performance  
23 acceptable; and

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



1       “(g) *PROHIBITION.*—It shall be unlawful for any per-  
2 son to introduce or deliver for introduction into interstate  
3 commerce any unmanned aircraft manufactured after the  
4 date that the Administrator adopts consensus aircraft safety  
5 standards under this section, unless the manufacturer has  
6 received approval under subsection (d) for each make and  
7 model.”.

8       (b) *TABLE OF CONTENTS.*—The table of contents for  
9 chapter 448, as amended by section 2122 of this Act, is fur-  
10 ther amended by inserting after the item relating to section  
11 44802 the following:

“44803. *Aircraft safety standards.*”.

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

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

16 **“§ 44804. Unmanned aircraft systems in the Arctic**

17       “(a) *IN GENERAL.*—The Secretary of Transportation  
18 shall develop a plan and initiate a process to work with  
19 relevant Federal agencies and national and international  
20 communities to designate permanent areas in the Arctic  
21 where small unmanned aircraft may operate 24 hours per  
22 day for research and commercial purposes.

23       “(b) *PLAN CONTENTS.*—The plan under subsection (a)  
24 shall include the development of processes to facilitate the  
25 safe operation of unmanned aircraft beyond line of sight.

1       “(c) *REQUIREMENTS.*—*Each permanent area des-*  
 2 *ignated under subsection (a) shall enable over-water flights*  
 3 *from the surface to at least 2,000 feet in altitude, with in-*  
 4 *gress and egress routes from selected coastal launch sites.*

5       “(d) *AGREEMENTS.*—*To implement the plan under*  
 6 *subsection (a), the Secretary may enter into an agreement*  
 7 *with relevant national and international communities.*

8       “(e) *AIRCRAFT APPROVAL.*—*Not later than 1 year*  
 9 *after the entry into force of an agreement necessary to effec-*  
 10 *tuate the purposes of this section, the Secretary shall work*  
 11 *with relevant national and international communities to*  
 12 *establish and implement a process, or may apply an appli-*  
 13 *cable process already established, for approving the use of*  
 14 *unmanned aircraft in the designated permanent areas in*  
 15 *the Arctic without regard to whether an unmanned aircraft*  
 16 *is used as a public aircraft, a civil aircraft, or a model*  
 17 *aircraft.”.*

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

19           (1) *TABLE OF CONTENTS.*—*The table of contents*  
 20 *for chapter 448, as amended by section 2124 of this*  
 21 *Act, is further amended by inserting after the item re-*  
 22 *lating to section 44803 the following:*

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

23           (2) *EXPANDING USE OF UNMANNED AIRCRAFT*  
 24 *SYSTEMS IN ARCTIC.*—*Section 332 of the FAA Mod-*

1        *ernization and Reform Act of 2012 (49 U.S.C. 40101*  
2        *note) is amended by striking subsection (d).*

3        **SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**  
4        **AIRCRAFT SYSTEMS.**

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

8        **“§ 44805. Special authority for certain unmanned air-**  
9        **craft systems**

10        *“(a) IN GENERAL.—Notwithstanding any other re-*  
11        *quirement of this chapter, the Secretary of Transportation*  
12        *shall use a risk-based approach to determine if certain un-*  
13        *manned aircraft systems may operate safely in the national*  
14        *airspace system notwithstanding completion of the com-*  
15        *prehensive plan and rulemaking required by section 332 of*  
16        *the FAA Modernization and Reform Act of 2012 (49 U.S.C.*  
17        *40101 note) or the guidance required by section 44807.*

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

21                *“(1) which types of unmanned aircraft systems,*  
22                *if any, as a result of their size, weight, speed, oper-*  
23                *ational capability, proximity to airports and popu-*  
24                *lated areas, and operation within or beyond visual*  
25                *line of sight, or operation during the day or night, do*

1       *not create a hazard to users of the national airspace*  
2       *system or the public; and*

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

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

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

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

1 *tems may operate safely in the national airspace system*  
2 *terminates effective September 30, 2017.*

3 “(f) *OPERATION BY OWNERS AND OPERATORS OF*  
4 *CRITICAL INFRASTRUCTURE.—*

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

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

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

14 “(2) *ACTIVITIES DESCRIBED.—The activities de-*  
15 *scribed in this paragraph that a covered person may*  
16 *use an unmanned aircraft system to conduct are the*  
17 *following:*

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

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

1            *pipeline systems construction or mainte-*  
2            *nance or rehabilitation of existing pipelines*  
3            *or pipeline systems; or*

4            *“(i) conducting activities relating to*  
5            *ensuring compliance with—*

6            *“(I) the requirements of part 192*  
7            *or 195 of title 49, Code of Federal Reg-*  
8            *ulations; or*

9            *“(II) any Federal, State, or local*  
10           *governmental or regulatory body or in-*  
11           *dustry best practice pertaining to the*  
12           *construction, ownership, operation,*  
13           *maintenance, repair, or replacement of*  
14           *covered facilities.*

15           *“(B) Activities to inspect, repair, construct,*  
16           *maintain, or protect covered facilities, including*  
17           *to respond to a pipeline, pipeline system, or elec-*  
18           *tric energy infrastructure incident, or in re-*  
19           *sponse to or in preparation for a natural dis-*  
20           *aster, man-made disaster, severe weather event,*  
21           *or other incident beyond the control of the cov-*  
22           *ered person that may cause material damage to*  
23           *a covered facility.*

24           *“(3) DEFINITIONS.—In this subsection:*

1           “(A) *COVERED FACILITY*.—The term ‘cov-  
2           ered facility’ means a pipeline, pipeline system,  
3           electric energy generation, transmission, or dis-  
4           tribution facility (including renewable electric  
5           energy), oil or gas production, refining, or proc-  
6           essing facility, or other critical infrastructure.

7           “(B) *COVERED PERSON*.—The term ‘covered  
8           person’ means a person that—

9                   “(i) owns or operates a covered facil-  
10                  ity;

11                  “(ii) is the sponsor of a covered facility  
12                  project;

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

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

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

22           “(4) *DEADLINE*.—Within 90 days from the date  
23           of enactment of the *FAA Reauthorization of 2016* the  
24           Administrator must certify to the appropriate com-  
25           mittees of Congress that a process has been established

1     *to facilitate applications for operations provided for*  
 2     *under this subsection. If the Administrator cannot*  
 3     *provide this certification, the Administrator, within*  
 4     *180 days of from the due date of that certification,*  
 5     *shall update the process under (a) to provide for such*  
 6     *applications.”.*

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

8             ***(1) TABLE OF CONTENTS.—****The table of contents*  
 9     *for chapter 448, as amended by section 2125 of this*  
 10    *Act, is further amended by inserting after the item re-*  
 11    *lating to section 44804 the following:*

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

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

18    ***SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.***

19            ***(a) SENSE OF CONGRESS.—****It is the sense of Congress*  
 20    *that—*

21            ***(1) beyond visual line of sight and nighttime op-***  
 22    ***erations of unmanned aircraft systems have tremen-***  
 23    ***dous potential—***

24            ***(A) to enhance research and development***  
 25    ***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 as  
5           it relates to assessing damage to critical infra-  
6           structure such as roads, bridges, and utilities, in-  
7           cluding water and power, ultimately speeding re-  
8           sponse time;

9           (2) advancements in miniaturization of safety  
10          technologies, including for aircraft weighing under  
11          4.4 pounds, have increased economic opportunities for  
12          using unmanned aircraft systems while reducing ki-  
13          netic energy and risk compared to unmanned aircraft  
14          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 safely  
19          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 sec-  
24          tion.

1       (b) *IN GENERAL.*—Chapter 448, as amended by section  
2 2126 of this Act, is further amended by inserting after sec-  
3 tion 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 Re-*  
7 *form Act of 2012* (49 U.S.C. 40101 note) or the guidance  
8 required by section 44807 of this title and subject to sub-  
9 section (b)(2) of this section and section 44808, the Admin-  
10 istrator may issue regulations under which a person may  
11 operate certain unmanned aircraft systems (as determined  
12 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. 40101  
23 note), the Administrator shall issue regulations not  
24 later than 270 days after the date of enactment of the  
25 *Federal Aviation Administration Reauthorization Act*

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

10           “(2) *OPERATIONAL RULES.—The rulemaking re-*  
11       *quired by paragraph (1) relating to micro unmanned*  
12       *aircraft systems shall consider the following rules, or*  
13       *any appropriate modifications thereof concerning al-*  
14       *titude, airspeed, geographic location, and time of day*  
15       *as the Administrator considers appropriate, for oper-*  
16       *ation of such systems:*

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

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

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

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

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

9                   “(i) provides notice to the airport oper-  
10                  ator; and

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

15           “(c) SCOPE OF REGULATIONS.—

16                   “(1) IN GENERAL.—In determining whether a  
17                  person may operate an unmanned aircraft system  
18                  under 1 or more of the circumstances described under  
19                  paragraphs (1) through (3) of subsection (a), the Ad-  
20                  ministrator shall use a risk-based approach and con-  
21                  sider, at a minimum, the physical and functional  
22                  characteristics of the unmanned aircraft system.

23                   “(2) LIMITATION.—The Administrator may only  
24                  issue regulations under this section for unmanned  
25                  aircraft systems that the Administrator determines

1        *may be operated safely in the national airspace sys-*  
2        *tem.*

3        “(d) *RULES OF CONSTRUCTION.—Nothing in this sec-*  
4        *tion may be construed—*

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

9                        “(A) *the circumstance is allowed by regula-*  
10        *tions issued under this section; and*

11                        “(B) *the person operates the unmanned air-*  
12        *craft system in a manner prescribed by the regu-*  
13        *lations; and*

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

19        (c) *TABLE OF CONTENTS.—The table of contents for*  
20        *chapter 448, as amended by section 2126 of this Act, is fur-*  
21        *ther amended by inserting after the item relating to section*  
22        *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 after  
5 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 un-  
9 manned aircraft system—

10 “(1) *to streamline the process for the issuance of*  
11 *a certificate of authorization or a certificate of waiv-*  
12 *er;*

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

19 “(3) *to facilitate the capability of public agencies*  
20 *to develop and use test ranges, subject to operating re-*  
21 *strictions required by the Federal Aviation Adminis-*  
22 *tration, to test and operate public unmanned aircraft*  
23 *systems; and*

24 “(4) *to provide guidance on a public agency’s re-*  
25 *sponsibilities when operating an unmanned aircraft*

1       *without a civil airworthiness certificate issued by the*  
2       *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 AGENCIES.—*

9               “(1) *IN GENERAL.—The Secretary shall enter*  
10       *into an agreement with each appropriate public agen-*  
11       *cy to simplify the process for issuing a certificate of*  
12       *waiver or a certificate of authorization with respect*  
13       *to an application for authorization to operate a pub-*  
14       *lic unmanned aircraft system in the national air-*  
15       *space system.*

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

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

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

22                               “(ii) *require a decision by the Admin-*  
23       *istrator on approval or disapproval not*  
24       *later than 60 business days after the date of*  
25       *submission of the application;*

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

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

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

9           “(C) allow a government public safety agen-  
10          cy to operate an unmanned aircraft weighing 25  
11          pounds or less if that unmanned aircraft is oper-  
12          ated—

13               “(i) within or beyond the line of sight  
14               of the operator;

15               “(ii) less than 400 feet above the  
16               ground;

17               “(iii) during daylight conditions;

18               “(iv) within Class G airspace; and

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

23          “(d) *DATA MINIMIZATION FOR CERTAIN PUBLIC UN-*  
24          *MANNED AIRCRAFT SYSTEM OPERATORS.*—Not later than  
25          180 days after the date of enactment of the Federal Aviation



1 *Administration Reauthorization Act of 2016 each Federal*  
2 *agency authorized by the Secretary to operate an unmanned*  
3 *aircraft system shall develop and update a data minimiza-*  
4 *tion policy that requires, at a minimum, that—*

5           “(1) *prior to the deployment of any new un-*  
6 *manned aircraft system technology, and at least every*  
7 *3 years, existing policies and procedures relating to*  
8 *the collection, use, retention, and dissemination of in-*  
9 *formation obtained by an unmanned aircraft system*  
10 *must be examined to ensure that privacy, civil rights,*  
11 *and civil liberties are protected;*

12           “(2) *if the unmanned aircraft system is the plat-*  
13 *form for information collection, information must be*  
14 *collected, used, retained, and disseminated consistent*  
15 *with the Constitution, Federal law, and other appli-*  
16 *cable regulations and policies, such as the Privacy*  
17 *Act of 1974 (5 U.S.C. 552a);*

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

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

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

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

14                   “(C) the information is required to be re-  
15                  tained for a longer period under other applicable  
16                  law, including regulations;

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

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

23                   “(B) dissemination satisfies an authorized  
24                  purpose and complies with that Federal agency’s  
25                  disclosure requirements;

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

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

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

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

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

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

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

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

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

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

12                  “(C) the establishment of policies and proce-  
13                  dures, or confirmation that policies and proce-  
14                  dures are in place, that provide meaningful over-  
15                  sight of individuals who have access to sensitive  
16                  information, including personal information,  
17                  collected using an unmanned aircraft system;

18                  “(D) ensuring that any data-sharing agree-  
19                  ments or policies, data use policies, and record  
20                  management policies applicable to an unmanned  
21                  aircraft system conform to applicable laws, regu-  
22                  lations, and policies;

23                  “(E) the establishment of policies and proce-  
24                  dures, or confirmation that policies and proce-  
25                  dures are in place, to authorize the use of an un-

1            *manned aircraft system in response to a request*  
2            *for unmanned aircraft system assistance in sup-*  
3            *port of Federal, State, local, tribal, or territorial*  
4            *government operations; and*

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

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

14           *“(A) ensuring that policies are in place to*  
15           *prohibit the collection, use, retention, or dissemi-*  
16           *nation of data in any manner that would violate*  
17           *the First Amendment or in any manner that*  
18           *would discriminate against persons based upon*  
19           *their ethnicity, race, gender, national origin, re-*  
20           *ligion, sexual orientation, or gender identity, in*  
21           *violation of law;*

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

1           *laws, Executive Orders, and other Presidential*  
2           *directives; and*

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

7           “(e) *LAW ENFORCEMENT AND NATIONAL SECURITY.—*  
8           *Each Federal agency shall effectuate a requirement under*  
9           *subsection (d) only to the extent it does not compromise law*  
10          *enforcement or national security.*

11          “(f) *DEFINITION OF FEDERAL AGENCY.—In sub-*  
12          *sections (d) and (e), the term ‘Federal agency’ has the*  
13          *meaning given the term ‘agency’ in section 552(f) of title*  
14          *5, United States Code.”.*

15          “(b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

16                  “(1) *TABLE OF CONTENTS.—The table of contents*  
17          *for chapter 448, as amended by section 2127 of this*  
18          *Act, is further amended by inserting after the item re-*  
19          *lating to section 44806 the following:*

                  “44807. *Public unmanned aircraft systems.”.*

20                  “(2) *PUBLIC UNMANNED AIRCRAFT SYSTEMS.—*  
21          *Section 334 of the FAA Modernization and reform*  
22          *Act of 2012 (49 U.S.C. 40101 note) and the item re-*  
23          *lating to that section in the table of contents under*  
24          *section 1(b) of that Act (126 Stat. 13) are repealed.*

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

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

5 **“§ 44808. Special rules for model aircraft**

6 “(a) *IN GENERAL.*—Notwithstanding any other provi-  
7 sion of law relating to the incorporation of unmanned air-  
8 craft systems into Federal Aviation Administration plans  
9 and policies, including this chapter, the Administrator of  
10 the Federal Aviation Administration may not promulgate  
11 any new rule or regulation specific only to an unmanned  
12 aircraft operating as a model aircraft if—

13 “(1) the aircraft is flown strictly for hobby or  
14 recreational use;

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

19 “(3) not flown beyond visual line of sight of per-  
20 sons co-located with the operator or in direct commu-  
21 nication with the operator;

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

25 “(5) when flown within 5 miles of an airport,  
26 the operator of the aircraft provides the airport oper-

1     *ator, where applicable, and the airport air traffic*  
2     *control tower (when an air traffic facility is located*  
3     *at the airport) with prior notice and receives ap-*  
4     *proval from the tower, to the extent practicable, for*  
5     *the operation from each (model aircraft operators fly-*  
6     *ing from a permanent location within 5 miles of an*  
7     *airport should establish a mutually agreed upon oper-*  
8     *ating procedure with the airport operator and the*  
9     *airport air traffic control tower (when an air traffic*  
10    *facility is located at the airport));*

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

15           *“(7) the operator has passed an aeronautical*  
16           *knowledge and safety test administered by the Federal*  
17           *Aviation Administration online for the operation of*  
18           *unmanned aircraft systems subject to the require-*  
19           *ments of section 44809 and maintains proof of test*  
20           *passage to be made available to the Administrator or*  
21           *law enforcement upon request.*

22           *“(b) UPDATES.—*

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



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

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

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

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

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

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

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

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

1       *required to seek permissive authority of the Adminis-*  
2       *trator prior to operation in the national airspace sys-*  
3       *tem.*

4       “(c) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*  
5       *tion shall be construed to limit the authority of the Admin-*  
6       *istrator to pursue enforcement action against persons oper-*  
7       *ating model aircraft.*

8       “(d) *MODEL AIRCRAFT DEFINED.*—*In this section, the*  
9       *term ‘model aircraft’ means an unmanned aircraft that—*

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

12               “(2) *is limited to weighing not more than 55*  
13               *pounds, including the weight of anything attached to*  
14               *or carried by the aircraft, unless otherwise approved*  
15               *through a design, construction, inspection, flight test,*  
16               *and operational safety program administered by a*  
17               *community-based organization.”.*

18       “(b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

19               “(1) *TABLE OF CONTENTS.*—*The table of contents*  
20               *for chapter 448, as amended by section 2128 of this*  
21               *Act, is further amended by inserting after the item re-*  
22               *lating to section 44807 the following:*

      “44808. *Special rules for model aircraft.*”.

23               “(2) *SPECIAL RULE FOR MODEL AIRCRAFT.*—*Sec-*  
24               *tion 336 of the FAA Modernization and Reform Act*  
25               *of 2012 (49 U.S.C. 40101 note) and the item relating*

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

3   **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**  
4                   **KNOWLEDGE AND SAFETY.**

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

8   **“§ 44809. Aeronautical knowledge and safety test**

9       “(a) *IN GENERAL.*—An individual may not operate an  
10       unmanned aircraft system unless—

11               “(1) the individual has successfully completed an  
12               aeronautical knowledge and safety test under sub-  
13               section (c);

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

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

18       “(b) *EXCEPTION.*—This section shall not apply to the  
19       operation of an unmanned aircraft system that has been  
20       authorized by the Federal Aviation Administration under  
21       section 44802, 44805, 44806, or 44807. The Administrator  
22       may waive the requirements of this section for operators  
23       of aircraft weighing less than 0.55 pounds or for operators  
24       under the age of 13 operating the unmanned aircraft system

1 *under the supervision of an adult as determined by the Ad-*  
2 *ministrator.*

3       “(c) *AERONAUTICAL KNOWLEDGE AND SAFETY*  
4 *TEST.*—*Not later than 180 days after the date of enactment*  
5 *of the Federal Aviation Administration Reauthorization*  
6 *Act of 2016, the Administrator of the Federal Aviation Ad-*  
7 *ministration, in consultation with manufacturers of un-*  
8 *manned aircraft systems, other industry stakeholders, and*  
9 *community-based aviation organizations, shall develop an*  
10 *aeronautical knowledge and safety test that can be adminis-*  
11 *tered electronically.*

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

15               “(1) *understanding of aeronautical safety knowl-*  
16 *edge, as applicable; and*

17               “(2) *knowledge of Federal Aviation Administra-*  
18 *tion regulations and requirements pertaining to the*  
19 *operation of an unmanned aircraft system in the na-*  
20 *tional airspace system.*

21       “(e) *RECORD OF COMPLIANCE.*—

22               “(1) *IN GENERAL.*—*Each operator of an un-*  
23 *manned aircraft system described under subsection*  
24 *(a) shall maintain and make available for inspection,*  
25 *upon request by the Administrator or a Federal,*

1     *State, or local law enforcement officer, a record of*  
2     *compliance with this section through—*

3             “(A) *an identification number, issued by*  
4             *the Federal Aviation Administration certifying*  
5             *passage of the aeronautical knowledge and safety*  
6             *test;*

7             “(B) *if the individual has authority to op-*  
8             *erate an unmanned aircraft system under other*  
9             *Federal law, the requisite proof of authority*  
10            *under that law; or*

11            “(C) *an airmen certificate issued under sec-*  
12            *tion 44703.*

13            “(2) *COORDINATION.—The Administrator may*  
14            *coordinate the identification number under para-*  
15            *graph (1)(A) with an operator’s registration number*  
16            *to the extent practicable.*

17            “(3) *LIMITATION.—No fine or penalty may be*  
18            *imposed for the initial failure of an operator of an*  
19            *unmanned aircraft system to comply with paragraph*  
20            *(1) unless the Administrator finds that the conduct of*  
21            *the operator actually posed a risk to the national air-*  
22            *space system.”.*

23            “(b) *TABLE OF CONTENTS.—The table of contents for*  
24     *chapter 448, as amended by section 2129 of this Act, is fur-*

1 *ther amended by inserting after the item relating to section*  
 2 *44808 the following:*

*“44809. Aeronautical knowledge and safety test.”.*

3 **SEC. 2131. SAFETY STATEMENTS.**

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

7 **“§ 44810. Safety statements**

8 *“(a) PROHIBITION.—Beginning on the date that is 1*  
 9 *year after the date of publication of the guidance under sub-*  
 10 *section (b)(1), it shall be unlawful for any person to intro-*  
 11 *duce or deliver for introduction into interstate commerce*  
 12 *any unmanned aircraft manufactured unless a safety state-*  
 13 *ment is attached to the unmanned aircraft or accom-*  
 14 *panying the unmanned aircraft in its packaging.*

15 *“(b) SAFETY STATEMENT.—*

16 *“(1) IN GENERAL.—Not later than 1 year after*  
 17 *the date of enactment of the Federal Aviation Admin-*  
 18 *istration Reauthorization Act of 2016, the Adminis-*  
 19 *trator of the Federal Aviation Administration shall*  
 20 *issue guidance for implementing this section.*

21 *“(2) REQUIREMENTS.—A safety statement de-*  
 22 *scribed in subsection (a) shall include—*

23 *“(A) information about laws and regula-*  
 24 *tions applicable to unmanned aircraft systems;*

1           “(B) recommendations for using unmanned  
2 aircraft in a manner that promotes the safety of  
3 persons and property;

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

6           “(D) language approved by the Adminis-  
7 trator regarding the following:

8                   “(i) A person may operate the un-  
9 manned aircraft as a model aircraft (as de-  
10 fined in section 44808) or otherwise in ac-  
11 cordance with Federal Aviation Adminis-  
12 tration authorization or regulation, includ-  
13 ing requirements for the completion of the  
14 aeronautical knowledge and safety test  
15 under section 44809.

16                   “(ii) The definition of a model aircraft  
17 under section 44808.

18                   “(iii) The requirements regarding a  
19 model aircraft under paragraphs (1)  
20 through (7) of section 44808(a).

21                   “(iv) The Administrator of the Federal  
22 Aviation Administration may pursue en-  
23 forcement action against a person operating  
24 model aircraft who endangers the safety of  
25 the national airspace system.

1       “(c) *CIVIL PENALTY.*—A person who violates sub-  
 2 section (a) shall be liable for each violation to the United  
 3 States Government for a civil penalty described in section  
 4 46301(a).”.

5       (b) *TABLE OF CONTENTS.*—The table of contents for  
 6 chapter 448, as amended by section 2130 of this Act, is fur-  
 7 ther amended by inserting after the item relating to section  
 8 44809 the following:

“44810. *Safety statements.*”.

9       **SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-**  
 10                                   **ATING UNDERGROUND.**

11       An unmanned aircraft system that is operated under-  
 12 ground for mining purposes shall not be subject to regula-  
 13 tion or enforcement by the Federal Aviation Administration  
 14 under chapter 448 of title 49, United States Code.

15       **SEC. 2133. ENFORCEMENT.**

16       (a) *UAS SAFETY ENFORCEMENT.*—The Administrator  
 17 of the Federal Aviation Administration shall establish a  
 18 program to utilize available remote detection and identi-  
 19 fication technologies for safety oversight, including enforce-  
 20 ment actions against operators of unmanned aircraft sys-  
 21 tems that are not in compliance with applicable Federal  
 22 aviation laws, including regulations.

23       (b) *CIVIL PENALTIES.*—

24               (1) *IN GENERAL.*—Section 46301 is amended—



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

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

7           (C) in subsection (d)(2), by inserting “chap-  
8           ter 448,” after “chapter 447 (except sections  
9           44717 and 44719–44723),”;

10           (D) in subsection (f), by inserting “chapter  
11           448,” after “chapter 447 (except 44717 and  
12           44719–44723),”.

13           (2) *RULE OF CONSTRUCTION.*—Nothing in this  
14           subsection shall be construed to limit the authority of  
15           the Administrator to pursue an enforcement action  
16           for a violation of this Act, a regulation prescribed or  
17           order or authority issued under this Act, or any other  
18           applicable provision of aviation safety law or regula-  
19           tion.

20           (c) *REPORTING.*—As part of the program, the Admin-  
21           istrator shall establish and publicize a mechanism for the  
22           public and Federal, State, and local law enforcement to re-  
23           port a suspected abuse or a violation of chapter 448 of title  
24           49, United States Code, for enforcement action.

1       (d) *AUTHORIZATION OF APPROPRIATIONS.*—To carry  
2 out this section, there is authorized to be appropriated  
3 \$5,000,000 for each of the fiscal years 2016 through 2017.

4 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**  
5 **ICES DISRUPTION.**

6       (a) *IN GENERAL.*—Chapter 463 is amended—

7           (1) in section 46301(d)(2), by inserting “section  
8 46320,” after “section 46319,”; and

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

10 **“§46320. Interference with firefighting, law enforce-**  
11 **ment, or emergency response activities**

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

15       “(b) *DEFINITION.*—For purposes of this section, an  
16 aircraft interferes with the activities specified in subsection  
17 (a) when its operation prevents the initiation of, interrupts,  
18 or endangers a person or property engaged in those activi-  
19 ties.

20       “(c) *CIVIL PENALTY.*—A person violating subsection  
21 (a) shall be liable for a civil penalty of not more than  
22 \$20,000.

23       “(d) *COMPROMISE AND SETOFF.*—The United States  
24 Government may deduct the amount of a civil penalty im-

1 posed or compromised under this section from the amounts  
2 the Government owes the person liable for the penalty.”.

3 (b) *TABLE OF CONTENTS.*—The table of contents for  
4 chapter 463 is amended by inserting after the item relating  
5 to section 46319 the following:

“46320. Interference with firefighting, law enforcement, or emergency response ac-  
tivities.”.

6 **SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**  
7 **SPACE HAZARD MITIGATION.**

8 (a) *IN GENERAL.*—The Administrator of the Federal  
9 Aviation Administration shall carry out a pilot program  
10 for airspace hazard mitigation at airports and other crit-  
11 ical infrastructure.

12 (b) *CONSULTATION.*—In carrying out the pilot pro-  
13 gram under subsection (a), the Administrator shall work  
14 with the Secretary of Defense, Secretary of Homeland Secu-  
15 rity, and the heads of relevant Federal agencies for the pur-  
16 pose of ensuring technologies that are developed, tested, or  
17 deployed by those departments and agencies to mitigate  
18 threats posed by errant or hostile unmanned aircraft system  
19 operations do not adversely impact or interfere with safe  
20 airport operations, navigation, and air traffic services.

21 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
22 authorized to be appropriated from the Airport and Airway  
23 Trust Fund to carry out this section \$6,000,000, to remain  
24 available until expended.

1 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**  
2 **FUNCTIONS.**

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

6 **“§44811. Regulatory and administrative fees**

7 “(a) *IN GENERAL.*—Subject to subsection (b), the Ad-  
8 ministrator may assess and collect regulatory and adminis-  
9 trative fees to recover the costs of regulatory and adminis-  
10 trative activities under this chapter related to authorization  
11 to operate unmanned aircraft systems for compensation or  
12 hire, or in the furtherance of a business enterprise.

13 “(b) *LIMITATIONS.*—Fees authorized under subsection  
14 (a) shall be reasonable, cost-based relative to the regulatory  
15 or administrative activity, and may not be discriminatory  
16 or a deterrent to compliance.

17 “(c) *RECEIPTS CREDITED TO ACCOUNT.*—Notwith-  
18 standing section 3302 of title 31, all fees and amounts col-  
19 lected under this section shall be credited to the separate  
20 account established under section 45303(c). Section 41742  
21 shall not apply to fees and amounts collected under this  
22 section.

23 “(d) *REGULATIONS.*—Not later than 1 year after the  
24 date of enactment of the Federal Aviation Administration  
25 Reauthorization Act of 2016, the Administrator shall issue  
26 regulations to carry out this section.”.

1       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 2 *chapter 448, as amended by section 2131 of this Act, is fur-*  
 3 *ther amended by inserting after the item relating to section*  
 4 *44810 the following:*

*“44811. Regulatory and administrative fees.”.*

5 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**  
 6 **RULEMAKING.**

7       *It is the sense of the Congress that the Administrator*  
 8 *of the Federal Aviation Administration and Secretary of*  
 9 *Transportation should take every necessary action to expe-*  
 10 *dite final action on the notice of proposed rulemaking dated*  
 11 *February 23, 2015 (80 Fed. Reg. 9544), entitled “Operation*  
 12 *and Certification of Small Unmanned Aircraft Systems”.*

13 **SEC. 2138. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**  
 14 **AGEMENT.**

15       (a) *RESEARCH PLAN FOR UTM DEVELOPMENT.*—

16               (1) *IN GENERAL.*—*The Administrator of the Fed-*  
 17 *eral Aviation Administration, in coordination with*  
 18 *the Administrator of the National Aeronautics and*  
 19 *Space Administration, shall develop a research plan*  
 20 *for unmanned aircraft systems traffic management*  
 21 *(referred to in this section as “UTM”) development.*

22               (2) *REQUIREMENTS.*—*In developing the research*  
 23 *plan under paragraph (1), the Administrator shall—*

24                       (A) *identify research goals related to:*

1                   (i) operational parameters related to  
2 altitude, geographic coverage, classes of air-  
3 space, and critical infrastructure;

4                   (ii) avionics capability requirements  
5 or standards;

6                   (iii) operator identification and au-  
7 thentication requirements and capabilities;

8                   (iv) communication protocols with air  
9 traffic control facilities that will not inter-  
10 fere with existing responsibility to deconflict  
11 manned aircraft in the national airspace  
12 system;

13                   (v) collision avoidance requirements;

14                   (vi) separation standards for manned  
15 and unmanned aircraft; and

16                   (vii) spectrum needs;

17                   (B) evaluate options for the administration  
18 and management structure for the traffic man-  
19 agement of low altitude operations of small un-  
20 manned aircraft systems; and

21                   (C) ensure the plan is consistent with the  
22 broader Federal Aviation Administration regu-  
23 latory and operational framework encompassing  
24 all unmanned aircraft systems operations ex-

1           pected to be authorized in the national airspace  
2           system.

3           (3) *ASSESSMENT.*—*The research plan under*  
4           *paragraph (1) shall include an assessment of—*

5                   (A) *the ability to allow near-term small un-*  
6                   *manned aircraft system operations without need*  
7                   *of an automated UTM system;*

8                   (B) *the full range of operational capability*  
9                   *any automated UTM system should possess;*

10                  (C) *the operational characteristics and*  
11                  *metrics that would drive incremental adoption of*  
12                  *automated capability and procedures consistent*  
13                  *with a rising aggregate community demand for*  
14                  *service for low altitude operations of small un-*  
15                  *manned aircraft systems; and*

16                  (D) *the integration points for small un-*  
17                  *manned aircraft system traffic management with*  
18                  *the existing national airspace system planning*  
19                  *and traffic management systems.*

20           (4) *DEADLINES.*—*The Administrator shall—*

21                   (A) *initiate development of the research*  
22                   *plan not later than 90 days after the date of en-*  
23                   *actment of this Act; and*

24                   (B) *not later than 180 days after the date*  
25                   *of enactment of this Act—*

- 1                   (i) complete the research plan;
- 2                   (ii) submit the research plan to the ap-
- 3                   propriate committees of Congress; and
- 4                   (iii) publish the research plan on the
- 5                   Federal Aviation Administration's Web site.

6           (b) *PILOT PROGRAM.*—

7                   (1) *IN GENERAL.*—Not later than 120 days after

8                   the date the research plan under subsection (a) is sub-

9                   mitted under paragraph (4)(B) of that subsection, the

10                  Administrator of the Federal Aviation Administra-

11                  tion shall coordinate with the Administrator of the

12                  National Aeronautics and Space Administration and

13                  the small unmanned aircraft systems industry to de-

14                  velop operational concepts and top-level system re-

15                  quirements for a UTM system pilot program, con-

16                  sistent with subsection (a).

17                  (2) *SOLICITATION.*—The Administrator shall

18                  issue a solicitation for operational prototype systems

19                  that meet the necessary objectives for use in a pilot

20                  program to demonstrate, validate, or modify, as ap-

21                  propriate, the requirements developed under para-

22                  graph (1).

23           (c) *COMPREHENSIVE PLAN.*—

24                  (1) *IN GENERAL.*—Not later than 270 days after

25                  the date the pilot program under subsection (b) is



1        *complete, the Administrator of the Federal Aviation*  
2        *Administration, in coordination with the Adminis-*  
3        *trator of the National Aeronautics and Space Admin-*  
4        *istration, and in consultation with the head of each*  
5        *relevant Federal agency, shall develop a comprehen-*  
6        *sive plan for the deployment of UTM systems in the*  
7        *national airspace.*

8            (2) *SYSTEM REQUIREMENTS.—The comprehen-*  
9        *sive plan under paragraph (1) shall include require-*  
10       *ments or standards consistent with established or*  
11       *planned rulemaking for, at a minimum—*

12            (A) *the flight of small unmanned aircraft*  
13        *systems in controlled and uncontrolled airspace;*

14            (B) *communications, as applicable—*

15            (i) *among small unmanned aircraft*  
16        *systems;*

17            (ii) *between small unmanned aircraft*  
18        *systems and manned aircraft operating in*  
19        *the same airspace; and*

20            (iii) *between small unmanned aircraft*  
21        *systems and air traffic control as considered*  
22        *necessary; and*

23            (C) *air traffic management for small un-*  
24        *manned aircraft systems operations.*

1       (d) *SYSTEM IMPLEMENTATION.*—Based on the com-  
2 prehensive plan under subsection (c), including the require-  
3 ments under paragraph (2) of that subsection, and the pilot  
4 program under subsection (b), the Administrator shall de-  
5 termine the operational need and implementation schedule  
6 for evolutionary use of automation support systems to sepa-  
7 rate and deconflict manned and unmanned aircraft sys-  
8 tems.

9 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

10       (a) *IN GENERAL.*—Not later than 90 days after the  
11 date of enactment of this Act, the Administrator of the Fed-  
12 eral Aviation Administration shall publish guidance for ap-  
13 plications for, and procedures for the processing of, on an  
14 emergency basis, exemptions or certificates of authorization  
15 or waiver for the use of unmanned aircraft systems by civil  
16 or public operators in response to a catastrophe, disaster,  
17 or other emergency to facilitate emergency response oper-  
18 ations, such as firefighting, search and rescue, and utility  
19 and infrastructure restoration efforts. This guidance shall  
20 outline procedures for operations under both sections 44805  
21 and 44807, of title 49, United States Code, with priority  
22 given to applications for public unmanned aircraft systems  
23 engaged in emergency response activities.

24       (b) *REQUIREMENTS.*—In providing guidance under  
25 subsection (a), the Administrator shall—

1           (1) *make explicit any safety requirements that*  
2 *must be met for the consideration of applications that*  
3 *include requests for beyond visual line of sight, night-*  
4 *time operations, or the suspension of otherwise appli-*  
5 *cable operating restrictions, consistent with public in-*  
6 *terest and safety; and*

7           (2) *explicitly state the procedures for coordi-*  
8 *nating with an incident commander, if any, to ensure*  
9 *operations granted under procedures developed under*  
10 *subsection (a) do not interfere with manned catas-*  
11 *trophe, disaster, or other emergency response oper-*  
12 *ations or otherwise impact response efforts.*

13       (c) *REVIEW.—In processing applications on an emer-*  
14 *gency basis for exemptions or certificates of authorization*  
15 *or waiver for unmanned aircraft systems operations in re-*  
16 *sponse to a catastrophe, disaster, or other emergency, the*  
17 *Administrator of the Federal Aviation Administration shall*  
18 *act on such applications as expeditiously as practicable and*  
19 *without requiring public notice and comment.*

20 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**  
21 **MENTS.**

22       (a) *PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-*  
23 *MENTS.—Section 40102(a)(41) is amended by adding at the*  
24 *end the following:*

1           “(F) *An unmanned aircraft that is owned*  
 2           *and operated by or exclusively leased for at least*  
 3           *90 consecutive days by an Indian tribal govern-*  
 4           *ment (as defined in section 102 of the Robert T.*  
 5           *Stafford Disaster Relief and Emergency Assist-*  
 6           *ance Act (42 U.S.C. 5122)), except as provided*  
 7           *in section 40125(b).”.*

8           (b) *CONFORMING AMENDMENT.—Section 40125(b) is*  
 9           *amended by striking “or (D)” and inserting “(D), or (F)”.*

10   **SEC. 2141. CARRIAGE OF PROPERTY BY SMALL UNMANNED**  
 11                           **AIRCRAFT SYSTEMS FOR COMPENSATION OR**  
 12                           **HIRE.**

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

16   **“§44812. Carriage of property by small unmanned**  
 17                           **aircraft systems for compensation or hire**

18           “(a) *IN GENERAL.—Not later than 2 years after the*  
 19           *date of enactment of this section, the Secretary of Transpor-*  
 20           *tation shall issue a final rule authorizing the carriage of*  
 21           *property by operators of small unmanned aircraft systems*  
 22           *for compensation or hire within the United States.*

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

1           “(1) *SMALL UAS AIR CARRIER CERTIFICATE.*—  
2           *The Administrator of the Federal Aviation Adminis-*  
3           *tration, at the direction of the Secretary, shall estab-*  
4           *lish a certificate (to be known as a ‘small UAS air*  
5           *carrier certificate’)* for persons that undertake di-  
6           *rectly, by lease, or other arrangement the operation of*  
7           *small unmanned aircraft systems to carry property*  
8           *in air transportation, including commercial fleet op-*  
9           *erations with highly automated unmanned aircraft*  
10           *systems. The requirements to operate under a small*  
11           *UAS air carrier certificate shall—*

12                   “(A) *consider the unique characteristics of*  
13                   *highly automated, small unmanned aircraft sys-*  
14                   *tems; and*

15                   “(B) *include requirements for the safe oper-*  
16                   *ation of small unmanned aircraft systems that,*  
17                   *at a minimum, address—*

18                           “(i) *airworthiness of small unmanned*  
19                           *aircraft systems;*

20                           “(ii) *qualifications for operators and*  
21                           *the type and nature of the operations; and*

22                           “(iii) *operating specifications gov-*  
23                           *erning the type and nature of the un-*  
24                           *manned aircraft system air carrier oper-*  
25                           *ations.*

1           “(2) *SMALL UAS AIR CARRIER CERTIFICATION*  
2           *PROCESS.*—*The Administrator, at the direction of the*  
3           *Secretary, shall establish a process for the issuance of*  
4           *small UAS air carrier certificates established pursu-*  
5           *ant to paragraph (1) that is performance-based and*  
6           *ensures required safety levels are met. Such certifi-*  
7           *cation process shall consider—*

8                     “(A) *safety risks and the mitigation of those*  
9                     *risks associated with the operation of highly*  
10                    *automated, small unmanned aircraft around*  
11                    *other manned and unmanned aircraft, and over*  
12                    *persons and property on the ground;*

13                   “(B) *the competencies and compliance pro-*  
14                    *grams of manufacturers, operators, and compa-*  
15                    *nies that manufacture, operate, or both small un-*  
16                    *manned aircraft systems and components; and*

17                   “(C) *compliance with the requirements es-*  
18                    *tablished pursuant to paragraph (1).*

19           “(3) *SMALL UAS AIR CARRIER CLASSIFICA-*  
20           *TION.*—*The Secretary shall develop a classification*  
21           *system for persons issued small UAS air carrier cer-*  
22           *tificates pursuant to this subsection to establish eco-*  
23           *nomie authority for the carriage of property by small*  
24           *unmanned aircraft systems for compensation or hire.*  
25           *Such classification shall only require—*

1           “(A) registration with the Department of  
2           Transportation; and

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

5           (b) *TABLE OF CONTENTS.*—The table of contents for  
6 chapter 448, as amended by section 2136 of this Act, is fur-  
7 ther amended by adding after the item relating to section  
8 44811 the following:

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

9   **SEC. 2142. COLLEGIATE TRAINING INITIATIVE PROGRAM**  
10                           **FOR UNMANNED AIRCRAFT SYSTEMS.**

11           (a) *IN GENERAL.*—Not later than 180 days after the  
12 date of enactment of this Act, the Administrator of the Fed-  
13 eral Aviation Administration shall establish a Collegiate  
14 Training Initiative program relating to unmanned aircraft  
15 systems by making new agreements or continuing existing  
16 agreements with institutions of higher education (as defined  
17 by the Administrator) under which the institutions prepare  
18 students for careers involving unmanned aircraft systems.  
19 The Administrator may establish standards for the entry  
20 of such institutions into the program and for their contin-  
21 ued participation in the program.

22           (b) *UNMANNED AIRCRAFT SYSTEM DEFINED.*—In this  
23 section, the term “unmanned aircraft system” has the

1 *meaning given that term by section 44801 of title 49,*  
2 *United States Code, as added by section 2121 of this Act.*

3 **SEC. 2143. INCORPORATION OF FEDERAL AVIATION ADMIN-**  
4 **ISTRATION OCCUPATIONS RELATING TO UN-**  
5 **MANNED AIRCRAFT INTO VETERANS EMPLOY-**  
6 **MENT PROGRAMS OF THE ADMINISTRATION.**

7 *Not later than 180 days after the date of the enactment*  
8 *of this Act, the Administrator of the Federal Aviation Ad-*  
9 *ministration, in consultation with the Secretary of Veterans*  
10 *Affairs, the Secretary of Defense, and the Secretary of*  
11 *Labor, shall determine whether occupations of the Adminis-*  
12 *tration relating to unmanned aircraft systems technology*  
13 *and regulations can be incorporated into the Veterans Em-*  
14 *ployment Program of the Administration, particularly in*  
15 *the interaction between such program and the New Sights*  
16 *Work Experience Program and the Vet-Link Cooperative*  
17 *Education Program.*

18 **PART III—TRANSITION AND SAVINGS**

19 **PROVISIONS**

20 **SEC. 2151. SENIOR ADVISOR FOR UNMANNED AIRCRAFT**  
21 **SYSTEMS INTEGRATION.**

22 *(a) IN GENERAL.—There shall be in the Federal Avia-*  
23 *tion Administration a Senior Advisor for Unmanned Air-*  
24 *craft Systems Integration.*



1       (b) *QUALIFICATIONS.*—*The Senior Advisor for Un-*  
2 *manned Aircraft Systems Integration shall have a dem-*  
3 *onstrated ability in management and knowledge of or expe-*  
4 *rience in aviation.*

5       (c) *RESPONSIBILITIES.*—*Unless otherwise determined*  
6 *by the Administrator of the Federal Aviation Administra-*  
7 *tion—*

8           (1) *the Senior Advisor shall report directly to the*  
9 *Deputy Administrator of the Federal Aviation Ad-*  
10 *ministration; and*

11           (2) *the responsibilities of the Senior Advisor*  
12 *shall include the following:*

13               (A) *Providing advice to the Administrator*  
14 *and Deputy Administrator related to the inte-*  
15 *gration of unmanned aircraft systems into the*  
16 *national airspace system.*

17               (B) *Reviewing and evaluating Federal*  
18 *Aviation Administration policies, activities, and*  
19 *operations related to unmanned aircraft systems.*

20               (C) *Facilitating coordination and collabora-*  
21 *tion among components of the Federal Aviation*  
22 *Administration with respect to activities related*  
23 *to unmanned aircraft systems integration.*

24               (D) *Interacting with Congress, and Federal,*  
25 *State, or local agencies, and stakeholder organi-*

1            *zations whose operations and interests are af-*  
2            *ected by the activities of the Federal Aviation*  
3            *Administration on matters related to unmanned*  
4            *aircraft systems integration.*

5    **SEC. 2152. EFFECT ON OTHER LAWS.**

6            (a) *FEDERAL PREEMPTION.*—*No State or political*  
7            *subdivision of a State may enact or enforce any law, regu-*  
8            *lation, or other provision having the force and effect of law*  
9            *relating to the design, manufacture, testing, licensing, reg-*  
10           *istration, certification, operation, or maintenance of an un-*  
11           *manned aircraft system, including airspace, altitude, flight*  
12           *paths, equipment or technology requirements, purpose of op-*  
13           *erations, and pilot, operator, and observer qualifications,*  
14           *training, and certification.*

15           (b) *PRESERVATION OF STATE AND LOCAL AUTHOR-*  
16           *ITY.*—*Nothing in this subtitle shall be construed to limit*  
17           *a State or local government’s authority to enforce Federal,*  
18           *State, or local laws relating to nuisance, voyeurism, pri-*  
19           *vacy, data security, harassment, reckless endangerment,*  
20           *wrongful death, personal injury, property damage, or other*  
21           *illegal acts arising from the use of unmanned aircraft sys-*  
22           *tems if such laws are not specifically related to the use of*  
23           *an unmanned aircraft system.*

24           (c) *NO PREEMPTION OF COMMON LAW OR STATUTORY*  
25           *CAUSES OF ACTION.*—*Nothing in this subtitle, nor any*

1 *standard, rule, requirement, standard of performance, safe-*  
2 *ty determination, or certification implemented pursuant to*  
3 *this subtitle, shall be construed to preempt, displace, or sup-*  
4 *plant any State or Federal common law rights or any State*  
5 *or Federal statute creating a remedy for civil relief, includ-*  
6 *ing those for civil damage, or a penalty for a criminal con-*  
7 *duct. Notwithstanding any other provision of this subtitle,*  
8 *nothing in this subtitle, nor any amendments made by this*  
9 *subtitle, shall preempt or preclude any cause of action for*  
10 *personal injury, wrongful death, property damage, or other*  
11 *injury based on negligence, strict liability, products liabil-*  
12 *ity, failure to warn, or any other legal theory of liability*  
13 *under any State law, maritime law, or Federal common*  
14 *law or statutory theory.*

15 **SEC. 2153. SPECTRUM.**

16 (a) *IN GENERAL.*—*Small unmanned aircraft systems*  
17 *may operate wireless control link, tracking, diagnostics,*  
18 *payload communication, and collaborative-collision avoid-*  
19 *ance, such as vehicle-to-vehicle communication, and other*  
20 *uses, if permitted by and consistent with the Communica-*  
21 *tions Act of 1934 (47 U.S.C. 151 et seq.), Federal Commu-*  
22 *nications Commission rules, and the safety-of-life deter-*  
23 *mination made by the Federal Aviation Administration,*  
24 *and with carrier consent, whether they are operating within*

1 *the UTM system under section 2138 of this Act or outside*  
2 *such a system.*

3       **(b) REPORT.**—*Not later than 180 days after the date*  
4 *of enactment of this Act, the Administrator of the Federal*  
5 *Aviation Administration, the National Telecommunications*  
6 *and Information Administration, and the Federal Commu-*  
7 *nications Commission, shall submit to the Committee on*  
8 *Commerce, Science, and Transportation of the Senate, the*  
9 *Committee on Transportation and Infrastructure of the*  
10 *House of Representatives, and the Committee on Energy*  
11 *and Commerce of the House of Representatives a report—*

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

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

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

1 **SEC. 2154. APPLICATIONS FOR DESIGNATION.**

2       (a) *APPLICATIONS FOR DESIGNATION.*—Not later than  
3 180 days after the date of enactment of this Act, the Sec-  
4 retary of Transportation shall establish a process to allow  
5 applicants to petition the Administrator of the Federal  
6 Aviation Administration to prohibit or otherwise limit the  
7 operation of an aircraft, including an unmanned aircraft,  
8 over, under, or within a specified distance from a fixed site  
9 facility.

10       (b) *REVIEW PROCESS.*—

11               (1) *APPLICATION PROCEDURES.*—

12                       (A) *IN GENERAL.*—The Administrator shall  
13 establish the procedures for the application for  
14 designation under subsection (a).

15                       (B) *REQUIREMENTS.*—The procedures  
16 shall—

17                               (i) allow individual fixed site facility  
18 applications; and

19                               (ii) allow for a group of similar facili-  
20 ties to apply for a collective designation.

21                       (C) *CONSIDERATIONS.*—In establishing the  
22 procedures, the Administrator shall consider how  
23 the process will apply to—

24                               (i) critical infrastructure, such as en-  
25 ergy production, transmission, and dis-  
26 tribution facilities and equipment;

- 1                   (ii) oil refineries and chemical facili-  
2                   ties;  
3                   (iii) amusement parks; and  
4                   (iv) other locations that may benefit  
5                   from such restrictions.

6           (2) DETERMINATION.—

7                   (A) IN GENERAL.—The Secretary shall pro-  
8                   vide for a determination under the review proc-  
9                   ess established under subsection (a) not later  
10                  than 90 days from the date of application, unless  
11                  the applicant is provided with written notice de-  
12                  scribing the reason for the delay.

13                  (B) AFFIRMATIVE DESIGNATIONS.—An af-  
14                  firmative designation shall outline—

15                         (i) the boundaries for unmanned air-  
16                         craft operation near the fixed site facility;  
17                         and

18                         (ii) such other limitations that the Ad-  
19                         ministrator determines may be appropriate.

20                  (C) CONSIDERATIONS.—In making a deter-  
21                  mination whether to grant or deny an applica-  
22                  tion for a designation, the Administrator may  
23                  consider—

24                         (i) aviation safety;

1                   (ii) *personal safety of the uninvolved*  
2                   *public;*

3                   (iii) *national security; or*

4                   (iv) *homeland security.*

5                   (D) *OPPORTUNITY FOR RESUBMISSION.*—*If*  
6                   *an application is denied and the applicant can*  
7                   *reasonably address the reason for the denial, the*  
8                   *Administrator may allow the applicant to re-*  
9                   *apply for designation.*

10                  (c) *PUBLIC INFORMATION.*—*Designations under sub-*  
11                  *section (a) shall be published by the Federal Aviation Ad-*  
12                  *ministration on a publicly accessible website.*

13                  **SEC. 2155. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**  
14                  **STITUTIONS OF HIGHER EDUCATION.**

15                  (a) *IN GENERAL.*—*Not later than 270 days after the*  
16                  *date of enactment of this Act, the Administrator of the Fed-*  
17                  *eral Aviation Administration shall establish procedures and*  
18                  *standards, as applicable, to facilitate the safe operation of*  
19                  *unmanned aircraft systems by institutions of higher edu-*  
20                  *cation, including faculty, students, and staff.*

21                  (b) *STANDARDS.*—*The procedures and standards re-*  
22                  *quired under subsection (a) shall outline risk-based oper-*  
23                  *ational parameters to ensure the safety of the national air-*  
24                  *space system and the uninvolved public that facilitates the*

1 *use of unmanned aircraft systems for educational or re-*  
2 *search purposes.*

3 (c) *UNMANNED AIRCRAFT SYSTEM APPROVAL.—The*  
4 *procedures required under subsection (a) shall allow un-*  
5 *manned aircraft systems operated under this section to be*  
6 *modified for research purposes without iterative approval*  
7 *from the Administrator.*

8 (d) *ADDITIONAL PROCEDURES.—The Administrator*  
9 *shall establish a procedure to provide for streamlined, risk-*  
10 *based operational approval for unmanned aircraft systems*  
11 *operated by institutions of higher education, including fac-*  
12 *ulty, students, and staff, outside of the parameters or pur-*  
13 *poses set forth in subsection (b).*

14 (e) *DEADLINES.—*

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

20 (A) *without specific approval from the Fed-*  
21 *eral Aviation Administration, operate small un-*  
22 *manned aircraft at model aircraft fields ap-*  
23 *proved by the Academy of Model Aeronautics*  
24 *and with the permission of the local club of the*  
25 *Academy of Model Aeronautics; and*



1           (B) submit to the Federal Aviation Admin-  
2           istration applications for approval of the institu-  
3           tion's designation of 1 or more outdoor flight  
4           fields.

5           (2) CONSEQUENCE OF FAILURE TO APPROVE.—If  
6           the Administrator does not take action with respect to  
7           an application submitted under paragraph (1)(B)  
8           within 30 days of the submission of the application,  
9           the failure to do so shall be treated as approval of the  
10          application.

11          (f) DEFINITIONS.—In this section:

12           (1) INSTITUTION OF HIGHER EDUCATION.—The  
13           term “institution of higher education” has the mean-  
14           ing given that term by section 101(a) of the Higher  
15           Education Act of 1965 (20 U.S.C. 1001(a)).

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

20           (3) EDUCATIONAL OR RESEARCH PURPOSES.—  
21           The term “educational or research purposes”, with re-  
22           spect to the operation of an unmanned aircraft sys-  
23           tem by an institution of higher education, includes—

24           (A) instruction of students at the institu-  
25           tion;

1           (B) academic or research related use of un-  
2           manned aircraft systems by student organiza-  
3           tions recognized by the institution, if such use  
4           has been approved by the institution;

5           (C) activities undertaken by the institution  
6           as part of research projects, including research  
7           projects sponsored by the Federal Government;  
8           and

9           (D) other academic activities at the institu-  
10          tion, including general research, engineering,  
11          and robotics.

12 **SEC. 2156. TRANSITION LANGUAGE.**

13          (a) *REGULATIONS.*—Notwithstanding the repeals  
14          under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),  
15          2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-  
16          minations, rules, regulations, permits, grants, and con-  
17          tracts, which have been issued under any law described  
18          under subsection (b) of this section on or before the effective  
19          date of this Act shall continue in effect until modified or  
20          revoked by the Secretary of Transportation, acting through  
21          the Administrator of the Federal Aviation Administration,  
22          as applicable, by a court of competent jurisdiction, or by  
23          operation of law other than this Act.

24          (b) *LAWS DESCRIBED.*—The laws described under this  
25          subsection are as follows:

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

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

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

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

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

11       (c) *EFFECT ON PENDING PROCEEDINGS.—This Act*  
12 *shall not affect administrative or judicial proceedings pend-*  
13 *ing on the effective date of this Act.*

14                           **PART IV—OPERATOR SAFETY**

15 **SEC. 2161. SHORT TITLE.**

16       *This part may be cited as the “Drone Operator Safety*  
17 *Act”.*

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

19       (a) *FINDING.—Congress finds that educating operators*  
20 *of unmanned aircraft about the laws and regulations that*  
21 *govern such aircraft helps to ensure their safe operation.*

22       (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
23 *that the Administrator of the Federal Aviation Administra-*  
24 *tion should continue to prioritize the education of operators*

1 of unmanned aircraft through public outreach efforts like  
2 the “Know Before You Fly” campaign.

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

4 (a) *IN GENERAL.*—Chapter 2 of title 18, United States  
5 Code, is amended—

6 (1) in section 31—

7 (A) in subsection (a)—

8 (i) by redesignating paragraph (10) as  
9 paragraph (11); and

10 (ii) by inserting after paragraph (9)  
11 the following:

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

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

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

18 **“§ 39B. Unsafe operation of unmanned aircraft**

19 “(a) *OFFENSE.*—Any person who operates an un-  
20 manned aircraft and, in so doing, knowingly or recklessly  
21 interferes with, or disrupts the operation of, an aircraft car-  
22 rying 1 or more occupants operating in the special aircraft  
23 jurisdiction of the United States, in a manner that poses  
24 an imminent safety hazard to such occupants, shall be pun-  
25 ished as provided in subsection (b).

1       “(b) *PENALTY.*—

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

6               “(2) *SERIOUS BODILY INJURY OR DEATH.*—*Any*  
7 *person who attempts to cause, or knowingly or reck-*  
8 *lessly causes, serious bodily injury or death during*  
9 *the commission of an offense under subsection (a)*  
10 *shall be fined under this title, imprisoned for any*  
11 *term of years or for life, or both.*

12       “(c) *OPERATION OF UNMANNED AIRCRAFT IN CLOSE*  
13 *PROXIMITY TO AIRPORTS.*—

14               “(1) *IN GENERAL.*—*The operation of an un-*  
15 *manned aircraft within a runway exclusion zone*  
16 *shall be considered a violation of subsection (a) unless*  
17 *such operation is approved by the airport’s air traffic*  
18 *control facility or is the result of a circumstance, such*  
19 *as a malfunction, that could not have been reasonably*  
20 *foreseen or prevented by the operator.*

21               “(2) *RUNWAY EXCLUSION ZONE DEFINED.*—*In*  
22 *this subsection, the term ‘runway exclusion zone’*  
23 *means a rectangular area—*

24                       “(A) *centered on the centerline of an active*  
25 *runway of an airport immediately around which*

1           the airspace is designated as class B, class C, or  
 2           class D airspace at the surface under part 71 of  
 3           title 14, Code of Federal Regulations; and

4                   “(B) the length of which extends parallel to  
 5           the runway’s centerline to points that are 1 stat-  
 6           ute mile from each end of the runway and the  
 7           width of which is 1/2 statute mile.”.

8           (b) *CLERICAL AMENDMENT.*—The table of sections for  
 9           chapter 2 of title 18, United States Code, is amended by  
 10          inserting after the item relating to section 39A the fol-  
 11          lowing:

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

12                   ***Subtitle B—FAA Safety***

13                   ***Certification Reform***

14                   ***PART I—GENERAL PROVISIONS***

15          ***SEC. 2211. DEFINITIONS.***

16          *In this subtitle:*

17                   (1) *ADMINISTRATOR.*—The term “Adminis-  
 18           trator” means the Administrator of the Federal Avia-  
 19           tion Administration.

20                   (2) *ADVISORY COMMITTEE.*—The term “Advisory  
 21           Committee” means the Safety Oversight and Certifi-  
 22           cation Advisory Committee established under section  
 23           2212.

24                   (3) *FAA.*—The term “FAA” means the Federal  
 25           Aviation Administration.

1           (4) *SECRETARY.*—The term “Secretary” means  
2     the Secretary of Transportation.

3           (5) *SYSTEMS SAFETY APPROACH.*—The term  
4     “systems safety approach” means the application of  
5     specialized technical and managerial skills to the sys-  
6     tematic, forward-looking identification and control of  
7     hazards throughout the lifecycle of a project, program,  
8     or activity.

9     **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**  
10           **SORY COMMITTEE.**

11           (a) *ESTABLISHMENT.*—Not later than 60 days after  
12     the date of enactment of this Act, the Secretary shall estab-  
13     lish a Safety Oversight and Certification Advisory Com-  
14     mittee in accordance with this section.

15           (b) *DUTIES.*—The Advisory Committee shall provide  
16     advice to the Secretary on policy-level issues facing the  
17     aviation community that are related to FAA safety over-  
18     sight and certification programs and activities, including  
19     the following:

20           (1) *Aircraft and flight standards certification*  
21     *processes, including efforts to streamline those proc-*  
22     *esses.*

23           (2) *Implementation and oversight of safety man-*  
24     *agement systems.*

25           (3) *Risk-based oversight efforts.*

1           (4) *Utilization of delegation and designation au-*  
2 *thorities, including organization designation author-*  
3 *ization.*

4           (5) *Regulatory interpretation standardization ef-*  
5 *forts.*

6           (6) *Training programs.*

7           (7) *Expediting the rulemaking process and*  
8 *prioritizing safety-related rules.*

9           (8) *Enhancing global competitiveness of U.S.*  
10 *manufactured and FAA type-certificate aircraft prod-*  
11 *ucts and services throughout the world.*

12       (c) *FUNCTIONS.—In carrying out its duties under sub-*  
13 *section (b) related to FAA safety oversight and certification*  
14 *programs and activities, the Advisory Committee shall—*

15           (1) *foster aviation stakeholder collaboration in*  
16 *an open and transparent manner;*

17           (2) *consult with, and ensure participation by—*

18               (A) *the private sector, including representa-*  
19 *tives of—*

20                       (i) *general aviation;*

21                       (ii) *commercial aviation;*

22                       (iii) *aviation labor;*

23                       (iv) *aviation, aerospace, and avionics*  
24 *manufacturing; and*



1                   (v) *unmanned aircraft systems indus-*  
2                   *try; and*

3                   (B) *the public;*

4                   (3) *recommend consensus national goals, stra-*  
5                   *tegic objectives, and priorities for the most efficient,*  
6                   *streamlined, and cost-effective safety oversight and*  
7                   *certification processes in order to maintain the safety*  
8                   *of the aviation system while allowing the FAA to*  
9                   *meet future needs and ensure that aviation stake-*  
10                  *holders remain competitive in the global marketplace;*

11                  (4) *provide policy recommendations for the*  
12                  *FAA's safety oversight and certification efforts;*

13                  (5) *periodically review and provide recommenda-*  
14                  *tions regarding the FAA's safety oversight and certifi-*  
15                  *cation efforts;*

16                  (6) *periodically review and evaluate registration,*  
17                  *certification, and related fees;*

18                  (7) *provide appropriate legislative, regulatory,*  
19                  *and guidance recommendations for the air transpor-*  
20                  *tation system and the aviation safety regulatory envi-*  
21                  *ronment;*

22                  (8) *recommend performance objectives for the*  
23                  *FAA and aviation industry;*

24                  (9) *recommend performance metrics for the FAA*  
25                  *and the aviation industry to be tracked and reviewed*

1 *as streamlining certification reform, flight standards*  
2 *reform, and regulation standardization efforts*  
3 *progress;*

4 *(10) provide a venue for tracking progress to-*  
5 *ward national goals and sustaining joint commit-*  
6 *ments;*

7 *(11) recommend recruiting, hiring, staffing lev-*  
8 *els, training, and continuing education objectives for*  
9 *FAA aviation safety engineers and aviation safety in-*  
10 *spectors;*

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

13 *(13) improve the development of FAA regulations*  
14 *by providing information, advice, and recommenda-*  
15 *tions related to aviation issues;*

16 *(14) encourage the validation of U.S. manufac-*  
17 *tured and FAA type-certificate aircraft products and*  
18 *services throughout the world; and*

19 *(15) any other functions as determined appro-*  
20 *priate by the chairperson of the Advisory Committee*  
21 *and the Administrator.*

22 *(d) MEMBERSHIP.—*

23 *(1) VOTING MEMBERS.—The Advisory Committee*  
24 *shall be composed of the following voting members:*

1           (A) *The Administrator, or the Administra-*  
2           *tor's designee.*

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

5                   (i) *Aircraft and engine manufacturers.*

6                   (ii) *Avionics and equipment manufac-*  
7                   *turers.*

8                   (iii) *Aviation labor organizations, in-*  
9                   *cluding collective bargaining representatives*  
10                   *of FAA aviation safety inspectors and avia-*  
11                   *tion safety engineers.*

12                   (iv) *General aviation operators.*

13                   (v) *Air carriers.*

14                   (vi) *Business aviation operators.*

15                   (vii) *Unmanned aircraft systems man-*  
16                   *ufacturers and operators.*

17                   (viii) *Aviation safety management ex-*  
18                   *perts.*

19           (2) *NONVOTING MEMBERS.—*

20                   (A) *IN GENERAL.—In addition to the mem-*  
21                   *bers appointed under paragraph (1), the Advi-*  
22                   *sory Committee shall be composed of nonvoting*  
23                   *members appointed by the Secretary from among*  
24                   *individuals representing FAA safety oversight*  
25                   *program offices.*

1           (B) *DUTIES.*—*A nonvoting member may—*

2                   (i) *take part in deliberations of the Ad-*  
3           *visory Committee; and*

4                   (ii) *provide input with respect to any*  
5           *report or recommendation of the Advisory*  
6           *Committee.*

7           (C) *LIMITATION.*—*A nonvoting member*  
8           *may not represent any stakeholder interest other*  
9           *than that of an FAA safety oversight program*  
10          *office.*

11          (3) *TERMS.*—*Each voting member and non-*  
12          *voting member of the Advisory Committee shall be ap-*  
13          *pointed for a term of 2 years.*

14          (4) *RULE OF CONSTRUCTION.*—*Public Law 104-*  
15          *65 (2 U.S.C. 1601 et seq.) may not be construed to*  
16          *prohibit or otherwise limit the appointment of any*  
17          *individual as a member of the Advisory Committee.*

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 under*  
2 *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 Advisory*  
7 *Committee to have substantive discussions and reach*  
8 *consensus on issues in an expeditious manner.*

9 (4) *Appropriate expertise, including expertise in*  
10 *certification and risk-based safety oversight processes,*  
11 *operations, policy, technology, labor relations, train-*  
12 *ing, 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 shall*  
23 *convene at least 2 meetings a year at the call of the*  
24 *chairperson.*

1           (2) *PUBLIC ATTENDANCE.*—*Each meeting of the*  
2 *Advisory Committee shall be open and accessible to*  
3 *the public.*

4           (h) *SPECIAL COMMITTEES.*—

5           (1) *ESTABLISHMENT.*—*The Advisory Committee*  
6 *may establish 1 or more special committees composed*  
7 *of private sector representatives, members of the pub-*  
8 *lic, labor representatives, and other relevant parties*  
9 *in complying with consultation and participation re-*  
10 *quirements under subsection (c)(2).*

11           (2) *RULEMAKING ADVICE.*—*A special committee*  
12 *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 ex-*  
18 *isting and proposed regulations; and*

19                   (C) *assist in expediting the development, re-*  
20 *vision, 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 sub-*  
2       *section.*

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 FAA*  
12       *and the aviation industry relating to aircraft certification*  
13       *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 the*  
18       *Advisory Committee under paragraphs (8) and (9) of sec-*  
19       *tion 2212(c).*

20       (c) *PERFORMANCE OBJECTIVES.*—*In establishing per-*  
21       *formance objectives under subsection (a), the Administrator*  
22       *shall ensure progress is made toward, at a minimum—*

23               (1) *eliminating certification delays and improv-*  
24       *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 and*  
15 *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 im-*  
20 *plement 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 the*  
11 *date the Advisory Committee recommends initial per-*  
12 *formance metrics under section 2212(c)(9), the Ad-*  
13 *ministrator shall generate initial data with respect to*  
14 *each of the performance metrics applied and tracked*  
15 *under this section.*

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

22       (f) *PUBLICATION.*—

23           (1) *IN GENERAL.*—*Subject to paragraph (2), the*  
24 *Administrator shall make data generated using the*  
25 *performance metrics applied and tracked under this*

1 *section available in a searchable, sortable, and*  
 2 *downloadable format through the Internet Web site of*  
 3 *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;*  
 9 *and*

10 (B) *protects from inappropriate disclosure*  
 11 *proprietary information.*

12 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZA-**  
 13 **TIONS.**

14 (a) *IN GENERAL.—Chapter 447 is amended by adding*  
 15 *at the end the following:*

16 **“§44736. Organization designation authorizations**

17 **“(a) DELEGATIONS OF FUNCTIONS.—**

18 **“(1) IN GENERAL.—Except as provided in para-**  
 19 **graph (3), in the oversight of an ODA holder, the Ad-**  
 20 **ministrator of the Federal Aviation Administration,**  
 21 **in accordance with Federal Aviation Administration**  
 22 **standards, shall—**

23 **“(A) require, based on an application sub-**  
 24 **mitted by the ODA holder and approved by the**  
 25 **Administrator (or the Administrator’s designee),**

1           *a procedures manual that addresses all proce-*  
2           *dures and limitations regarding the specified*  
3           *functions to be performed by the ODA holder*  
4           *subject to regulations prescribed by the Adminis-*  
5           *trator;*

6           “(B) *delegate fully to the ODA holder each*  
7           *of the functions specified in the procedures man-*  
8           *ual, unless the Administrator determines, after*  
9           *the date of the delegation and as a result of an*  
10           *inspection or other investigation, that the public*  
11           *interest and safety of air commerce requires a*  
12           *limitation with respect to 1 or more of the func-*  
13           *tions; and*

14           “(C) *conduct oversight activities, including*  
15           *by inspecting the ODA holder’s delegated func-*  
16           *tions and taking action based on validated in-*  
17           *spection findings.*

18           “(2) *DUTIES OF ODA HOLDERS.—An ODA hold-*  
19           *er shall—*

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

23           “(B) *make the procedures manual available*  
24           *to each member of the appropriate ODA unit;*  
25           *and*

1           “(C) cooperate fully with oversight activities  
2           conducted by the Administrator in connection  
3           with the delegation.

4           “(3) *EXISTING ODA HOLDERS.*—With regard to  
5           an ODA holder operating under a procedures manual  
6           approved by the Administrator before the date of en-  
7           actment of the Federal Aviation Administration Re-  
8           authorization Act of 2016, the Administrator shall—

9           “(A) at the request of the ODA holder, and  
10          in an expeditious manner, consider revisions to  
11          the ODA holder’s procedures manual;

12          “(B) delegate fully to the ODA holder each  
13          of the functions specified in the procedures man-  
14          ual, unless the Administrator determines, after  
15          the date of the delegation and as a result of an  
16          inspection or other investigation, that the public  
17          interest and safety of air commerce requires a  
18          limitation with respect to 1 or more of the func-  
19          tions; and

20          “(C) conduct oversight activities, including  
21          by inspecting the ODA holder’s delegated func-  
22          tions and taking action based on validated in-  
23          spection findings.

24          “(b) *ODA OFFICE.*—

1           “(1) *ESTABLISHMENT.*—Not later than 120 days  
2 after the date of enactment of Federal Aviation Ad-  
3 ministration Reauthorization Act of 2016, the Ad-  
4 ministrator shall identify, within the Office of Avia-  
5 tion Safety, a centralized policy office to be respon-  
6 sible for the organization designation authorization  
7 (referred to in this subsection as the ODA Office). The  
8 Director of the ODA Office shall report to the Director  
9 of the Aircraft Certification Service.

10           “(2) *PURPOSE.*—The purpose of the ODA Office  
11 shall be to provide oversight and ensure consistency of  
12 the Federal Aviation Administration audit functions  
13 under the ODA program across the agency.

14           “(3) *FUNCTIONS.*—The ODA Office shall—

15           “(A)(i) at the request of an ODA holder,  
16 eliminate all limitations specified in a proce-  
17 dures manual in place on the date of enactment  
18 of the Federal Aviation Administration Reau-  
19 thorization Act of 2016 that are low and me-  
20 dium risk as determined by a risk analysis using  
21 criteria established by the ODA Office and dis-  
22 closed to the ODA holder, except where an ODA  
23 holder’s performance warrants the retention of a  
24 specific limitation due to documented concerns

1           *about inadequate current performance in car-*  
2           *rying out that authorized function;*

3           “(i) *require an ODA holder to establish a*  
4           *corrective action plan to regain authority for*  
5           *any retained limitations;*

6           “(iii) *require an ODA holder to notify the*  
7           *ODA Office when all corrective actions have been*  
8           *accomplished;*

9           “(iv) *make a reassessment to determine if*  
10           *subsequent performance in carrying out any re-*  
11           *tained limitation warrants continued retention*  
12           *and, if such reassessment determines perform-*  
13           *ance meets objectives, lift such limitation imme-*  
14           *diately;*

15           “(B) *improve the Administration and the*  
16           *ODA holder performance and ensure full use of*  
17           *the authorities delegated under the ODA pro-*  
18           *gram;*

19           “(C) *develop a more consistent approach to*  
20           *audit priorities, procedures, and training under*  
21           *the ODA program;*

22           “(D) *expeditiously review a random sample*  
23           *of limitations on delegated authorities under the*  
24           *ODA program to determine if the limitations are*  
25           *appropriate;*

1           “(E) review and approve new limitations to  
2           ODA functions; and

3           “(F) ensure national consistency in the in-  
4           terpretation and application of the requirements  
5           of the ODA program, including any limitations,  
6           and in the performance of the ODA program.

7           “(c) DEFINITIONS.—In this section:

8           “(1) ODA OR ORGANIZATION DESIGNATION AU-  
9           THORIZATION.—The term ‘ODA’ or ‘organization des-  
10           ignation authorization’ means an authorization  
11           under section 44702(d) to perform approved functions  
12           on behalf of the Administrator of the Federal Aviation  
13           Administration under subpart D of part 183 of title  
14           14, Code of Federal Regulations.

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

17           “(A) to which the Administrator of the Fed-  
18           eral Aviation Administration issues an ODA let-  
19           ter of designation under subpart D of part 183  
20           of title 14, Code of Federal Regulations (or any  
21           corresponding similar regulation or ruling); and

22           “(B) that is responsible for administering 1  
23           or more ODA units.

24           “(3) ODA PROGRAM.—The term ‘ODA program’  
25           means the program to standardize Federal Aviation

1     *Administration management and oversight of the or-*  
2     *ganizations that are approved to perform certain*  
3     *functions on behalf of the Administration under sec-*  
4     *tion 44702(d).*

5             “(4) *ODA UNIT.*—*The term ‘ODA unit’ means a*  
6     *group of 2 or more individuals under the supervision*  
7     *of an ODA holder who perform the specified functions*  
8     *under an ODA.*

9             “(5) *ORGANIZATION.*—*The term ‘organization’*  
10    *means a firm, a partnership, a corporation, a com-*  
11    *pany, an association, a joint-stock association, or a*  
12    *governmental entity.”.*

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

    “44736. *Organization designation authorizations.*”.

16    **SEC. 2223. ODA REVIEW.**

17    (a) *EXPERT REVIEW PANEL.*—

18             (1) *ESTABLISHMENT.*—*Not later than 60 days*  
19     *after the date of enactment of this Act, the Adminis-*  
20     *trator of the FAA shall convene a multidisciplinary*  
21     *expert review panel (referred to in this section as the*  
22     *“Panel”).*

23             (2) *COMPOSITION.*—



1           (A) *IN GENERAL.*—*The Panel shall be com-*  
2           *posed of not more than 20 members appointed by*  
3           *the Administrator.*

4           (B) *QUALIFICATIONS.*—*The members ap-*  
5           *pointed to the Panel shall—*

6                     (i) *each have a minimum of 5 years of*  
7                     *experience in processes and procedures*  
8                     *under the ODA program; and*

9                     (ii) *include representatives of ODA*  
10                    *holders, aviation manufacturers, safety ex-*  
11                    *perts, and FAA labor organizations, includ-*  
12                    *ing labor representatives of FAA aviation*  
13                    *safety inspectors and aviation safety engi-*  
14                    *neers.*

15           (b) *SURVEY.*—*The Panel shall survey ODA holders*  
16           *and ODA program applicants to document FAA safety*  
17           *oversight and certification programs and activities, includ-*  
18           *ing the FAA’s use of the ODA program and the speed and*  
19           *efficiency of the certification process. In carrying out this*  
20           *subsection, the Administrator shall consult with the appro-*  
21           *priate survey experts and the Panel to best design and con-*  
22           *duct the survey.*

23           (c) *ASSESSMENT.*—*The Panel shall—*

24                     (1) *conduct an assessment of—*

1           (A) *the FAA's processes and procedures*  
2           *under the ODA program and whether the proc-*  
3           *esses and procedures function as intended;*

4           (B) *the best practices of and lessons learned*  
5           *by ODA holders and the FAA personnel who pro-*  
6           *vide oversight of ODA holders;*

7           (C) *the performance incentive policies, re-*  
8           *lated to the ODA program for FAA personnel,*  
9           *that do not conflict with the public interest;*

10          (D) *the training activities related to the*  
11          *ODA program for FAA personnel and ODA*  
12          *holders; and*

13          (E) *the impact, if any, that oversight of the*  
14          *ODA program has on FAA resources and the*  
15          *FAA's ability to process applications for certifi-*  
16          *cations outside of the ODA program; and*

17          (2) *make recommendations for improving FAA*  
18          *safety oversight and certification programs and ac-*  
19          *tivities based on the results of the survey under sub-*  
20          *section (b) and each element of the assessment under*  
21          *paragraph (1) of this subsection.*

22          (d) *REPORT.*—*Not later than 180 days after the date*  
23          *the Panel is convened under subsection (a), the Panel shall*  
24          *submit to the Administrator, the Advisory Committee estab-*  
25          *lished under section 2212, and the appropriate committees*

1 of Congress a report on results of the survey under sub-  
2 section (b) and the assessment and recommendations under  
3 subsection (c).

4 (e) *DEFINITIONS.*—The terms used in this section have  
5 the meanings given the terms in section 44736 of title 49,  
6 United States Code.

7 (f) *FEDERAL ADVISORY COMMITTEE ACT.*—The Fed-  
8 eral Advisory Committee Act (5 U.S.C. App.) shall not  
9 apply to the Panel.

10 (g) *SUNSET.*—The Panel shall terminate on the date  
11 the report is submitted under subsection (d).

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

13 (a) *IN GENERAL.*—Section 44704(a) is amended by  
14 adding at the end the following:

15 “(6) *TYPE CERTIFICATION RESOLUTION PROC-*  
16 *ESS.*—

17 “(A) *IN GENERAL.*—Not later than 15  
18 months after the date of enactment of Federal  
19 Aviation Administration Reauthorization Act of  
20 2016, the Administrator shall establish an effec-  
21 tive, expeditious, and milestone-based issue reso-  
22 lution process for type certification activities  
23 under this subsection.

24 “(B) *PROCESS REQUIREMENTS.*—The reso-  
25 lution process shall provide for—

1           “(i) the resolution of technical issues at  
2           preestablished stages of the certification  
3           process, as agreed to by the Administrator  
4           and the type certificate applicant;

5           “(ii) the automatic escalation to ap-  
6           propriate management personnel of the Fed-  
7           eral Aviation Administration and the type  
8           certificate applicant of any major certifi-  
9           cation process milestone that is not com-  
10          pleted or resolved within a specific period of  
11          time agreed to by the Administrator and the  
12          type certificate applicant; and

13          “(iii) the resolution of a major certifi-  
14          cation process milestone escalated under  
15          clause (ii) within a specific period of time  
16          agreed to by the Administrator and the type  
17          certificate applicant.

18          “(C) *DEFINITION OF MAJOR CERTIFICATION*  
19          *PROCESS MILESTONE.*—In this paragraph, the  
20          term ‘major certification process milestone’  
21          means a milestone related to a type certification  
22          basis, type certification plan, type inspection au-  
23          thorization, issue paper, or other major type cer-  
24          tification activity agreed to by the Administrator  
25          and the type certificate applicant.”.

1       (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
2 Section 44704 is amended in the heading by striking “**air-**  
3 **worthiness certificates,**” and inserting “**air-**  
4 **worthiness certificates,**”.

5 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**  
6 **GENERAL AVIATION AIRPLANES.**

7       (a) *POLICY.*—In a manner consistent with the Small  
8 Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note),  
9 not later than 180 days after the date of enactment of this  
10 Act, the Administrator shall establish and begin imple-  
11 menting a risk-based policy that streamlines the installa-  
12 tion of safety enhancing technologies for small general avia-  
13 tion airplanes in a manner that reduces regulatory delays  
14 and significantly improves safety.

15       (b) *INCLUSIONS.*—The safety enhancing technologies  
16 for small general aviation airplanes described in subsection  
17 (a) shall include, at a minimum, the replacement or retrofit  
18 of primary flight displays, auto pilots, engine monitors,  
19 and navigation equipment.

20       (c) *COLLABORATION.*—In carrying out this section, the  
21 Administrator shall collaborate with general aviation oper-  
22 ators, general aviation manufacturers, and appropriate  
23 FAA labor organizations, including representatives of FAA  
24 aviation safety inspectors and aviation safety engineers,  
25 certified under section 7111 of title 5, United States Code.

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

4           (1) *is certified to the standards of part 23 of title*  
 5 *14, Code of Federal Regulations;*

6           (2) *has a seating capacity of not more than 9*  
 7 *passengers; and*

8           (3) *is not used in scheduled passenger-carrying*  
 9 *operations under part 121 of title 14, Code of Federal*  
 10 *Regulations.*

11 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-**  
 12 **ERAL AVIATION AIRPLANES.**

13       (a) *FINAL RULEMAKING.*—*Not later than December*  
 14 *31, 2016, the Administrator shall issue a final rulemaking*  
 15 *to comply with section 3 of the Small Airplane Revitaliza-*  
 16 *tion Act of 2013 (49 U.S.C. 44704 note).*

17       (b) *GOVERNMENT REVIEW.*—*The Federal Govern-*  
 18 *ment’s review process shall be streamlined to meet the dead-*  
 19 *line in subsection (a).*

20 **PART III—FLIGHT STANDARDS REFORM**

21 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJECTIVES**  
 22 **AND METRICS.**

23       (a) *IN GENERAL.*—*Not later than 120 days after the*  
 24 *date the Advisory Committee is established under section*  
 25 *2212, the Administrator shall establish performance objec-*

1 *tives and apply and track performance metrics for the FAA*  
2 *and the aviation industry relating to flight standards ac-*  
3 *tivities in accordance with this section.*

4       **(b) COLLABORATION.**—*The Administrator shall carry*  
5 *out this section in collaboration with the Advisory Com-*  
6 *mittee and update agency performance objectives and*  
7 *metrics after considering the recommendations of the Advi-*  
8 *sory Committee under paragraphs (8) and (9) of section*  
9 *2212(c).*

10       **(c) PERFORMANCE OBJECTIVES.**—*In carrying out sub-*  
11 *section (a), the Administrator shall ensure that progress is*  
12 *made toward, at a minimum—*

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

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

17               (3) *fully implementing risk management prin-*  
18 *ciples and a systems safety approach;*

19               (4) *reducing duplication of effort;*

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

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

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

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

6           (9) *maintaining and improving safety; and*

7           (10) *increasing transparency.*

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

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

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

16           (e) *DATA.—*

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

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



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

5 *(f) PUBLICATION.—*

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

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

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

18 *(B) protects from inappropriate disclosure*  
19 *proprietary information.*

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

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

1       **(b) MEMBERSHIP.**—

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

4               **(2) NUMBER.**—*The Task Force shall be composed*  
5 *of not more than 20 members.*

6               **(3) REPRESENTATION REQUIREMENTS.**—*The*  
7 *membership of the Task Force shall include represent-*  
8 *atives, with knowledge of flight standards regulatory*  
9 *processes and requirements, of—*

10                   **(A)** *air carriers;*

11                   **(B)** *general aviation;*

12                   **(C)** *business aviation;*

13                   **(D)** *repair stations;*

14                   **(E)** *unmanned aircraft systems operators;*

15                   **(F)** *flight schools;*

16                   **(G)** *labor unions, including those rep-*  
17 *resenting FAA aviation safety inspectors and*

18 *those representing FAA aviation safety engineers;*

19 *and*

20                   **(H)** *aviation safety experts.*

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

24               **(1)** *simplifying and streamlining flight stand-*  
25 *ards regulatory processes;*

1           (2) *reorganizing the Flight Standards Service to*  
2           *establish an entity organized by function rather than*  
3           *geographic region, if appropriate;*

4           (3) *FAA aviation safety inspector training op-*  
5           *portunities;*

6           (4) *FAA aviation safety inspector standards and*  
7           *performance; and*

8           (5) *achieving, across the FAA, consistent—*

9                   (A) *regulatory interpretations; and*

10                   (B) *application of oversight activities.*

11           (d) *REPORT.—Not later than 1 year after the date of*  
12           *enactment of this Act, the Task Force shall submit to the*  
13           *Administrator, Advisory Committee established under sec-*  
14           *tion 2212, and appropriate committees of Congress a report*  
15           *detailing—*

16                   (1) *the best practices identified and rec-*  
17                   *ommendations provided by the Task Force under sub-*  
18                   *section (c); and*

19                   (2) *any recommendations of the Task Force for*  
20                   *additional regulatory action or cost-effective legisla-*  
21                   *tive action.*

22           (e) *FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*  
23           *eral Advisory Committee Act (5 U.S.C. App.) shall not*  
24           *apply to the Task Force.*

1       (f) *SUNSET.*—*The Task Force shall cease to exist on*  
2 *the date that the Task Force submits the report required*  
3 *under subsection (d).*

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

5       (a) *ESTABLISHMENT.*—*Not later than 1 year after the*  
6 *date of enactment of this Act, the Administrator of the FAA*  
7 *shall establish a centralized safety guidance database for all*  
8 *of the regulatory guidance issued by the FAA Office of Avia-*  
9 *tion Safety regarding compliance with 1 or more aviation*  
10 *safety-related provisions of the Code of Federal Regulations.*

11       (b) *REQUIREMENTS.*—*The database under subsection*  
12 *(a) shall—*

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

15               (2) *subject to paragraph (3), be accessible to the*  
16 *public; and*

17               (3) *be provided in a manner that—*

18                       (A) *protects from disclosure identifying in-*  
19 *formation regarding an individual or entity;*  
20 *and*

21                       (B) *protects from inappropriate disclosure*  
22 *proprietary information.*

23       (c) *DATA ENTRY TIMING.*—

24               (1) *EXISTING DOCUMENTS.*—*Not later than 14*  
25 *months after the date the database is established, the*

1     *Administrator shall have completed entering into the*  
2     *database any applicable regulatory guidance that are*  
3     *in effect and were issued before that date.*

4             (2) *NEW REGULATORY GUIDANCE AND UP-*  
5     *DATES.—Beginning on the date the database is estab-*  
6     *lished, the Administrator shall ensure that any appli-*  
7     *cable regulatory guidance that are issued on or after*  
8     *that date are entered into the database as they are*  
9     *issued.*

10            (d) *CONSULTATION REQUIREMENT.—In establishing*  
11     *the database under subsection (a), the Administrator shall*  
12     *consult and collaborate with appropriate stakeholders, in-*  
13     *cluding labor organizations (including those representing*  
14     *aviation workers, FAA aviation safety engineers, and FAA*  
15     *aviation safety inspectors) and aviation industry stake-*  
16     *holders.*

17            (e) *DEFINITION OF REGULATORY GUIDANCE.—In this*  
18     *section, the term “regulatory guidance” means all forms of*  
19     *written information issued by the FAA that an individual*  
20     *or entity may use to interpret or apply FAA regulations*  
21     *and requirements, including information an individual or*  
22     *entity may use to determine acceptable means of compliance*  
23     *with such regulations and requirements, such as an order,*  
24     *manual, circular, policy statement, legal interpretation*  
25     *memorandum, and rulemaking documents.*

1 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**

2 **BOARD.**

3 (a) *ESTABLISHMENT.*—Not later than 180 days after  
4 the date of enactment of this Act, the Administrator of the  
5 FAA shall establish a Regulatory Consistency Communica-  
6 tions Board (referred to in this section as the “Board”).

7 (b) *CONSULTATION REQUIREMENT.*—In establishing  
8 the Board, the Administrator shall consult and collaborate  
9 with appropriate stakeholders, including FAA labor organi-  
10 zations (including labor organizations representing FAA  
11 aviation safety inspectors and labor organizations rep-  
12 resenting FAA aviation safety engineers) and aviation in-  
13 dustry stakeholders.

14 (c) *MEMBERSHIP.*—The Board shall be composed of  
15 FAA representatives, appointed by the Administrator,  
16 from—

- 17 (1) the Flight Standards Service;
- 18 (2) the Aircraft Certification Service; and
- 19 (3) the Office of the Chief Counsel.

20 (d) *FUNCTIONS.*—The Board shall carry out the fol-  
21 lowing functions:

22 (1) Recommend, at a minimum, processes by  
23 which—

24 (A) FAA personnel and persons regulated  
25 by the FAA may submit regulatory interpreta-  
26 tion questions without fear of retaliation;

1           (B) FAA personnel may submit written  
2           questions as to whether a previous approval or  
3           regulatory interpretation issued by FAA per-  
4           sonnel in another office or region is correct or  
5           incorrect; and

6           (C) any other person may submit anony-  
7           mous regulatory interpretation questions.

8           (2) Meet on a regular basis to discuss and resolve  
9           questions submitted under paragraph (1) and the ap-  
10          propriate application of regulations and policy with  
11          respect to each question.

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

16          (4) Recommend a process to make the resolution  
17          of common regulatory interpretation questions pub-  
18          licly available to FAA personnel and the public in a  
19          manner that—

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

22                 (B) protects any proprietary information.

23          (5) Ensure that responses to questions under this  
24          subsection are incorporated into regulatory guidance  
25          (as defined in section 2233(e)).

1       (e) *PERFORMANCE METRICS, TIMELINES, AND*  
2 *GOALS.*—Not later than 180 days after the date that the  
3 *Advisory Committee recommends performance objectives*  
4 *and performance metrics for the FAA and the aviation in-*  
5 *dustry under paragraphs (8) and (9) of section 2212(c), the*  
6 *Administrator, in collaboration with the Advisory Com-*  
7 *mittee, shall—*

8           (1) *establish performance metrics, timelines, and*  
9 *goals to measure the progress of the Board in resolv-*  
10 *ing regulatory interpretation questions submitted*  
11 *under subsection (d)(1); and*

12           (2) *implement a process for tracking the progress*  
13 *of the Board in meeting the performance metrics,*  
14 *timelines, and goals under paragraph (1).*

15 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**  
16 **FEASIBILITY REPORT.**

17       (a) *IN GENERAL.*—Not later than 1 year after the date  
18 *of enactment of this Act, the Administrator, in consultation*  
19 *with relevant industry stakeholders, shall—*

20           (1) *determine the feasibility of realigning flight*  
21 *standards service regional field offices to specialized*  
22 *areas of aviation safety oversight and technical exper-*  
23 *tise; and*

24           (2) *submit to the appropriate committees of Con-*  
25 *gress a report on the findings under paragraph (1).*



1       (b) *CONSIDERATIONS.*—*In making a determination*  
2 *under subsection (a), the Administrator shall consider a*  
3 *flight standards service regional field office providing sup-*  
4 *port in the area of its technical expertise to flight standards*  
5 *district offices and certificate management offices.*

6 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

7       (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
8 *sion of law, and subject to the requirements of subsection*  
9 *(b), the Administrator may enter into a reimbursable agree-*  
10 *ment with an applicant or certificate holder for the reason-*  
11 *able travel and per diem expenses of the FAA associated*  
12 *with official travel to expedite the acceptance or validation*  
13 *by a foreign authority of an FAA certificate or design ap-*  
14 *proval.*

15       (b) *CONDITIONS.*—*The Administrator may enter into*  
16 *an agreement under subsection (a) only if—*

17               (1) *the travel covered under the agreement is de-*  
18 *termined to be necessary, by both the Administrator*  
19 *and the applicant or certificate holder, to expedite the*  
20 *acceptance or validation of the relevant certificate or*  
21 *approval;*

22               (2) *the travel is conducted at the request of the*  
23 *applicant or certificate holder;*

1           (3) *the travel plans and expenses are approved*  
2 *by the applicant or certificate holder prior to travel;*  
3 *and*

4           (4) *the agreement requires payment in advance*  
5 *of FAA services and is consistent with the processes*  
6 *under section 106(l)(6) of title 49, United States*  
7 *Code.*

8           (c) *REPORT.*—*Not later than 2 years after the date of*  
9 *enactment of this Act, the Administrator shall submit to*  
10 *the appropriate committees of Congress a report on—*

11           (1) *the number of occasions on which the Admin-*  
12 *istrator entered into reimbursable agreements under*  
13 *this section;*

14           (2) *the number of occasions on which the Admin-*  
15 *istrator declined a request by an applicant or certifi-*  
16 *cate holder to enter into a reimbursable agreement*  
17 *under this section;*

18           (3) *the amount of reimbursements collected in*  
19 *accordance with agreements under this section; and*

20           (4) *the extent to which reimbursable agreements*  
21 *under this section assisted in reducing the amount of*  
22 *time necessary for foreign authorities' validations of*  
23 *FAA certificates and design approvals.*

24           (d) *DEFINITIONS.*—*In this section:*

1           (1) *APPLICANT*.—The term “applicant” means a  
2           person that has applied to a foreign authority for the  
3           acceptance or validation of an FAA certificate or de-  
4           sign approval.

5           (2) *CERTIFICATE HOLDER*.—The term “certifi-  
6           cate holder” means a person that holds a certificate  
7           issued by the Administrator under part 21 of title 14,  
8           Code of Federal Regulations.

9                           **PART IV—SAFETY WORKFORCE**

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

11       (a) *SAFETY WORKFORCE TRAINING STRATEGY*.—Not  
12       later than 60 days after the date of enactment of this Act,  
13       the Administrator of the FAA shall review and revise its  
14       safety workforce training strategy to ensure that it—

15           (1) *aligns with an effective risk-based approach*  
16           *to safety oversight;*

17           (2) *best utilizes available resources;*

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

23           (4) *seeks knowledge-sharing opportunities be-*  
24           *tween the FAA and the aviation industry in new*

1 *technologies, best practices, and other areas of interest*  
2 *related to safety oversight;*

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

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

10 *(b) REPORT.—Not later than 270 days after the date*  
11 *the strategy is established under subsection (a), the Admin-*  
12 *istrator shall submit to the appropriate committees of Con-*  
13 *gress a report on the implementation of the strategy and*  
14 *progress in meeting any milestones or metrics included in*  
15 *the strategy.*

16 *(c) DEFINITIONS.—In this section:*

17 *(1) ODA HOLDER.—The term “ODA holder” has*  
18 *the meaning given the term in section 44736 of title*  
19 *49, United States Code.*

20 *(2) ODA PROGRAM.—The term “ODA program”*  
21 *has the meaning given the term in section 44736(c)(3)*  
22 *of title 49, United States Code, as added by this Act.*

23 *(3) ORGANIZATION MANAGEMENT TEAM.—The*  
24 *term “organization management team” means a*  
25 *group of FAA employees consisting of FAA aviation*

1     *safety engineers, flight test pilots, and aviation safety*  
2     *inspectors overseeing an ODA holder and its specified*  
3     *function delegated under section 44702 of title 49,*  
4     *United States Code.*

5     **SEC. 2242. WORKFORCE STUDY.**

6         *(a) WORKFORCE STUDY.—Not later than 90 days after*  
7     *the date of enactment of this Act, the Comptroller General*  
8     *of the United States shall conduct a study to assess the*  
9     *workforce and training needs of the Office of Aviation Safe-*  
10    *ty of the Federal Aviation Administration and take into*  
11    *consideration how those needs could be met.*

12         *(b) CONTENTS.—The study under subsection (a) shall*  
13    *include—*

14             *(1) a review of the current staffing levels and re-*  
15             *quirements for hiring and training, including recur-*  
16             *rent training, of aviation safety inspectors and avia-*  
17             *tion safety engineers;*

18             *(2) an analysis of the skills and qualifications*  
19             *required of aviation safety inspectors and aviation*  
20             *safety engineers for successful performance in the cur-*  
21             *rent and future projected aviation safety regulatory*  
22             *environment, including an analysis of the need for a*  
23             *systems engineering discipline within the Federal*  
24             *Aviation Administration to guide the engineering of*  
25             *complex systems, with an emphasis on auditing an*

1        *ODA holder (as defined in section 44736(c) of title*  
2        *49, United States Code);*

3            *(3) a review of current performance incentive*  
4        *policies of the Federal Aviation Administration, as*  
5        *applied to the Office of Aviation Safety, including*  
6        *awards for performance;*

7            *(4) an analysis of ways the Federal Aviation Ad-*  
8        *ministration can work with the aviation industry*  
9        *and FAA labor force to establish knowledge-sharing*  
10       *opportunities between the Federal Aviation Adminis-*  
11       *tration and the aviation industry in new technologies,*  
12       *best practices, and other areas that could improve the*  
13       *aviation safety regulatory system; and*

14           *(5) recommendations on the best and most cost-*  
15       *effective approaches to address the needs of the current*  
16       *and future projected aviation safety regulatory sys-*  
17       *tem, including qualifications, training programs, and*  
18       *performance incentives for relevant agency personnel.*

19        *(c) REPORT.—Not later than 270 days after the date*  
20       *of enactment of this Act, the Comptroller General shall sub-*  
21       *mit to the appropriate committees of Congress a report on*  
22       *the results of the study required under subsection (a).*

1           **PART V—INTERNATIONAL AVIATION**  
2   **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**  
3           **STANDARDS, PRODUCTS, AND SERVICES**  
4           **ABROAD.**

5       *Section 40104 is amended by adding at the end the*  
6 *following:*

7       “(d) *PROMOTION OF UNITED STATES AEROSPACE*  
8 *STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The*  
9 *Secretary shall take appropriate actions—*

10           “(1) *to promote United States aerospace-related*  
11 *safety standards abroad;*

12           “(2) *to facilitate and vigorously defend approv-*  
13 *als of United States aerospace products and services*  
14 *abroad;*

15           “(3) *with respect to bilateral partners, to use bi-*  
16 *lateral safety agreements and other mechanisms to*  
17 *improve validation of United States type certificated*  
18 *aeronautical products and services and enhance mu-*  
19 *tual acceptance in order to eliminate redundancies*  
20 *and unnecessary costs; and*

21           “(4) *with respect to the aeronautical safety au-*  
22 *thorities of a foreign country, to streamline that coun-*  
23 *try’s validation of United States aerospace standards,*  
24 *products, and services.”.*

1 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**  
2 **RESPONSIBILITIES.**

3 *Section 44701(e) is amended by adding at the end the*  
4 *following:*

5 *“(5) FOREIGN AIRWORTHINESS DIRECTIVES.—*

6 *“(A) ACCEPTANCE.—The Administrator*  
7 *shall accept an airworthiness directive (as de-*  
8 *defined in section 39.3 of title 14, Code of Federal*  
9 *Regulations) issued by an aeronautical safety*  
10 *authority of a foreign country, and leverage that*  
11 *aeronautical safety authority’s regulatory proc-*  
12 *ess, if—*

13 *“(i) the country is the state of design*  
14 *for the product that is the subject of the air-*  
15 *worthiness directive;*

16 *“(ii) the United States has a bilateral*  
17 *safety agreement relating to aircraft certifi-*  
18 *cation with the country;*

19 *“(iii) as part of the bilateral safety*  
20 *agreement with the country, the Adminis-*  
21 *trator has determined that the aeronautical*  
22 *safety authority has an aircraft certifi-*  
23 *cation system relating to safety that pro-*  
24 *duces a level of safety equivalent to the level*  
25 *produced by the system of the Federal Avia-*  
26 *tion Administration; and*



1           “(iv) the aeronautical safety authority  
2           utilizes an open and transparent public no-  
3           tice and comment process in the issuance of  
4           airworthiness directives.

5           “(B) *ALTERNATIVE APPROVAL PROCESS.*—  
6           Notwithstanding subparagraph (A), the Admin-  
7           istrator may issue a Federal Aviation Adminis-  
8           tration airworthiness directive instead of accept-  
9           ing the airworthiness directive issued by the  
10          aeronautical safety authority of a foreign coun-  
11          try if the Administrator determines that such  
12          issuance is necessary for safety or operational  
13          reasons due to the complexity or unique features  
14          of the Federal Aviation Administration air-  
15          worthiness directive or the United States avia-  
16          tion system.

17          “(C) *ALTERNATIVE MEANS OF COMPLI-*  
18          *ANCE.*—The Administrator may—

19                 “(i) accept an alternative means of  
20                 compliance, with respect to an airworthi-  
21                 ness directive under subparagraph (A), that  
22                 was approved by the aeronautical safety au-  
23                 thority of the foreign country that issued the  
24                 airworthiness directive; or

1           “(ii) notwithstanding subparagraph  
2           (A), and at the request of any person af-  
3           fected by an airworthiness directive under  
4           that subparagraph, the Administrator may  
5           approve an alternative means of compliance  
6           with respect to the airworthiness directive.”.

7 **SEC. 2253. FAA LEADERSHIP ABROAD.**

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

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

16           (2) work with United States companies to more  
17          accurately track the amount of time it takes foreign  
18          authorities, including bilateral partners, to validate  
19          United States type certificated aeronautical products;

20           (3) provide assistance to United States compa-  
21          nies who have experienced significantly long foreign  
22          validation wait times;

23           (4) work with foreign authorities, including bi-  
24          lateral partners, to collect and analyze data to deter-  
25          mine the timeliness of the acceptance and validation

1 *of FAA design and production approvals by foreign*  
2 *authorities and the acceptance and validation of for-*  
3 *foreign-certified products by the FAA;*

4 *(5) establish appropriate benchmarks and*  
5 *metrics to measure the success of bilateral aviation*  
6 *safety agreements and to reduce the validation time*  
7 *for United States type certificated aeronautical prod-*  
8 *ucts abroad; and*

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

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

18 *(1) describes the Administrator’s strategic plan*  
19 *for international engagement;*

20 *(2) describes the structure and responsibilities of*  
21 *all FAA offices that have international responsibil-*  
22 *ities, including the Aircraft Certification Office, and*  
23 *all the activities conducted by those offices related to*  
24 *certification and production;*

1           (3) describes current and forecasted staffing and  
2           travel needs for the FAA's international engagement  
3           activities, including the needs of the Aircraft Certifi-  
4           cation Office in the current and forecasted budgetary  
5           environment;

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

12          (5) identifies policy initiatives, regulatory ini-  
13          tiatives, or cost-effective legislative initiatives needed  
14          to improve and enhance the timely acceptance of  
15          United States aerospace products abroad.

16          (c) *INTERNATIONAL TRAVEL.*—The Administrator of  
17          the FAA, or the Administrator's designee, may authorize  
18          international travel for any FAA employee, without the ap-  
19          proval of any other person or entity, if the Administrator  
20          determines that the travel is necessary—

21                 (1) to promote United States aerospace safety  
22                 standards; or

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

1 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**  
2 **FEES.**

3 *Section 45305 is amended—*

4 *(1) in subsection (a) by striking “Subject to sub-*  
5 *section (b)” and inserting “Subject to subsection (c)”;*

6 *(2) by redesignating subsections (b) and (c) as*  
7 *subsections (c) and (d), respectively; and*

8 *(3) by inserting after subsection (a) the fol-*  
9 *lowing:*

10 *“(b) CERTIFICATION SERVICES.—Subject to subsection*  
11 *(c), and notwithstanding section 45301(a), the Adminis-*  
12 *trator may establish and collect a fee from a foreign govern-*  
13 *ment or entity for services related to certification, regardless*  
14 *of where the services are provided, if the fee—*

15 *“(1) is established and collected in a manner*  
16 *consistent with aviation safety agreements; and*

17 *“(2) does not exceed the estimated costs of the*  
18 *services.”.*

19 ***Subtitle C—Airline Passenger***  
20 ***Safety and Protections***

21 **SEC. 2301. PILOT RECORDS DATABASE DEADLINE.**

22 *Section 44703(i)(2) is amended by striking “The Ad-*  
23 *ministrator shall establish” and inserting “Not later than*  
24 *April 30, 2017, the Administrator shall establish and make*  
25 *available for use”.*

1 **SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.**

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

8 **SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.**

9       *(a) IN GENERAL.—Not later than 1 year after the date*  
10 *of enactment of this Act, the Administrator of the Federal*  
11 *Aviation Administration shall assess current performance*  
12 *standards, and as appropriate, conduct a rulemaking to re-*  
13 *vising the standards to improve near-term and long-term air-*  
14 *craft tracking and flight data recovery, including retrieval,*  
15 *access, and protection of such data after an incident or acci-*  
16 *dent.*

17       *(b) CONSIDERATIONS.—In revising the performance*  
18 *standards under subsection (a), the Administrator may con-*  
19 *sider—*

20               *(1) various methods for improving detection and*  
21 *retrieval of flight data, including—*

22                       *(A) low frequency underwater locating de-*  
23 *vices; and*

24                       *(B) extended battery life for underwater lo-*  
25 *cating devices;*

26               *(2) automatic deployable flight recorders;*

1           (3) *triggered transmission of flight data, and*  
2           *other satellite-based solutions;*

3           (4) *distress-mode tracking; and*

4           (5) *protections against disabling flight recorder*  
5           *systems.*

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

14   **SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.**

15           (a) *MODERNIZATION OF TRAINING.—Not later than*  
16           *October 1, 2017, the Administrator of the Federal Aviation*  
17           *Administration shall review, and update as necessary, re-*  
18           *cent guidance regarding pilot flight deck monitoring that*  
19           *an air carrier can use to train and evaluate its pilots to*  
20           *ensure that air carrier pilots are trained to use and monitor*  
21           *automation systems while also maintaining proficiency in*  
22           *manual flight operations consistent with the final rule enti-*  
23           *tled, “Qualification, Service, and Use of Crewmembers and*  
24           *Aircraft Dispatchers”, published on November 12, 2013 (78*  
25           *Fed. Reg. 67799).*

1       **(b) CONSIDERATIONS.**—*In reviewing and updating the*  
2 *guidance, the Administrator shall—*

3           (1) *consider casualty driven scenarios during*  
4 *initial and recurrent simulator instruction that focus*  
5 *on automation complacency during system failure,*  
6 *including flight segments when automation is typi-*  
7 *cally engaged and should result in hand flying the*  
8 *aircraft into a safe position while employing crew re-*  
9 *source management principles;*

10          (2) *consider the development of metrics or meas-*  
11 *urable tasks an air carrier may use to evaluate the*  
12 *ability of pilots to appropriately monitor flight deck*  
13 *systems;*

14          (3) *consider the development of metrics an air*  
15 *carrier may use to evaluate manual flying skills and*  
16 *improve related training;*

17          (4) *convene an expert panel, including members*  
18 *with expertise in human factors, training, and flight*  
19 *operations—*

20           (A) *to evaluate and develop methods for*  
21 *training flight crews to understand the*  
22 *functionality of automated systems for flight*  
23 *path management;*

24           (B) *to identify and recommend to the Ad-*  
25 *ministrator the most effective training methods*





1 *medical certification process for pilots with a first- or sec-*  
2 *ond-class airman medical certificate, additional screening*  
3 *for mental health conditions, including depression and sui-*  
4 *cidal thoughts or tendencies, and assess treatments that*  
5 *would address any risk associated with such conditions.*

6 **SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**  
7 **AND REST REQUIREMENTS.**

8 (a) *MODIFICATION OF FINAL RULE.*—Not later than  
9 1 year after the date of enactment of this Act, the Adminis-  
10 trator of the Federal Aviation Administration shall revise  
11 the flight attendant duty period limitations and rest re-  
12 quirements under section 121.467 of title 14, Code of Fed-  
13 eral Regulations.

14 (b) *CONTENTS.*—Except as provided in subsection (c),  
15 in revising the rule under subsection (a), the Administrator  
16 shall ensure that a flight attendant scheduled to a duty pe-  
17 riod of 14 hours or less is given a scheduled rest period  
18 of at least 10 consecutive hours.

19 (c) *EXCEPTION.*—The rest period required under sub-  
20 section (b) may be scheduled or reduced to 9 consecutive  
21 hours if the flight attendant is provided a subsequent rest  
22 period of at least 11 consecutive hours.

23 (d) *FATIGUE RISK MANAGEMENT PLAN.*—

24 (1) *SUBMISSION OF PLAN BY PART 121 AIR CAR-*  
25 *RIERS.*—Not later than 90 days after the date of en-

1 *actment of this Act, each air carrier operating under*  
2 *part 121 of title 13, Code of Federal Regulations (re-*  
3 *ferred to in this subsection as a “part 121 air car-*  
4 *rier”), shall submit a fatigue risk management plan*  
5 *for the carrier’s flight attendants to the Administrator*  
6 *for review and acceptance.*

7 (2) *CONTENTS OF PLAN.—Each fatigue risk*  
8 *management plan submitted under paragraph (1)*  
9 *shall include—*

10 (A) *current flight time and duty period*  
11 *limitations;*

12 (B) *a rest scheme that is consistent with*  
13 *such limitations and enables the management of*  
14 *flight attendant fatigue, including annual train-*  
15 *ing to increase awareness of—*

16 (i) *fatigue;*

17 (ii) *the effects of fatigue on flight at-*  
18 *tendants; and*

19 (iii) *fatigue countermeasures; and*

20 (C) *the development and use of methodology*  
21 *that continually assesses the effectiveness of im-*  
22 *plementation of the plan, including the ability of*  
23 *the plan—*

24 (i) *to improve alertness; and*

25 (ii) *to mitigate performance errors.*

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

4           (A) review each fatigue risk management  
5 plan submitted under this subsection; and

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

7           (ii) reject the plan and provide the part 121  
8 air carrier with suggested modifications to be in-  
9 cluded when the plan is resubmitted.

10          (4) *PLAN UPDATES.*—

11           (A) *IN GENERAL.*—Not less frequently than  
12 once every 2 years, each part 121 air carrier  
13 shall—

14           (i) update the fatigue risk management  
15 plan submitted under paragraph (1); and

16           (ii) submit the updated plan to the Ad-  
17 ministrator for review and acceptance.

18           (B) *REVIEW.*—Not later than 1 year after  
19 the date on which an updated plan is submitted  
20 under subparagraph (A)(ii), the Administrator  
21 shall—

22           (i) review the updated plan; and

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

24           (II) reject the updated plan and pro-  
25 vide the part 121 air carrier with suggested

1           *modifications to be included when the up-*  
 2           *dated plan is resubmitted.*

3           (5) *COMPLIANCE.—Each part 121 air carrier*  
 4           *shall comply with its fatigue risk management plan*  
 5           *after the plan is accepted by the Administrator under*  
 6           *this subsection.*

7           (6) *CIVIL PENALTIES.—A violation of this sub-*  
 8           *section by a part 121 air carrier shall be treated as*  
 9           *a violation of chapter 447 of title 49, United States*  
 10          *Code, for the purpose of applying civil penalties*  
 11          *under chapter 463 of such title.*

12 **SEC. 2307. TRAINING TO COMBAT HUMAN TRAFFICKING**  
 13                                   **FOR CERTAIN AIR CARRIER EMPLOYEES.**

14          (a) *IN GENERAL.—Subchapter I of chapter 417 is*  
 15          *amended by adding at the end the following:*

16 **“§41725. Training to combat human trafficking**

17          “(a) *IN GENERAL.—Each air carrier providing pas-*  
 18          *senger air transportation shall provide flight attendants*  
 19          *who are employees or contractors of the air carrier with*  
 20          *training to combat human trafficking in the course of car-*  
 21          *rying out their duties as employees or contractors of the*  
 22          *air carrier.*

23          “(b) *ELEMENTS OF TRAINING.—The training an air*  
 24          *carrier is required to provide under subsection (a) to flight*  
 25          *attendants shall include training with respect to—*

1           “(1) *common indicators of human trafficking;*  
2           *and*

3           “(2) *best practices for reporting suspected human*  
4           *trafficking to law enforcement officers.*

5           “(c) *MATERIALS.—An air carrier may provide the*  
6           *training required by subsection (a) using modules and ma-*  
7           *terials developed by the Department of Transportation and*  
8           *the Department of Homeland Security, including the train-*  
9           *ing module and associated materials of the Blue Lightning*  
10           *Initiative and modules and materials subsequently devel-*  
11           *oped and recommended by such Departments with respect*  
12           *to combating human trafficking.*

13           “(d) *INTERAGENCY COORDINATION.—The Adminis-*  
14           *trator of the Federal Aviation Administration shall coordi-*  
15           *nate with the Secretary of Homeland Security to ensure*  
16           *that appropriate training modules and materials are avail-*  
17           *able for air carriers to conduct the training required by*  
18           *subsection (a).*

19           “(e) *HUMAN TRAFFICKING DEFINED.—In this section,*  
20           *the term ‘human trafficking’ means 1 or more severe forms*  
21           *of trafficking in persons (as defined in section 103 of the*  
22           *Trafficking Victims Protection Act of 2000 (22 U.S.C.*  
23           *7102)).’.*

1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 2 *for chapter 417 is amended by inserting after the item relat-*  
 3 *ing to section 41724 the following:*

“41725. *Training to combat human trafficking.*”.

4       (c) *REPORT REQUIRED.*—*Not later than 1 year after*  
 5 *the date of enactment of this Act, the Administrator of the*  
 6 *Federal Aviation Administration shall submit to the appro-*  
 7 *priate committees of Congress a report that includes—*

8           (1) *an assessment of the status of compliance of*  
 9 *air carriers with section 41725 of title 49, United*  
 10 *States Code, as added by subsection (a); and*

11           (2) *in collaboration with the Attorney General*  
 12 *and the Secretary of Homeland Security, rec-*  
 13 *ommendations for improving the identification and*  
 14 *reporting of human trafficking by air carrier per-*  
 15 *sonnel while protecting the civil liberties of pas-*  
 16 *sengers.*

17       (d) *IMMUNITY FOR REPORTING HUMAN TRAF-*  
 18 *FICKING.*—*Section 44941(a) is amended by striking “or ter-*  
 19 *rorism, as defined by section 3077 of title 18, United States*  
 20 *Code,” and inserting “human trafficking (as defined by sec-*  
 21 *tion 41725), or terrorism (as defined by section 3077 of title*  
 22 *18)”.*

23 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

24       (a) *REPORT.*—*Not later than 180 days after the date*  
 25 *of enactment of this Act, the Administrator of the Federal*

1 *Aviation Administration shall submit to the appropriate*  
2 *committees of Congress a report on the National Test*  
3 *Equipment Program (referred to in this section as the “Pro-*  
4 *gram”).*

5 (b) *CONTENTS.—The report shall include—*

6 (1) *a list of all known outstanding requests for*  
7 *test equipment, cataloged by type and location, under*  
8 *the Program;*

9 (2) *a description of the current method under the*  
10 *Program of ensuring calibrated equipment is in place*  
11 *for utilization;*

12 (3) *a plan by the Administrator for appropriate*  
13 *inventory of such equipment; and*

14 (4) *the Administrator’s recommendations for in-*  
15 *creasing multifunctionality in future test equipment*  
16 *to be developed and all known and foreseeable manu-*  
17 *facturer technological advances.*

18 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**  
19 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

20 (a) *IN GENERAL.—Not later than June 30, 2016, the*  
21 *Administrator of the Federal Aviation Administration*  
22 *shall—*

23 (1) *assess available technologies to determine*  
24 *whether it is feasible, cost-effective, and appropriate*  
25 *to install and deploy, at any airport, systems to pro-*



1 *vide a direct warning capability to flight crews and*  
2 *air traffic controllers of potential runway incursions;*  
3 *and*

4 *(2) submit to the appropriate committees of Con-*  
5 *gress a report on the assessment under paragraph (1),*  
6 *including any recommendations.*

7 *(b) CONSIDERATIONS.—In conducting the assessment*  
8 *under subsection (a), the Administration shall consider Na-*  
9 *tional Transportation Safety Board findings and relevant*  
10 *aviation stakeholder views relating to runway incursions.*

11 **SEC. 2310. LASER POINTER INCIDENTS.**

12 *(a) IN GENERAL.—Beginning 90 days after the date*  
13 *of enactment of this Act, the Administrator of the Federal*  
14 *Aviation Administration, in coordination with the Director*  
15 *of the Federal Bureau of Investigation, shall provide quar-*  
16 *terly updates to the appropriate committees of Congress re-*  
17 *garding—*

18 *(1) the number of incidents involving the beam*  
19 *from a laser pointer (as defined in section 39A of title*  
20 *18, United States Code) being aimed at, or in the*  
21 *flight path of, an aircraft in the airspace jurisdiction*  
22 *of the United States;*

23 *(2) the number of civil or criminal enforcement*  
24 *actions taken by the Federal Aviation Administra-*  
25 *tion, Department of Transportation, or Department*

1 *of Justice with regard to the incidents described in*  
2 *paragraph (1), including the amount of the civil or*  
3 *criminal penalties imposed on violators;*

4 *(3) the resolution of any incidents that did not*  
5 *result in a civil or criminal enforcement action; and*

6 *(4) any actions the Department of Transpor-*  
7 *tation or Department of Justice has taken on its own,*  
8 *or in conjunction with other Federal agencies or local*  
9 *law enforcement agencies, to deter the type of activity*  
10 *described in paragraph (1).*

11 *(b) CIVIL PENALTIES.—The Administrator shall revise*  
12 *the maximum civil penalty that may be imposed on an in-*  
13 *dividual who aims the beam of a laser pointer at an air-*  
14 *craft in the airspace jurisdiction of the United States, or*  
15 *at the flight path of such an aircraft, to be \$25,000.*

16 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**  
17 **DATA AND REPORTS.**

18 *(a) IN GENERAL.—Not later than 1 year after the date*  
19 *of enactment of this Act, the Administrator of the Federal*  
20 *Aviation Administration, in collaboration with helicopter*  
21 *air ambulance industry stakeholders, shall assess the avail-*  
22 *ability of information to the general public related to the*  
23 *location of heliports and helipads used by helicopters pro-*  
24 *viding air ambulance services, including helipads and*

1 *helipads outside of those listed as part of any existing data-*  
2 *bases of Airport Master Record (5010) forms.*

3 (b) *REQUIREMENTS.*—*Based on the assessment under*  
4 *subsection (a), the Administrator shall—*

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

11 (2) *develop, as appropriate and in collaboration*  
12 *with helicopter air ambulance industry stakeholders,*  
13 *a new database of heliports and helipads used by heli-*  
14 *copters providing air ambulance services.*

15 (c) *REPORTS.*—

16 (1) *ASSESSMENT.*—*Not later than 30 days after*  
17 *the date the assessment under subsection (a) is com-*  
18 *plete, the Administrator shall submit to the appro-*  
19 *priate committees of Congress a report on the assess-*  
20 *ment, including any recommendations on how to*  
21 *make information related to the location of heliports*  
22 *and helipads used by helicopters providing air ambu-*  
23 *lance services available to the general public.*

24 (2) *IMPLEMENTATION.*—*Not later than 30 days*  
25 *after completing action under paragraph (1) or para-*

1       *graph (2) of subsection (b), the Administrator shall*  
2       *submit to the appropriate committees of Congress a*  
3       *report on the implementation of that action.*

4       *(d) INCIDENT AND ACCIDENT DATA.—Section 44731*  
5       *is amended—*

6               *(1) in subsection (a)—*

7                       *(A) in the matter preceding paragraph (1),*  
8                       *by striking “not later than 1 year after the date*  
9                       *of enactment of this section, and annually there-*  
10                      *after” and inserting “annually”;*

11                     *(B) in paragraph (2), by striking “flights*  
12                     *and hours flown, by registration number, during*  
13                     *which helicopters operated by the certificate hold-*  
14                     *er were providing helicopter air ambulance serv-*  
15                     *ices” and inserting “hours flown by the heli-*  
16                     *copters operated by the certificate holder”;*

17                     *(C) in paragraph (3)—*

18                               *(i) by striking “of flight” and inserting*  
19                               *“of patients transported and the number of*  
20                               *patient transport”;*

21                               *(ii) by inserting “or” after “inter-*  
22                               *facility transport,”; and*

23                               *(iii) by striking “, or ferry or repo-*  
24                               *sitioning flight”;*

25                     *(D) in paragraph (5)—*

1                   (i) by striking “flights and”; and

2                   (ii) by striking “while providing air  
3 ambulance services”; and

4                   (E) by amending paragraph (6) to read as  
5 follows:

6                   “(6) The number of hours flown at night by heli-  
7 copters operated by the certificate holder.”;

8                   (2) in subsection (d)—

9                   (A) by striking “Not later than 2 years  
10 after the date of enactment of this section, and  
11 annually thereafter, the Administrator shall sub-  
12 mit” and inserting “The Administrator shall  
13 submit annually”; and

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

15                   “The report shall include the number of acci-  
16 dents experienced by helicopter air ambulance  
17 operations, the number of fatal accidents experi-  
18 enced by helicopter air ambulance operations,  
19 and the rate, per 100,000 flight hours, of acci-  
20 dents and fatal accidents experienced by opera-  
21 tors providing helicopter air ambulance serv-  
22 ices.”;

23                   (3) by redesignating subsection (e) as subsection  
24 (f); and

1           (4) by inserting after subsection (d) the fol-  
2       lowing:

3           “(e) *IMPLEMENTATION.*—*In carrying out this section,*  
4 *the Administrator, in collaboration with part 135 certifi-*  
5 *cate holders providing helicopter air ambulance services,*  
6 *shall—*

7           “(1) *propose and develop a method to collect and*  
8 *store the data submitted under subsection (a), includ-*  
9 *ing a method to protect the confidentiality of any*  
10 *trade secret or proprietary information submitted;*  
11 *and*

12           “(2) *ensure that the database under subsection*  
13 *(c) and the report under subsection (d) include data*  
14 *and analysis that will best inform efforts to improve*  
15 *the safety of helicopter air ambulance operations.”.*

16 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

17       *Not later than 1 year after the date of enactment of*  
18 *this Act, the Administrator of the Federal Aviation Admin-*  
19 *istration shall—*

20           (1) *determine, in collaboration with the National*  
21 *Transportation Safety Board and Part 135 industry*  
22 *stakeholders, what, if any, additional data should be*  
23 *reported as part of an accident or incident notice to*  
24 *more accurately measure the safety of on-demand*  
25 *Part 135 aircraft activity, to pinpoint safety prob-*

1        *lems, and to form the basis for critical research and*  
2        *analysis of general aviation issues; and*

3                *(2) submit to the appropriate committees of Con-*  
4        *gress a report on the findings under paragraph (1),*  
5        *including a description of the additional data to be*  
6        *collected, a timeframe for implementing the addi-*  
7        *tional data collection, and any potential obstacles to*  
8        *implementation.*

9        **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

10        *Section 40102(a), as amended by section 2140 of this*  
11        *Act, is further amended—*

12                *(1) by redesignating paragraphs (24) through*  
13        *(47) as paragraphs (25) through (48), respectively;*  
14        *and*

15                *(2) by inserting after paragraph (23) the fol-*  
16        *lowing:*

17                *“(24) ‘human factors’ means a multidisciplinary*  
18        *field that generates and compiles information about*  
19        *human capabilities and limitations and applies it to*  
20        *design, development, and evaluation of equipment,*  
21        *systems, facilities, procedures, jobs, environments,*  
22        *staffing, organizations, and personnel management*  
23        *for safe, efficient, and effective human performance,*  
24        *including people’s use of technology.”.*

1 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**  
2 **THORITY.**

3 *It is the sense of Congress that the pilot in command*  
4 *of an aircraft is directly responsible for, and is the final*  
5 *authority as to, the operation of that aircraft, as set forth*  
6 *in section 91.3(a) of title 14, Code of Federal Regulations*  
7 *(or any successor regulation thereto).*

8 **SEC. 2315. ENHANCING ASIAS.**

9 *(a) IN GENERAL.—Not later than 1 year after the date*  
10 *of enactment of this Act, the Administrator of the Federal*  
11 *Aviation Administration, in consultation with relevant*  
12 *aviation industry stakeholders, shall assess what, if any,*  
13 *improvements are needed to develop the predictive capa-*  
14 *bility of the Aviation Safety Information Analysis and*  
15 *Sharing program (referred to in this section as “ASIAS”)*  
16 *with regard to identifying precursors to accidents.*

17 *(b) CONTENTS.—In conducting the assessment under*  
18 *subsection (a), the Administrator shall—*

19 *(1) determine what actions are necessary—*

20 *(A) to improve data quality and standard-*  
21 *ization; and*

22 *(B) to increase the data received from addi-*  
23 *tional segments of the aviation industry, such as*  
24 *small airplane, helicopter, and business jet oper-*  
25 *ations;*



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

3           (3) review available methods for disseminating  
4           safety trend data from ASIAs to the aviation safety  
5           community, including the inspector workforce, to in-  
6           form in their risk-based decision making efforts.

7           (c) *REPORT.*—Not later than 60 days after the date  
8           the assessment under subsection (a) is complete, the Admin-  
9           istrator shall submit to the appropriate committees of Con-  
10          gress a report on the assessment, including recommenda-  
11          tions regarding paragraphs (1) through (3) of subsection  
12          (b).

13   **SEC. 2316. IMPROVING RUNWAY SAFETY.**

14          (a) *IN GENERAL.*—The Administrator of the Federal  
15          Aviation Administration shall expedite the development of  
16          metrics—

17               (1) to allow the Federal Aviation Administration  
18               to determine whether runway incursions are increas-  
19               ing; and

20               (2) to assess the effectiveness of implemented run-  
21               way safety initiatives.

22          (b) *REPORT.*—Not later than 1 year after the date of  
23          enactment of this Act, the Administrator shall submit to  
24          the appropriate committees of Congress a report on the

1 *progress in developing the metrics described in subsection*  
2 *(a).*

3 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**  
4 **AND BATTERIES.**

5 *(a) RESTRICTIONS ON TRANSPORTATION OF LITHIUM*  
6 *BATTERIES ON AIRCRAFT.—*

7 *(1) ADOPTION OF ICAO INSTRUCTIONS.—*

8 *(A) IN GENERAL.—Pursuant to section 828*  
9 *of the FAA Modernization and Reform Act of*  
10 *2012 (49 U.S.C. 44701 note), not later than 90*  
11 *days after the date of enactment of this Act, the*  
12 *Secretary of the Department of Transportation*  
13 *shall conform United States regulations on the*  
14 *air transport of lithium cells and batteries with*  
15 *the lithium cells and battery requirements in the*  
16 *2015–2016 edition of the International Civil*  
17 *Aviation Organization’s (referred to in this sub-*  
18 *section as “ICAO”) Technical Instructions (to*  
19 *include all addenda) including the revised stand-*  
20 *ards adopted by ICAO which became effective on*  
21 *April 1, 2016.*

22 *(B) FURTHER PROCEEDINGS.—Beginning*  
23 *on the date the revised regulations under sub-*  
24 *paragraph (A) are published in the Federal Reg-*  
25 *ister, any lithium cell and battery rulemaking*

1            *action or update commenced on or after that*  
2            *date shall continue to comply with the require-*  
3            *ments under section 828 of the FAA Moderniza-*  
4            *tion and Reform Act of 2012 (49 U.S.C. 44701*  
5            *note).*

6            (2) *REVIEW OF OTHER REGULATIONS.—Pursu-*  
7            *ant to section 828 of the FAA Modernization and Re-*  
8            *form Act of 2012 (49 U.S.C. 44701 note), the Sec-*  
9            *retary of Transportation may initiate a review of*  
10           *other existing regulations regarding the air transpor-*  
11           *tation, including passenger-carrying and cargo air-*  
12           *craft, of lithium batteries and cells.*

13           (3) *MEDICAL DEVICE BATTERIES.—*

14           (A) *IN GENERAL.—For United States appli-*  
15           *cants, the Secretary of Transportation shall con-*  
16           *sider and either grant or deny, within 45 days,*  
17           *applications submitted in compliance with part*  
18           *107 of title 49, Code of Federal Regulations for*  
19           *special permits or approvals for air transpor-*  
20           *tation of lithium ion cells or batteries specifi-*  
21           *cally used by medical devices. Not later than 30*  
22           *days after the date of application, the Pipeline*  
23           *and Hazardous Materials Safety Administration*  
24           *shall provide a draft special permit based on the*  
25           *application to the Federal Aviation Administra-*

1           *tion. The Federal Aviation Administration shall*  
2           *conduct an on-site inspection for issuance of the*  
3           *special permit not later than 10 days after the*  
4           *date of receipt of the draft special permit from*  
5           *the Pipeline and Hazardous Materials Safety*  
6           *Administration.*

7           *(B) DEFINITION OF MEDICAL DEVICE.—In*  
8           *this paragraph, the term “medical device” has*  
9           *the meaning given the term “device” in section*  
10          *201 of the Federal Food, Drug, and Cosmetic Act*  
11          *(21 U.S.C. 321).*

12          *(4) SAVINGS CLAUSE.—Nothing in this section*  
13          *shall be construed as expanding or constricting any*  
14          *other authority the Secretary of Transportation has*  
15          *under section 828 of the FAA Modernization and Re-*  
16          *form Act of 2012 (49 U.S.C. 44701 note).*

17          *(b) LITHIUM BATTERY SAFETY WORKING GROUP.—*  
18          *Not later than 90 days after the date of enactment of this*  
19          *Act, the President shall establish a lithium battery safety*  
20          *working group to promote and coordinate efforts related to*  
21          *the promotion of the safe manufacture, use, and transpor-*  
22          *tation of lithium batteries and cells.*

23          *(1) COMPOSITION.—*

1           (A) *IN GENERAL.*—*The working group shall*  
2 *be composed of at least 1 representative from*  
3 *each of the following:*

4                   (i) *Consumer Product Safety Commis-*  
5 *sion.*

6                   (ii) *Department of Transportation.*

7                   (iii) *National Institute on Standards*  
8 *and Technology.*

9                   (iv) *Food and Drug Administration.*

10           (B) *ADDITIONAL MEMBERS.*—*The working*  
11 *group may include not more than 4 additional*  
12 *members with expertise in the safe manufacture,*  
13 *use, or transportation of lithium batteries and*  
14 *cells.*

15           (C) *SUBCOMMITTEES.*—*The President, or*  
16 *members of the working group, may—*

17                   (i) *establish working group subcommit-*  
18 *tees to focus on specific issues related to the*  
19 *safe manufacture, use, or transportation of*  
20 *lithium batteries and cells; and*

21                   (ii) *include in a subcommittee the par-*  
22 *ticipation of nonmember stakeholders with*  
23 *expertise in areas that the President or*  
24 *members consider necessary.*

1           (2) *REPORT.*—Not later than 1 year after the  
2           date it is established under subsection (b), the work-  
3           ing group shall—

4                   (A) *research*—

5                           (i) *additional ways to decrease the risk*  
6                           *of fires and explosions from lithium bat-*  
7                           *teries and cells;*

8                           (ii) *additional ways to ensure uniform*  
9                           *transportation requirements for both bulk*  
10                           *and individual batteries; and*

11                           (iii) *new or existing technologies that*  
12                           *could reduce the fire and explosion risk of*  
13                           *lithium batteries and cells; and*

14                   (B) *transmit to the appropriate committees*  
15                   *of Congress a report on the research under sub-*  
16                   *paragraph (A), including any legislative rec-*  
17                   *ommendations to effectuate the safety improve-*  
18                   *ments described in clauses (i) through (iii) of*  
19                   *that subparagraph.*

20           (3) *EXEMPTION FROM FACCA.*—*The Federal Advi-*  
21           *sory Committee Act (5 U.S.C. App.) shall not apply*  
22           *to the working group.*

23           (4) *TERMINATION.*—*The working group, and any*  
24           *working group subcommittees, shall terminate 90*

1        *days after the date the report is transmitted under*  
2        *paragraph (2).*

3        **SEC. 2318. PROHIBITION ON IMPLEMENTATION OF POLICY**  
4                    **CHANGE TO PERMIT SMALL, NON-LOCKING**  
5                    **KNIVES ON AIRCRAFT.**

6        (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
7        *sion of law, on and after the date of enactment of this Act,*  
8        *the Secretary of Homeland Security may not implement*  
9        *any change to the prohibited items list of the Transpor-*  
10        *tation Security Administration that would permit pas-*  
11        *sengers to carry small, non-locking knives through pas-*  
12        *senger screening checkpoints at airports, into sterile areas*  
13        *at airports, or on board passenger aircraft.*

14        (b) *PROHIBITED ITEMS LIST DEFINED.*—*In this sec-*  
15        *tion, the term “prohibited items list” means the list of items*  
16        *passengers are prohibited from carrying as accessible prop-*  
17        *erty or on their persons through passenger screening check-*  
18        *points at airports, into sterile areas at airports, and on*  
19        *board passenger aircraft pursuant to section 1540.111 of*  
20        *title 49, Code of Federal Regulations.*

21        **SEC. 2319. AIRCRAFT CABIN EVACUATION PROCEDURES.**

22        (a) *REVIEW.*—*The Administrator of the Federal Avia-*  
23        *tion Administration shall review—*

24                (1) *evacuation certification of transport-category*  
25        *aircraft used in air transportation, with regard to—*

1           (A) *emergency conditions, including im-*  
2           *pacts into water;*

3           (B) *crew procedures used for evacuations*  
4           *under actual emergency conditions;*

5           (C) *any relevant changes to passenger de-*  
6           *mographics and legal requirements, including*  
7           *the Americans with Disabilities Act of 1990 (42*  
8           *U.S.C. 12101 et seq.), that affect emergency evac-*  
9           *uations; and*

10          (D) *any relevant changes to passenger seat-*  
11          *ing configurations, including changes to seat*  
12          *width, padding, reclining, size, pitch, leg room,*  
13          *and aisle width; and*

14          (2) *recent accidents and incidents in which pas-*  
15          *sengers evacuated such aircraft.*

16          (b) *CONSULTATION; REVIEW OF DATA.—In conducting*  
17          *the review under subsection (a), the Administrator shall—*

18               (1) *consult with the National Transportation*  
19               *Safety Board, transport-category aircraft manufac-*  
20               *turers, air carriers, and other relevant experts and*  
21               *Federal agencies, including groups representing pas-*  
22               *sengers, airline crew members, maintenance employ-*  
23               *ees, and emergency responders; and*

24               (2) *review relevant data with respect to evacu-*  
25               *ation certification of transport-category aircraft.*



1       (c) *REPORT TO CONGRESS.*—Not later than 1 year  
2 after the date of enactment of this Act, the Administrator  
3 shall submit to the appropriate committees of Congress a  
4 report on the results of the review under subsection (a) and  
5 related recommendations, if any, including recommenda-  
6 tions for revisions to the assumptions and methods used for  
7 assessing evacuation certification of transport-category air-  
8 craft.

9       **SEC. 2320. GAO STUDY OF UNIVERSAL DEPLOYMENT OF AD-**  
10                                   **VANCED IMAGING TECHNOLOGIES.**

11       (a) *STUDY.*—The Comptroller General of the United  
12 States shall conduct a study of the costs that would be in-  
13 curred—

14               (1) to redesign airport security areas to fully de-  
15 ploy advanced imaging technologies at all commercial  
16 airports at which security screening operations are  
17 conducted by the Transportation Security Adminis-  
18 tration or through the Screening Partnership Pro-  
19 gram; and

20               (2) to fully deploy advanced imaging tech-  
21 nologies at all airports not described in paragraph  
22 (1).

23       (b) *COST ANALYSIS.*—As a part of the study conducted  
24 under subsection (a), the Comptroller General shall identify  
25 the costs that would be incurred—

1           (1) to purchase the equipment and other assets  
2           necessary to deploy advanced imaging technologies at  
3           each airport;

4           (2) to install such equipment and assets in each  
5           airport; and

6           (3) to maintain such equipment and assets.

7           (c) *REPORT.*—Not later than 6 months after the date  
8           of the enactment of this Act, the Comptroller General shall  
9           submit the results of the study conducted under subsection  
10          (a) to the appropriate committees of Congress.

## 11 ***Subtitle D—General Aviation Safety***

### 12 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**

#### 13 ***POLICY.***

14          (a) *IN GENERAL.*—Not later than 2 years after the  
15          date of enactment of this Act, the Administrator of the Fed-  
16          eral Aviation Administration shall—

17               (1) update automated weather observing systems  
18               standards to maximize the use of new technologies  
19               that promote the reduction of equipment or mainte-  
20               nance cost for non-Federal automated weather observ-  
21               ing systems, including the use of remote monitoring  
22               and maintenance, unless demonstrated to be ineffec-  
23               tive;

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

4           (3) establish a process under which appropriate  
5           on site airport personnel or an aviation official may,  
6           with appropriate manufacturer training or alter-  
7           native training as determined by the Administrator,  
8           be permitted to conduct the minimum tri-annual pre-  
9           ventative maintenance checks under the advisory cir-  
10          cular for non-Federal automated weather observing  
11          systems (AC 150/5220–16D).

12          (b) *PERMISSION.*—Permission to conduct the min-  
13          imum tri-annual preventative maintenance checks de-  
14          scribed under subsection (a)(3) shall not be withheld but  
15          for specific cause.

16          (c) *STANDARDS.*—In updating the standards under  
17          subsection (a)(1), the Administrator shall—

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

19                 (2) use risk analysis to determine the accuracy  
20                 of the automated weather observing systems outputs  
21                 required for pilots to perform safe aircraft operations;  
22                 and

23                 (3) provide a cost benefit analysis to determine  
24                 whether the benefits outweigh the cost for any require-  
25                 ment not directly related to safety.

1       (d) *REPORT.*—Not later than September 30, 2017, the  
2 Administrator shall provide a report to the appropriate  
3 committees of Congress on the implementation of require-  
4 ments under this section.

5 **SEC. 2402. TOWER MARKING.**

6       (a) *IN GENERAL.*—Not later than 1 year after the date  
7 of enactment of this Act, the Administrator of the Federal  
8 Aviation Administration shall issue regulations to require  
9 the marking of covered towers.

10       (b) *MARKING REQUIRED.*—The regulations under sub-  
11 section (a) shall require that a covered tower be clearly  
12 marked in a manner that is consistent with applicable  
13 guidance under the Federal Aviation Administration Advi-  
14 sory Circular issued December 4, 2015 (AC 70/7460–1L)  
15 or other relevant safety guidance, as determined by the Ad-  
16 ministrator.

17       (c) *APPLICATION.*—The regulations issued under sub-  
18 section (a) shall ensure that—

19               (1) all covered towers constructed on or after the  
20 date on which such regulations take effect are marked  
21 in accordance with subsection (b); and

22               (2) a covered tower constructed before the date on  
23 which such regulations take effect is marked in ac-  
24 cordance with subsection (b) not later than 1 year  
25 after such effective date.

1       (d) *DEFINITION OF COVERED TOWER.*—

2               (1) *IN GENERAL.*—*In this section, the term “covered tower” means a structure that—*

3                       (A) *is self-standing or supported by guy*  
4                       *wires and ground anchors;*

5                       (B) *is 10 feet or less in diameter at the*  
6                       *above-ground base, excluding concrete footing;*

7                       (C) *at the highest point of the structure is*  
8                       *at least 50 feet above ground level;*

9                       (D) *at the highest point of the structure is*  
10                       *not more than 200 feet above ground level;*

11                       (E) *has accessory facilities on which an an-*  
12                       *tenna, sensor, camera, meteorological instrument,*  
13                       *or other equipment is mounted; and*

14                       (F) *is located—*

15                               (i) *outside the boundaries of an incor-*  
16                               *porated city or town; or*

17                               (ii) *on land that is—*

18                                       (I) *undeveloped; or*

19                                       (II) *used for agricultural pur-*  
20                                       *poses.*

21               (2) *EXCLUSIONS.*—*The term “covered tower”*  
22               *does not include any structure that—*

23                       (A) *is adjacent to a house, barn, electric*  
24                       *utility station, or other building;*  
25

1           (B) is within the curtilage of a farmstead;

2           (C) supports electric utility transmission or  
3           distribution lines;

4           (D) is a wind powered electrical generator  
5           with a rotor blade radius that exceeds 6 feet; or

6           (E) is a street light erected or maintained  
7           by a Federal, State, local, or tribal entity.

8           (e) *DATABASE.*—*The Administrator shall—*

9           (1) *develop a database that contains the location*  
10           *and height of each covered tower;*

11           (2) *keep the database current to the extent prac-*  
12           *ticable;*

13           (3) *ensure that any proprietary information in*  
14           *the database is protected from disclosure in accord-*  
15           *ance with law; and*

16           (4) *ensure access to the database is limited to in-*  
17           *dividuals, such as airmen, who require the informa-*  
18           *tion for aviation safety purposes only.*

19   **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

20           *Not later than 1 year after the date of enactment of*  
21           *this Act, the Administrator of the Federal Aviation Admin-*  
22           *istration shall evaluate and update, as necessary, standards*  
23           *for crash-resistant fuel systems for civilian rotorcraft.*

1 **SEC. 2404. REQUIREMENT TO CONSULT WITH STAKE-**  
2 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**  
3 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**  
4 **GRAM.**

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

12 **SEC. 2405. HEADS-UP GUIDANCE SYSTEM TECHNOLOGIES.**

13 *(a) IN GENERAL.—Not later than 180 days after the*  
14 *date of the enactment of this Act, the Administrator of the*  
15 *Federal Aviation Administration shall initiate a review of*  
16 *heads-up guidance system displays (in this section referred*  
17 *to as “HGS”).*

18 *(b) CONTENTS.—The review required by subsection (a)*  
19 *shall—*

20 *(1) evaluate the impacts of single- and dual-in-*  
21 *stalled HGS technology on the safety and efficiency of*  
22 *aircraft operations within the national airspace sys-*  
23 *tem;*

24 *(2) review a sufficient quantity of commercial*  
25 *aviation accidents or incidents in order to evaluate if*

1     *HGS technology would have produced a better out-*  
2     *come in that accident or incident; and*

3             (3) *update previous HGS studies performed by*  
4     *the Flight Safety Foundation in 1991 and 2009.*

5     (c) *REPORT.*—*Not later than 18 months after the date*  
6     *of the enactment of this Act, the Administrator shall submit*  
7     *to the appropriate committees of Congress a report con-*  
8     *taining the results of the review required by subsection (a).*

## 9     ***Subtitle E—General Provisions***

### 10    ***SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-*** 11             ***FICER.***

12             (a) *IN GENERAL.*—*Section 106 is amended by adding*  
13     *at the end the following:*

14             “(u) *DESIGNATED AGENCY SAFETY AND HEALTH OF-*  
15     *FICER.*—

16                     “(1) *APPOINTMENT.*—*There shall be a Des-*  
17     *ignated Agency Safety and Health Officer appointed*  
18     *by the Administrator who shall exclusively fulfill the*  
19     *duties prescribed in this subsection.*

20                     “(2) *RESPONSIBILITIES.*—*The Designated Agen-*  
21     *cy Safety and Health Officer shall have responsibility*  
22     *and accountability for—*

23                             “(A) *auditing occupational safety and*  
24     *health issues across the Administration;*



1           “(B) overseeing Administration-wide com-  
2           pliance with relevant Federal occupational safety  
3           and health statutes and regulations, national in-  
4           dustry and consensus standards, and Adminis-  
5           tration policies; and

6           “(C) encouraging a culture of occupational  
7           safety and health to complement the Administra-  
8           tion’s existing safety culture.

9           “(3) *REPORTING STRUCTURE.*—*The Designated*  
10          *Agency Safety and Health Officer shall occupy a full-*  
11          *time, senior executive position and shall report di-*  
12          *rectly to the Assistant Administrator for Human Re-*  
13          *source Management.*

14          “(4) *QUALIFICATIONS AND REMOVAL.*—

15          “(A) *QUALIFICATIONS.*—*The Designated*  
16          *Agency Safety and Health Officer shall have*  
17          *demonstrated ability and experience in the estab-*  
18          *lishment and administration of comprehensive*  
19          *occupational safety and health programs and*  
20          *knowledge of relevant Federal occupational safety*  
21          *and health statutes and regulations, national in-*  
22          *dustry and consensus standards, and Adminis-*  
23          *tration policies.*

1           “(B) *REMOVAL.*—*The Designated Agency*  
 2           *Safety and Health Officer shall serve at the*  
 3           *pleasure of the Administrator.*”.

4           (b) *DEADLINE FOR APPOINTMENT.*—*Not later than*  
 5           *180 days after the date of enactment of this Act, the Admin-*  
 6           *istrator of the Federal Aviation Administration shall ap-*  
 7           *point an individual to serve as the Designated Agency Safe-*  
 8           *ty and Health Officer under section 106(u) of title 49,*  
 9           *United States Code.*

10 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**  
 11 **STATES.**

12           (a) *RISK-BASED OVERSIGHT.*—*Section 44733 is*  
 13 *amended—*

14           (1) *by redesignating subsection (f) as subsection*

15 *(g);*

16           (2) *by inserting after subsection (e) the following:*

17           “(f) *RISK-BASED OVERSIGHT.*—

18           “(1) *IN GENERAL.*—*Not later than 90 days after*  
 19           *the date of enactment of the Federal Aviation Admin-*  
 20           *istration Reauthorization Act of 2016, the Adminis-*  
 21           *trator shall take measures to ensure that the safety as-*  
 22           *essment system established under subsection (a)—*

23           “(A) *places particular consideration on in-*  
 24           *spections of part 145 repair stations located out-*  
 25           *side the United States that conduct scheduled*

1           *heavy maintenance work on part 121 air carrier*  
2           *aircraft; and*

3           “(B) *accounts for the frequency and serious-*  
4           *ness of any corrective actions that part 121 air*  
5           *carriers must implement to aircraft following*  
6           *such work at such repair stations.*

7           “(2) *INTERNATIONAL AGREEMENTS.—The Ad-*  
8           *ministrator shall take the measures required under*  
9           *paragraph (1)—*

10           “(A) *in accordance with the United States*  
11           *obligations under applicable international agree-*  
12           *ments; and*

13           “(B) *in a manner consistent with the appli-*  
14           *able laws of the country in which a repair sta-*  
15           *tion is located.*

16           “(3) *ACCESS TO DATA.—The Administrator may*  
17           *access and review such information or data in the*  
18           *possession of a part 121 air carrier as the Adminis-*  
19           *trator may require in carrying out paragraph*  
20           *(1)(B).”; and*

21           *(3) in subsection (g), as redesignated—*

22           *(A) by redesignating paragraphs (1) and*  
23           *(2) as paragraphs (2) and (3), respectively; and*

24           *(B) by inserting before paragraph (2), as*  
25           *redesignated, the following:*

1           “(1) *HEAVY MAINTENANCE WORK.*—*The term*  
2           *‘heavy maintenance work’ means a C-check, a D-*  
3           *check, or equivalent maintenance operation with re-*  
4           *spect to the airframe of a transport-category air-*  
5           *craft.’”.*

6           (b) *ALCOHOL AND CONTROLLED SUBSTANCES TEST-*  
7           *ING.*—*The Administrator of the Federal Aviation Adminis-*  
8           *tration shall ensure that—*

9                   (1) *not later than 90 days after the date of en-*  
10                  *actment of this Act, a notice of proposed rulemaking*  
11                  *required pursuant to section 44733(d)(2) of title 49,*  
12                  *United States Code, is published in the Federal Reg-*  
13                  *ister; and*

14                   (2) *not later than 1 year after the date on which*  
15                  *the notice of proposed rulemaking is published in the*  
16                  *Federal Register, the rulemaking is finalized.*

17           (c) *BACKGROUND INVESTIGATIONS.*—*Not later than*  
18           *180 days after the date of enactment of this Act, the Admin-*  
19           *istrator of the Federal Aviation Administration shall ensure*  
20           *that each employee of a repair station certificated under*  
21           *part 145 of title 14, Code of Federal Regulations, who per-*  
22           *forms a safety-sensitive function on an air carrier aircraft*  
23           *has undergone a preemployment background investigation*  
24           *sufficient to determine whether the individual presents a*  
25           *threat to aviation safety, in a manner that is—*

- 1           (1) *determined acceptable by the Administrator;*
- 2           (2) *consistent with the applicable laws of the*
- 3           *country in which the repair station is located; and*
- 4           (3) *consistent with the United States obligations*
- 5           *under international agreements.*

6 **SEC. 2503. FAA TECHNICAL TRAINING.**

7           (a) *E-LEARNING TRAINING PILOT PROGRAM.*—Not

8 *later than 90 days after the date of enactment of this Act,*

9 *the Administrator of the Federal Aviation Administration,*

10 *in collaboration with the exclusive bargaining representa-*

11 *tives of covered FAA personnel, shall establish an e-learning*

12 *training pilot program in accordance with the requirements*

13 *of this section.*

14           (b) *CURRICULUM.*—*The pilot program shall—*

15           (1) *include a recurrent training curriculum for*

16 *covered FAA personnel to ensure that the covered FAA*

17 *personnel receive instruction on the latest aviation*

18 *technologies, processes, and procedures;*

19           (2) *focus on providing specialized technical*

20 *training for covered FAA personnel, as determined*

21 *necessary by the Administrator;*

22           (3) *include training courses on applicable regu-*

23 *lations of the Federal Aviation Administration; and*

24           (4) *consider the efficacy of instructor-led online*

25 *training.*

1       (c) *PILOT PROGRAM TERMINATION.*—The pilot pro-  
2 gram shall terminate 1 year after the date of establishment  
3 of the pilot program.

4       (d) *E-LEARNING TRAINING PROGRAM.*—Upon termi-  
5 nation of the pilot program, the Administrator shall assess  
6 and establish or update an e-learning training program  
7 that incorporates lessons learned for covered FAA personnel  
8 as a result of the pilot program.

9       (e) *DEFINITIONS.*—In this section:

10           (1) *COVERED FAA PERSONNEL.*—The term “cov-  
11 ered FAA personnel” means airway transportation  
12 systems specialists and aviation safety inspectors of  
13 the Federal Aviation Administration.

14           (2) *E-LEARNING TRAINING.*—The term “e-learn-  
15 ing training” means learning utilizing electronic  
16 technologies to access educational curriculum outside  
17 of a traditional classroom.

18 **SEC. 2504. SAFETY CRITICAL STAFFING.**

19       (a) *AUDIT BY DOT INSPECTOR GENERAL.*—Not later  
20 than 1 year after the date of enactment of this Act, the In-  
21 spector General of the Department of Transportation shall  
22 conduct and complete an audit of the staffing model used  
23 by the Federal Aviation Administration to determine the  
24 number of aviation safety inspectors that are needed to ful-

1 *fill the mission of the Federal Aviation Administration and*  
2 *adequately ensure aviation safety.*

3 (b) *CONTENTS.*—*The audit shall include, at a min-*  
4 *imum—*

5 (1) *a review of the staffing model and an anal-*  
6 *ysis of how consistently the staffing model is applied*  
7 *throughout the Federal Aviation Administration’s*  
8 *aviation safety lines of business;*

9 (2) *a review of the assumptions and methods*  
10 *used in devising and implementing the staffing model*  
11 *to assess the adequacy of the staffing model to predict*  
12 *the number of aviation safety inspectors needed to*  
13 *properly fulfill the mission of the Federal Aviation*  
14 *Administration and meet the future growth of the*  
15 *aviation industry; and*

16 (3) *a determination on whether the current staff-*  
17 *ing model takes into account the Federal Aviation*  
18 *Administration’s authority to fully utilize designees.*

19 (c) *REPORT.*—*Not later than 30 days after the date*  
20 *of completion of the audit, the Inspector General shall sub-*  
21 *mit to the appropriate committees of Congress a report on*  
22 *the results of the audit.*

1 **SEC. 2505. APPROACH CONTROL RADAR IN ALL AIR TRAF-**  
2 **FIC CONTROL TOWERS.**

3 *The Administrator of the Federal Aviation Adminis-*  
4 *tration shall—*

5 *(1) identify airports that are currently served by*  
6 *Federal Aviation Administration towers with non-*  
7 *radar approach and departure control (Type 4*  
8 *tower); and*

9 *(2) develop an implementation plan, including*  
10 *budgetary considerations, to provide the facilities*  
11 *identified under paragraph (1) with approach control*  
12 *radar.*

13 **SEC. 2506. AIRSPACE MANAGEMENT ADVISORY COMMITTEE.**

14 *(a) IN GENERAL.—Not later than 180 days after the*  
15 *date of the enactment of this Act, the Administrator shall*  
16 *establish an advisory committee to carry out the duties de-*  
17 *scribed in subsection (b).*

18 *(b) DUTIES.—The advisory committee shall—*

19 *(1) conduct a review of the practices and proce-*  
20 *dures of the Federal Aviation Administration for de-*  
21 *veloping proposals with respect to changes in regula-*  
22 *tions, policies, or guidance of the Federal Aviation*  
23 *Administration relating to airspace that affect air-*  
24 *port operations, airport capacity, the environment, or*  
25 *communities in the vicinity of airports, including—*



1           (A) *an assessment of the extent to which*  
2           *there is consultation, or a lack of consultation,*  
3           *with respect to such proposals—*

4                   (i) *between and among the affected ele-*  
5                   *ments of the Federal Aviation Administra-*  
6                   *tion, including the Air Traffic Organiza-*  
7                   *tion, the Office of Airports, the Flight*  
8                   *Standards Service, the Office of NextGen,*  
9                   *and the Office of Energy and Environment;*  
10                  *and*

11                   (ii) *between the Federal Aviation Ad-*  
12                   *ministration and affected entities, including*  
13                   *airports, aircraft operators, communities,*  
14                   *and State and local governments;*

15           (2) *recommend revisions to such practices and*  
16           *procedures to improve communications and coordina-*  
17           *tion between and among affected elements of the Fed-*  
18           *eral Aviation Administration and with other affected*  
19           *entities with respect to proposals described in para-*  
20           *graph (1) and the potential effects of such proposals;*

21           (3) *conduct a review of the management by the*  
22           *Federal Aviation Administration of systems and in-*  
23           *formation used to evaluate data relating to obstruc-*  
24           *tions to air navigation or navigational facilities*

1       *under part 77 of title 14, Code of Federal Regula-*  
2       *tions; and*

3             (4) *make recommendations to ensure that the*  
4       *data described in paragraph (3) is publicly accessible*  
5       *and streamlined to ensure developers, airport opera-*  
6       *tors, and other interested parties may obtain relevant*  
7       *information concerning potential obstructions when*  
8       *working to preserve and create a safe and efficient*  
9       *navigable airspace.*

10       (c) *MEMBERSHIP.—The membership of the advisory*  
11       *committee established under subsection (a) shall include*  
12       *representatives of—*

13             (1) *air carriers, including passenger and cargo*  
14       *air carriers;*

15             (2) *general aviation, including business aviation*  
16       *and fixed wing aircraft and rotocraft;*

17             (3) *airports of various sizes and types;*

18             (4) *air traffic controllers; and*

19             (5) *State aviation officials.*

20       (d) *REPORT REQUIRED.—Not later than one year*  
21       *after the establishment of the advisory committee under sub-*  
22       *section (a), the advisory committee shall submit to Congress*  
23       *a report on the actions taken by the advisory committee*  
24       *to carry out the duties described in subsection (b).*

1 ***Subtitle F—Third Class Medical Re-***  
2 ***form and General Aviation Pilot***  
3 ***Protections***

4 **SEC. 2601. SHORT TITLE.**

5 *This subtitle may be cited as the “Pilot’s Bill of Rights*  
6 *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 Fed-*  
11 *eral Aviation Administration shall issue or revise regula-*  
12 *tions to ensure that an individual may operate as pilot in*  
13 *command of a covered aircraft if—*

14 *(1) the individual possesses a valid driver’s li-*  
15 *cence issued by a State, territory, or possession of the*  
16 *United States and complies with all medical require-*  
17 *ments or restrictions associated with that license;*

18 *(2) the individual holds a medical certificate*  
19 *issued by the Federal Aviation Administration on the*  
20 *date of enactment of this Act, held such a certificate*  
21 *at any point during the 10-year period preceding*  
22 *such date of enactment, or obtains such a certificate*  
23 *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 first,*  
5 *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 suspended;*

10          *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 24*  
18 *calendar months before acting as pilot in command of*  
19 *a covered aircraft and demonstrates proof of comple-*  
20 *tion of the course;*

21          (6) *the individual, when serving as a pilot in*  
22 *command, is under the care and treatment of a physi-*  
23 *cian 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 of*  
7 *the checklist described in subsection (b); and*

8           (ii) *provided the completed checklist to*  
9 *the physician performing the examination;*  
10 *and*

11           (B) *the physician conducted the comprehen-*  
12 *sive medical examination in accordance with the*  
13 *checklist described in subsection (b), checking*  
14 *each item specified during the examination and*  
15 *addressing, as medically appropriate, every med-*  
16 *ical condition listed, and any medications the*  
17 *individual is taking; and*

18           (8) *the individual is operating in accordance*  
19 *with the following conditions:*

20           (A) *The covered aircraft is carrying not*  
21 *more than 5 passengers.*

22           (B) *The individual is operating the covered*  
23 *aircraft under visual flight rules or instrument*  
24 *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 after*  
15                   *the date of enactment of this Act, the Administrator*  
16                   *shall develop a checklist for an individual to complete*  
17                   *and provide to the physician performing the com-*  
18                   *prehensive medical examination required in sub-*  
19                   *section (a)(7).*

20                   (2) *REQUIREMENTS.—The checklist shall con-*  
21                   *tain—*

22                           (A) *a section, for the individual to complete*  
23                   *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 complete;

10                  (II) the individual understands  
11 that he or she is prohibited under Fed-  
12 eral Aviation Administration regula-  
13 tions from acting as pilot in command,  
14 or any other capacity as a required  
15 flight crew member, if he or she knows  
16 or has reason to know of any medical  
17 deficiency or medically disqualifying  
18 condition that would make the indi-  
19 vidual unable to operate the aircraft in  
20 a safe manner; and

21                  (III) the individual is aware of  
22 the regulations pertaining to the prohi-  
23 bition on operations during medical  
24 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 complete,*  
8                    *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 including*  
22                    *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 extremities*  
12                  *(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 reflexes,*  
19                  *equilibrium, senses, cranial nerves, and*  
20                  *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 as  
14                  part of the comprehensive medical examina-  
15                  tion;

16                  (iii) to discuss all drugs the individual  
17                  reports taking (prescription and non-  
18                  prescription) and their potential to interfere  
19                  with the safe operation of an aircraft or  
20                  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 ex-*  
3           *amination that included all of the items on*  
4           *this checklist. I certify that I am not aware*  
5           *of any medical condition that, as presently*  
6           *treated, could interfere with the individual's*  
7           *ability to safely operate an aircraft.”; and*

8                   *(v) to provide the date the comprehen-*  
9                   *sive medical examination was completed,*  
10                  *and the physician's full name, address, tele-*  
11                  *phone number, and State medical license*  
12                  *number.*

13           (3) *LOGBOOK.*—*The completed checklist shall be*  
14           *retained in the individual's logbook and made avail-*  
15           *able on request.*

16           (c) *MEDICAL EDUCATION COURSE REQUIREMENTS.*—  
17           *The medical education course described in this subsection*  
18           *shall—*

19                   (1) *be available on the Internet free of charge;*

20                   (2) *be developed and periodically updated in co-*  
21                   *ordination with representatives of relevant nonprofit*  
22                   *and not-for-profit general aviation stakeholder groups;*

23                   (3) *educate pilots on conducting medical self-as-*  
24                   *sessments;*

1           (4) advise pilots on identifying warning signs of  
2           potential serious medical conditions;

3           (5) identify risk mitigation strategies for med-  
4           ical conditions;

5           (6) increase awareness of the impacts of poten-  
6           tially impairing over-the-counter and prescription  
7           drug medications;

8           (7) encourage regular medical examinations and  
9           consultations with primary care physicians;

10          (8) inform pilots of the regulations pertaining to  
11          the prohibition on operations during medical defi-  
12          ciency and medically disqualifying conditions;

13          (9) provide the checklist developed by the Federal  
14          Aviation Administration in accordance with sub-  
15          section (b); and

16          (10) upon successful completion of the course,  
17          electronically provide to the individual and transmit  
18          to the Federal Aviation Administration—

19                 (A) a certification of completion of the med-  
20                 ical education course, which shall be printed and  
21                 retained in the individual's logbook and made  
22                 available upon request, and shall contain the in-  
23                 dividual's name, address, and airman certificate  
24                 number;

1           (B) subject to subsection (d), a release au-  
2           thorizing the National Driver Register through a  
3           designated State Department of Motor Vehicles to  
4           furnish to the Federal Aviation Administration  
5           information pertaining to the individual's driv-  
6           ing record;

7           (C) a certification by the individual that  
8           the individual is under the care and treatment  
9           of a physician if the individual has been diag-  
10          nosed with any medical condition that may im-  
11          pact the ability of the individual to fly, as re-  
12          quired under (a)(6);

13          (D) a form that includes—

14               (i) the name, address, telephone num-  
15               ber, and airman certificate number of the  
16               individual;

17               (ii) the name, address, telephone num-  
18               ber, and State medical license number of the  
19               physician performing the comprehensive  
20               medical examination required in subsection  
21               (a)(7);

22               (iii) the date of the comprehensive  
23               medical examination required in subsection  
24               (a)(7); and

1                   (iv) a certification by the individual  
2                   that the checklist described in subsection (b)  
3                   was followed and signed by the physician in  
4                   the comprehensive medical examination re-  
5                   quired in subsection (a)(7); and

6                   (E) a statement, which shall be printed,  
7                   and signed by the individual certifying that the  
8                   individual understands the existing prohibition  
9                   on operations during medical deficiency by stat-  
10                  ing: “I understand that I cannot act as pilot in  
11                  command, or any other capacity as a required  
12                  flight crew member, if I know or have reason to  
13                  know of any medical condition that would make  
14                  me unable to operate the aircraft in a safe man-  
15                  ner.”.

16               (d) NATIONAL DRIVER REGISTER.—The authorization  
17               under subsection (c)(10)(B) shall be an authorization for  
18               a single access to the information contained in the National  
19               Driver Register.

20               (e) SPECIAL ISSUANCE PROCESS.—

21                   (1) IN GENERAL.—An individual who has quali-  
22                   fied for the third-class medical certificate exemption  
23                   under subsection (a) and is seeking to serve as a pilot  
24                   in command of a covered aircraft shall be required to  
25                   have completed the process for obtaining an Author-

1        *ization for Special Issuance of a Medical Certificate*  
2        *for each of the following:*

3                *(A) A mental health disorder, limited to an*  
4                *established medical history or clinical diagnosis*  
5                *of—*

6                        *(i) personality disorder that is severe*  
7                        *enough to have repeatedly manifested itself*  
8                        *by overt acts;*

9                        *(ii) psychosis, defined as a case in*  
10                        *which an individual—*

11                                *(I) has manifested delusions, hal-*  
12                                *lucinations, grossly bizarre or disorga-*  
13                                *nized behavior, or other commonly ac-*  
14                                *cepted symptoms of psychosis; or*

15                                *(II) may reasonably be expected to*  
16                                *manifest delusions, hallucinations,*  
17                                *grossly bizarre or disorganized behav-*  
18                                *ior, or other commonly accepted symp-*  
19                                *toms of psychosis;*

20                                *(iii) bipolar disorder; or*

21                                *(iv) substance dependence within the*  
22                                *previous 2 years, as defined in section*  
23                                *67.307(a)(4) of title 14, Code of Federal*  
24                                *Regulations.*

1           (B) *A neurological disorder, limited to an*  
2           *established medical history or clinical diagnosis*  
3           *of any of the following:*

4                   (i) *Epilepsy.*

5                   (ii) *Disturbance of consciousness with-*  
6                   *out satisfactory medical explanation of the*  
7                   *cause.*

8                   (iii) *A transient loss of control of nerv-*  
9                   *ous system functions without satisfactory*  
10                   *medical explanation of the cause.*

11           (C) *A cardiovascular condition, limited to a*  
12           *one-time special issuance for each diagnosis of*  
13           *the following:*

14                   (i) *Myocardial infraction.*

15                   (ii) *Coronary heart disease that has re-*  
16                   *quired treatment.*

17                   (iii) *Cardiac valve replacement.*

18                   (iv) *Heart replacement.*

19           (2) *SPECIAL RULE FOR CARDIOVASCULAR CONDI-*  
20           *TIONS.—In the case of an individual with a cardio-*  
21           *vascular condition, the process for obtaining an Au-*  
22           *thorization for Special Issuance of a Medical Certifi-*  
23           *cate shall be satisfied with the successful completion*  
24           *of an appropriate clinical evaluation without a man-*  
25           *datory wait period.*



1           (3) *SPECIAL RULE FOR MENTAL HEALTH CONDI-*  
2           *TIONS.—*

3           (A) *In the case of an individual with a*  
4           *clinically diagnosed mental health condition, the*  
5           *third-class medical certificate exemption under*  
6           *subsection (a) shall not apply if—*

7                   (i) *in the judgment of the individual’s*  
8                   *State-licensed medical specialist, the condi-*  
9                   *tion—*

10                           (I) *renders the individual unable*  
11                           *to safely perform the duties or exercise*  
12                           *the airman privileges described in sub-*  
13                           *section (a)(8); or*

14                           (II) *may reasonably be expected to*  
15                           *make the individual unable to perform*  
16                           *the duties or exercise the privileges de-*  
17                           *scribed in subsection (a)(8); or*

18                   (ii) *the individual’s driver’s license is*  
19                   *revoked by the issuing agency as a result of*  
20                   *a clinically diagnosed mental health condi-*  
21                   *tion.*

22           (B) *Subject to subparagraph (A), an indi-*  
23           *vidual clinically diagnosed with a mental health*  
24           *condition shall certify every 2 years, in conjunc-*  
25           *tion with the certification under subsection*

1           (c)(10)(C), that the individual is under the care  
2           of a State-licensed medical specialist for that  
3           mental health condition.

4           (4) *SPECIAL RULE FOR NEUROLOGICAL CONDI-*  
5           *TIONS.—*

6                   (A) *In the case of an individual with a*  
7                   *clinically diagnosed neurological condition, the*  
8                   *third-class medical certificate exemption under*  
9                   *subsection (a) shall not apply if—*

10                           (i) *in the judgment of the individual’s*  
11                           *State-licensed medical specialist, the condi-*  
12                           *tion—*

13                                   (I) *renders the individual unable*  
14                                   *to safely perform the duties or exercise*  
15                                   *the airman privileges described in sub-*  
16                                   *section (a)(8); or*

17                                   (II) *may reasonably be expected to*  
18                                   *make the individual unable to perform*  
19                                   *the duties or exercise the privileges de-*  
20                                   *scribed in subsection (a)(8); or*

21                                   (ii) *the individual’s driver’s license is*  
22                                   *revoked by the issuing agency as a result of*  
23                                   *a clinically diagnosed neurological condi-*  
24                                   *tion.*

1           (B) *Subject to subparagraph (A), an indi-*  
2           *vidual clinically diagnosed with a neurological*  
3           *condition shall certify every 2 years, in conjunc-*  
4           *tion with the certification under subsection*  
5           *(c)(10)(C), that the individual is under the care*  
6           *of a State-licensed medical specialist for that*  
7           *neurological condition.*

8           (f) *IDENTIFICATION OF ADDITIONAL MEDICAL CONDI-*  
9           *TIONS FOR THE CACI PROGRAM.—*

10           (1) *IN GENERAL.—Not later than 180 days after*  
11           *the date of enactment of this Act, the Administrator*  
12           *shall review and identify additional medical condi-*  
13           *tions that could be added to the program known as*  
14           *the Conditions AMEs Can Issue (CACI) program.*

15           (2) *CONSULTATIONS.—In carrying out para-*  
16           *graph (1), the Administrator shall consult with avia-*  
17           *tion, medical, and union stakeholders.*

18           (3) *REPORT REQUIRED.—Not later than 180*  
19           *days after the date of enactment of this Act, the Ad-*  
20           *ministrator shall submit to the Committee on Com-*  
21           *merce, Science, and Transportation of the Senate and*  
22           *the Committee on Transportation and Infrastructure*  
23           *of the House of Representatives a report listing the*  
24           *medical conditions that have been added to the CACI*  
25           *program under paragraph (1).*

1       (g) *EXPEDITED AUTHORIZATION FOR SPECIAL*  
2 *ISSUANCE OF A MEDICAL CERTIFICATE.*—

3           (1) *IN GENERAL.*—*The Administrator shall im-*  
4 *plement procedures to expedite the process for obtain-*  
5 *ing an Authorization for Special Issuance of a Med-*  
6 *ical Certificate under section 67.401 of title 14, Code*  
7 *of Federal Regulations.*

8           (2) *CONSULTATIONS.*—*In carrying out para-*  
9 *graph (1), the Administrator shall consult with avia-*  
10 *tion, medical, and union stakeholders.*

11          (3) *REPORT REQUIRED.*—*Not later than 1 year*  
12 *after the date of enactment of this Act, the Adminis-*  
13 *trator shall submit to the Committee on Commerce,*  
14 *Science, and Transportation of the Senate and the*  
15 *Committee on Transportation and Infrastructure of*  
16 *the House of Representatives a report describing how*  
17 *the procedures implemented under paragraph (1) will*  
18 *streamline the process for obtaining an Authorization*  
19 *for Special Issuance of a Medical Certificate and re-*  
20 *duce the amount of time needed to review and decide*  
21 *special issuance cases.*

22          (h) *REPORT REQUIRED.*—*Not later than 5 years after*  
23 *the date of enactment of this Act, the Administrator, in co-*  
24 *ordination with the National Transportation Safety Board,*  
25 *shall submit to the Committee on Commerce, Science, and*

1 *Transportation of the Senate and the Committee on Trans-*  
2 *portation and Infrastructure of the House of Representa-*  
3 *tives a report that describes the effect of the regulations*  
4 *issued or revised under subsection (a) and includes statis-*  
5 *tics with respect to changes in small aircraft activity and*  
6 *safety incidents.*

7       (i) *PROHIBITION ON ENFORCEMENT ACTIONS.*—*Begin-*  
8 *ning on the date that is 1 year after the date of enactment*  
9 *of this Act, the Administrator may not take an enforcement*  
10 *action for not holding a valid third-class medical certificate*  
11 *against a pilot of a covered aircraft for a flight, through*  
12 *a good faith effort, if the pilot and the flight meet the appli-*  
13 *cable requirements under subsection (a), except paragraph*  
14 *(5) of that subsection, unless the Administrator has pub-*  
15 *lished final regulations in the Federal Register under that*  
16 *subsection.*

17       (j) *COVERED AIRCRAFT DEFINED.*—*In this section, the*  
18 *term “covered aircraft” means an aircraft that—*

19               (1) *is authorized under Federal law to carry not*  
20 *more than 6 occupants; and*

21               (2) *has a maximum certificated takeoff weight of*  
22 *not more than 6,000 pounds.*

23       (k) *OPERATIONS COVERED.*—*The provisions and re-*  
24 *quirements covered in this section do not apply to pilots*  
25 *who elect to operate under the medical requirements under*

1 *subsection (b) or subsection (c) of section 61.23 of title 14,*  
2 *Code of Federal Regulations.*

3 *(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-*  
4 *TION.—*

5 *(1) IN GENERAL.—If the Administrator receives*  
6 *credible or urgent information, including from the*  
7 *National Driver Register or the Administrator’s Safe-*  
8 *ty Hotline, that reflects on an individual’s ability to*  
9 *safely operate a covered aircraft under the third-class*  
10 *medical certificate exemption in subsection (a), the*  
11 *Administrator may require the individual to provide*  
12 *additional information or history so that the Admin-*  
13 *istrator may determine whether the individual is safe*  
14 *to continue operating a covered aircraft.*

15 *(2) USE OF INFORMATION.—The Administrator*  
16 *may use credible or urgent information received*  
17 *under paragraph (1) to request an individual to pro-*  
18 *vide additional information or to take actions under*  
19 *section 44709(b) of title 49, United States Code.*

20 **SEC. 2603. EXPANSION OF PILOT’S BILL OF RIGHTS.**

21 *(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN*  
22 *CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of*  
23 *Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.*  
24 *44703 note) is amended by striking “or imposing a punitive*  
25 *civil action or an emergency order of revocation under sub-*

1 *sections (d) and (e) of section 44709 of such title” and in-*  
2 *serting “suspending or revoking an airman certificate*  
3 *under section 44709(d) of such title, or imposing an emer-*  
4 *gency order of revocation under subsections (d) and (e) of*  
5 *section 44709 of such title”.*

6       **(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN**  
7 *OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights (Pub-*  
8 *lic Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note)*  
9 *is amended—*

10           *(1) by amending paragraph (1) to read as fol-*  
11 *lows:*

12           *“(1) IN GENERAL.—In an appeal filed under*  
13 *subsection (d) in a United States district court with*  
14 *respect to a denial, suspension, or revocation of an*  
15 *airman certificate by the Administrator—*

16           *“(A) the district court shall review the de-*  
17  *denial, suspension, or revocation de novo, includ-*  
18 *ing by—*

19           *“(i) conducting a full independent re-*  
20 *view of the complete administrative record*  
21 *of the denial, suspension, or revocation;*

22           *“(ii) permitting additional discovery*  
23 *and the taking of additional evidence; and*

24           *“(iii) making the findings of fact and*  
25 *conclusions of law required by Rule 52 of*

1           *the Federal Rules of Civil Procedure with-*  
2           *out being bound to any findings of fact of*  
3           *the Administrator or the National Trans-*  
4           *portation Safety Board.”;*

5           *(2) by redesignating paragraph (2) as para-*  
6           *graph (3); and*

7           *(3) by inserting after paragraph (1) the fol-*  
8           *lowing:*

9           “(2) *BURDEN OF PROOF.*—*In an appeal filed*  
10          *under subsection (d) in a United States district court*  
11          *after an exhaustion of administrative remedies, the*  
12          *burden of proof shall be as follows:*

13               “(A) *In an appeal of the denial of an appli-*  
14               *cation for the issuance or renewal of an airman*  
15               *certificate under section 44703 of title 49, United*  
16               *States Code, the burden of proof shall be upon*  
17               *the applicant denied an airman certificate by*  
18               *the Administrator.*

19               “(B) *In an appeal of an order issued by the*  
20               *Administrator under section 44709 of title 49,*  
21               *United States Code, the burden of proof shall be*  
22               *upon the Administrator.”; and*

23           *(4) by adding at the end the following:*

24           “(4) *APPLICABILITY OF ADMINISTRATIVE PROCE-*  
25          *DURE ACT.*—*Notwithstanding paragraph (1)(A) of*



1     *this subsection or subsection (a)(1) of section 554 of*  
2     *title 5, United States Code, section 554 of such title*  
3     *shall apply to adjudications of the Administrator and*  
4     *the National Transportation Safety Board to the*  
5     *same extent as that section applied to such adjudica-*  
6     *tions before the date of enactment of the Pilot's Bill*  
7     *of Rights 2.”.*

8     *(c) NOTIFICATION OF INVESTIGATION.—Subsection (b)*  
9     *of section 2 of the Pilot's Bill of Rights (Public Law 112–*  
10    *153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—*

11           *(1) in paragraph (2)(A), by inserting “and the*  
12           *specific activity on which the investigation is based”*  
13           *after “nature of the investigation”;*

14           *(2) in paragraph (3), by striking “timely”; and*

15           *(3) in paragraph (5), by striking “section*  
16           *44709(c)(2)” and inserting “section 44709(e)(2)”.*

17     *(d) RELEASE OF INVESTIGATIVE REPORTS.—Section*  
18     *2 of the Pilot's Bill of Rights (Public Law 112–153; 126*  
19     *Stat. 1159; 49 U.S.C. 44703 note) is further amended by*  
20     *inserting after subsection (e) the following:*

21           *“(f) RELEASE OF INVESTIGATIVE REPORTS.—*

22            *“(1) IN GENERAL.—*

23                *“(A) EMERGENCY ORDERS.—In any pro-*  
24                *ceeding conducted under part 821 of title 49,*  
25                *Code of Federal Regulations, relating to the*

1        *amendment, modification, suspension, or revoca-*  
2        *tion of an airman certificate, in which the Ad-*  
3        *ministrator issues an emergency order under*  
4        *subsections (d) and (e) of section 44709, section*  
5        *44710, or section 46105(c) of title 49, United*  
6        *States Code, or another order that takes effect*  
7        *immediately, the Administrator shall provide to*  
8        *the individual holding the airman certificate the*  
9        *releasable portion of the investigative report at*  
10       *the time the Administrator issues the order. If*  
11       *the complete Report of Investigation is not avail-*  
12       *able at the time the Emergency Order is issued,*  
13       *the Administrator shall issue all portions of the*  
14       *report that are available at the time and shall*  
15       *provide the full report within 5 days of its com-*  
16       *pletion.*

17            *“(B) OTHER ORDERS.—In any non-emer-*  
18        *gency proceeding conducted under part 821 of*  
19        *title 49, Code of Federal Regulations, relating to*  
20        *the amendment, modification, suspension, or rev-*  
21        *ocation of an airman certificate, in which the*  
22        *Administrator notifies the certificate holder of a*  
23        *proposed certificate action under subsections (b)*  
24        *and (c) of section 44709 or section 44710 of title*  
25        *49, United States Code, the Administrator shall,*

1           upon the written request of the covered certificate  
2           holder and at any time after that notification,  
3           provide to the covered certificate holder the re-  
4           leasable portion of the investigative report.

5           “(2) *MOTION FOR DISMISSAL.*—If the Adminis-  
6           trator does not provide the releasable portions of the  
7           investigative report to the individual holding the air-  
8           man certificate subject to the proceeding referred to in  
9           paragraph (1) by the time required by that para-  
10          graph, the individual may move to dismiss the com-  
11          plaint of the Administrator or for other relief and,  
12          unless the Administrator establishes good cause for the  
13          failure to provide the investigative report or for a lack  
14          of timeliness, the administrative law judge shall order  
15          such relief as the judge considers appropriate.

16          “(3) *RELEASABLE PORTION OF INVESTIGATIVE*  
17          *REPORT.*—For purposes of paragraph (1), the releas-  
18          able portion of an investigative report is all informa-  
19          tion in the report, except for the following:

20                 “(A) *Information that is privileged.*

21                 “(B) *Information that constitutes work*  
22                 *product or reflects internal deliberative process.*

23                 “(C) *Information that would disclose the*  
24                 *identity of a confidential source.*

1           “(D) Information the disclosure of which is  
2           prohibited by any other provision of law.

3           “(E) Information that is not relevant to the  
4           subject matter of the proceeding.

5           “(F) Information the Administrator can  
6           demonstrate is withheld for good cause.

7           “(G) Sensitive security information, as de-  
8           fined in section 15.5 of title 49, Code of Federal  
9           Regulations (or any corresponding similar rul-  
10          ing or regulation).

11          “(4) *RULE OF CONSTRUCTION.*—Nothing in this  
12          subsection shall be construed to prevent the Adminis-  
13          trator from releasing to an individual subject to an  
14          investigation described in subsection (b)(1)—

15                 “(A) information in addition to the infor-  
16                 mation included in the releasable portion of the  
17                 investigative report; or

18                 “(B) a copy of the investigative report be-  
19                 fore the Administrator issues a complaint.”.

20 **SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFI-**  
21 **CATE HOLDERS.**

22          (a) *IN GENERAL.*—Section 44709(a) is amended—

23                 (1) by striking “The Administrator” and insert-  
24                 ing the following:

25                         “(1) *IN GENERAL.*—The Administrator”;

1           (2) by striking “reexamine” and inserting “, ex-  
2           cept as provided in paragraph (2), reexamine”; and  
3           (3) by adding at the end the following:

4           “(2) *LIMITATION ON THE REEXAMINATION OF*  
5           *AIRMAN CERTIFICATES.*—

6           “(A) *IN GENERAL.*—*The Administrator*  
7           *may not reexamine an airman holding a stu-*  
8           *dent, sport, recreational, or private pilot certifi-*  
9           *cate issued under section 44703 of this title if the*  
10           *reexamination is ordered as a result of an event*  
11           *involving the fault of the Federal Aviation Ad-*  
12           *ministration or its designee, unless the Adminis-*  
13           *trator has reasonable grounds—*

14           “(i) *to establish that the airman may*  
15           *not be qualified to exercise the privileges of*  
16           *a particular certificate or rating, based*  
17           *upon an act or omission committed by the*  
18           *airman while exercising those privileges,*  
19           *after the certificate or rating was issued by*  
20           *the Federal Aviation Administration or its*  
21           *designee; or*

22           “(ii) *to demonstrate that the airman*  
23           *obtained the certificate or the rating*  
24           *through fraudulent means or through an ex-*  
25           *amination that was substantially and de-*

1                   *monstrably inadequate to establish the air-*  
2                   *man's qualifications.*

3                   “(B) *NOTIFICATION REQUIREMENTS.*—*Be-*  
4                   *fore taking any action to reexamine an airman*  
5                   *under subparagraph (A), the Administrator shall*  
6                   *provide to the airman—*

7                   *“(i) a reasonable basis, described in de-*  
8                   *tail, for requesting the reexamination; and*

9                   *“(ii) any information gathered by the*  
10                   *Federal Aviation Administration, that the*  
11                   *Administrator determines is appropriate to*  
12                   *provide, such as the scope and nature of the*  
13                   *requested reexamination, that formed the*  
14                   *basis for that justification.”.*

15                   (b) *AMENDMENT, MODIFICATION, SUSPENSION, OR*  
16                   *REVOCAION OF AIRMAN CERTIFICATES AFTER REEXAM-*  
17                   *INATION.*—*Section 44709(b) is amended—*

18                   (1) *in paragraph (1), by redesignating subpara-*  
19                   *graphs (A) and (B) as clauses (i) and (ii), respec-*  
20                   *tively, and indenting appropriately;*

21                   (2) *by redesignating paragraphs (1) and (2) as*  
22                   *subparagraphs (A) and (B), respectively, and indent-*  
23                   *ing appropriately;*

1           (3) *in the matter preceding subparagraph (A), as*  
2 *redesignated, by striking “The Administrator” and*  
3 *inserting the following:*

4           “(1) *IN GENERAL.—Except as provided in para-*  
5 *graph (2), the Administrator”;* and

6           (4) *by adding at the end the following:*

7           “(2) *AMENDMENTS, MODIFICATIONS, SUSPEN-*  
8 *SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES*  
9 *AFTER REEXAMINATION.—*

10           “(A) *IN GENERAL.—The Administrator*  
11 *may not issue an order to amend, modify, sus-*  
12 *pend, or revoke an airman certificate held by a*  
13 *student, sport, recreational, or private pilot and*  
14 *issued under section 44703 of this title after a*  
15 *reexamination of the airman holding the certifi-*  
16 *cate unless the Administrator determines that the*  
17 *airman—*

18           “(i) *lacks the technical skills and com-*  
19 *petency, or care, judgment, and responsi-*  
20 *bility, necessary to hold and safely exercise*  
21 *the privileges of the certificate; or*

22           “(ii) *materially contributed to the*  
23 *issuance of the certificate by fraudulent*  
24 *means.*

1           “(B) *STANDARD OF REVIEW.*—Any order of  
2           the Administrator under this paragraph shall be  
3           subject to the standard of review provided for  
4           under section 2 of the Pilot’s Bill of Rights (49  
5           U.S.C. 44703 note).”.

6           (c) *CONFORMING AMENDMENTS.*—Section 44709(d)(1)  
7 is amended—

8           (1) in subparagraph (A), by striking “subsection  
9           (b)(1)(A)” and inserting “subsection (b)(1)(A)(i);  
10          and

11          (2) in subparagraph (B), by striking “subsection  
12          (b)(1)(B)” and inserting “subsection (b)(1)(A)(ii)”.

13 **SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.**

14          (a) *IN GENERAL.*—

15           (1) Beginning on the date that is 180 days after  
16           the date of enactment of this Act, the Administrator  
17           of the Federal Aviation Administration may not take  
18           any enforcement action against any individual for a  
19           violation of a NOTAM (as defined in section 3 of the  
20           Pilot’s Bill of Rights (49 U.S.C. 44701 note)) until  
21           the Administrator certifies to the appropriate congress-  
22           sional committees that the Administrator has com-  
23           plied with the requirements of section 3 of the Pilot’s  
24           Bill of Rights, as amended by this section.



1           (2) *In this subsection, the term “appropriate*  
2 *congressional committees” means—*

3                   (A) *the Committee on Commerce, Science,*  
4 *and Transportation of the Senate; and*

5                   (B) *the Committee on Transportation and*  
6 *Infrastructure of the House of Representatives.*

7       (b) *AMENDMENTS.—Section 3 of the Pilot’s Bill of*  
8 *Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.*  
9 *44701 note) is amended—*

10           (1) *in subsection (a)(2)—*

11                   (A) *in the matter preceding subparagraph*

12 *(A)—*

13                           (i) *by striking “this Act” and inserting*

14 *“the Pilot’s Bill of Rights 2”;* and

15                           (ii) *by striking “begin” and inserting*

16 *“complete the implementation of”;*

17                   (B) *by amending subparagraph (B) to read*  
18 *as follows:*

19                           “(B) *to continue developing and modern-*  
20 *izing the NOTAM repository, in a public central*  
21 *location, to maintain and archive all NOTAMs,*  
22 *including the original content and form of the*  
23 *notices, the original date of publication, and any*  
24 *amendments to such notices with the date of each*

1           *amendment, in a manner that is Internet-access-*  
2           *ible, machine-readable, and searchable;”;*

3           *(C) in subparagraph (C), by striking the*  
4           *period at the end and inserting “; and”; and*

5           *(D) by adding at the end the following:*

6           *“(D) to specify the times during which tem-*  
7           *porary flight restrictions are in effect and the*  
8           *duration of a designation of special use airspace*  
9           *in a specific area.”; and*

10          *(2) by amending subsection (d) to read as fol-*  
11          *lows:*

12          *“(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE*  
13          *FOR NOTAMS.—*

14           *“(1) IN GENERAL.—The Administrator—*

15           *“(A) shall consider the repository for*  
16           *NOTAMs under subsection (a)(2)(B) to be the*  
17           *sole location for airmen to check for NOTAMs;*  
18           *and*

19           *“(B) may not consider a NOTAM to be an-*  
20           *nounced or published until the NOTAM is in-*  
21           *cluded in the repository for NOTAMs under sub-*  
22           *section (a)(2)(B).*

23           *“(2) PROHIBITION ON TAKING ACTION FOR VIO-*  
24           *LATIONS OF NOTAMS NOT IN REPOSITORY.—*

1           “(A) *IN GENERAL.*—*Except as provided in*  
2           *subparagraph (B), beginning on the date that*  
3           *the repository under subsection (a)(2)(B) is final*  
4           *and published, the Administrator may not take*  
5           *any enforcement action against an airman for a*  
6           *violation of a NOTAM during a flight if—*

7                   “(i) *that NOTAM is not available*  
8                   *through the repository before the commence-*  
9                   *ment of the flight; and*

10                   “(ii) *that NOTAM is not reasonably*  
11                   *accessible and identifiable to the airman.*

12           “(B) *EXCEPTION FOR NATIONAL SECUR-*  
13           *ITY.*—*Subparagraph (A) shall not apply in the*  
14           *case of an enforcement action for a violation of*  
15           *a NOTAM that directly relates to national secu-*  
16           *rity.”.*

17 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

18           (a) *IN GENERAL.*—*Subchapter I of chapter 471 is*  
19           *amended by inserting after section 47124 the following:*

20 **“§ 47124a. Accessibility of certain flight data**

21           “(a) *DEFINITIONS.*—*In this section:*

22                   “(1) *ADMINISTRATION.*—*The term ‘Administra-*  
23                   *tion’ means the Federal Aviation Administration.*

1           “(2) *ADMINISTRATOR.*—*The term ‘Adminis-*  
2           *trator’ means the Administrator of the Federal Avia-*  
3           *tion Administration.*

4           “(3) *APPLICABLE INDIVIDUAL.*—*The term ‘appli-*  
5           *cable individual’ means an individual who is the sub-*  
6           *ject of an investigation initiated by the Administrator*  
7           *related to a covered flight record.*

8           “(4) *CONTRACT TOWER.*—*The term ‘contract*  
9           *tower’ means an air traffic control tower providing*  
10           *air traffic control services pursuant to a contract*  
11           *with the Administration under the contract air traffic*  
12           *control tower program under section 47124(b)(3).*

13           “(5) *COVERED FLIGHT RECORD.*—*The term ‘cov-*  
14           *ered flight record’ means any air traffic data (as de-*  
15           *defined in section 2(b)(4)(B) of the Pilot’s Bill of Rights*  
16           *(49 U.S.C. 44703 note)), created, maintained, or con-*  
17           *trolled by any program of the Administration, includ-*  
18           *ing any program of the Administration carried out*  
19           *by employees or contractors of the Administration,*  
20           *such as contract towers, flight service stations, and*  
21           *controller training programs.*

22           “(b) *PROVISION OF COVERED FLIGHT RECORD TO AD-*  
23           *MINISTRATION.*—

24           “(1) *REQUESTS.*—*Whenever the Administration*  
25           *receives a written request for a covered flight record*

1     *from an applicable individual and the covered flight*  
2     *record is not in the possession of the Administration,*  
3     *the Administrator shall request the covered flight*  
4     *record from the contract tower or other contractor of*  
5     *the Administration in possession of the covered flight*  
6     *record.*

7             “(2) *PROVISION OF RECORDS.*—*Any covered*  
8     *flight record created, maintained, or controlled by a*  
9     *contract tower or another contractor of the Adminis-*  
10    *tration that maintains covered flight records shall be*  
11    *provided to the Administration if the Administration*  
12    *requests the record pursuant to paragraph (1).*

13            “(3) *NOTICE OF PROPOSED CERTIFICATE AC-*  
14    *TION.*—*If the Administrator has issued, or subse-*  
15    *quently issues, a Notice of Proposed Certificate Action*  
16    *relying on evidence contained in the covered flight*  
17    *record and the individual who is the subject of an in-*  
18    *vestigation has requested the record, the Adminis-*  
19    *trator shall promptly produce the record and extend*  
20    *the time the individual has to respond to the Notice*  
21    *of Proposed Certificate Action until the covered flight*  
22    *record is provided.*

23            “(c) *IMPLEMENTATION.*—

24            “(1) *IN GENERAL.*—*Not later than 180 days*  
25    *after the date of enactment of the Pilot’s Bill of*

1 *Rights 2, the Administrator shall promulgate regula-*  
2 *tions or guidance to ensure compliance with this sec-*  
3 *tion.*

4 “(2) *COMPLIANCE BY CONTRACTORS.*—

5 “(A) *Compliance with this section by a con-*  
6 *tract tower or other contractor of the Adminis-*  
7 *tration that maintains covered flight records*  
8 *shall be included as a material term in any con-*  
9 *tract between the Administration and the con-*  
10 *tract tower or contractor entered into or renewed*  
11 *on or after the date of enactment of the Pilot’s*  
12 *Bill of Rights 2.*

13 “(B) *Subparagraph (A) shall not apply to*  
14 *any contract or agreement in effect on the date*  
15 *of enactment of the Pilot’s Bill of Rights 2 unless*  
16 *the contract or agreement is renegotiated, re-*  
17 *newed, or modified after that date.”.*

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

19 *The table of contents for chapter 471 is amended by insert-*  
20 *ing after the item relating to section 47124 the following:*

*“47124a. Accessibility of certain flight data.”.*

21 **SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**  
22 **TAIN NOTICES.**

23 *Not later than 180 days after the date of enactment*  
24 *of this Act, the Administrator of the Federal Aviation Ad-*  
25 *ministration shall revise section 13.11 of title 14, Code of*

1 *Federal Regulations, to authorize legal counsel of the Fed-*  
2 *eral Aviation Administration to close enforcement actions*  
3 *covered by that section with a warning notice, letter of cor-*  
4 *rection, or other administrative action.*

5                   **TITLE III—AIR SERVICE**  
6                   **IMPROVEMENTS**

7 **SEC. 3001. DEFINITIONS.**

8       *In this title:*

9                   (1) *COVERED AIR CARRIER.*—*The term “covered*  
10 *air carrier” means an air carrier or a foreign air*  
11 *carrier as those terms are defined in section 40102 of*  
12 *title 49, United States Code.*

13                   (2) *ONLINE SERVICE.*—*The term “online service”*  
14 *means any service available over the Internet, or that*  
15 *connects to the Internet or a wide-area network.*

16                   (3) *TICKET AGENT.*—*The term “ticket agent” has*  
17 *the meaning given the term in section 40102 of title*  
18 *49, United States Code.*

19                   **Subtitle A—Passenger Air Service**  
20                   **Improvements**

21 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-**  
22                   **TIONS.**

23                   (a) *REVIEW.*—

24                   (1) *IN GENERAL.*—*Not later than 1 year after*  
25 *the date of enactment of this Act, the Secretary of*

1       *Transportation shall review the categorization of*  
2       *delays and cancellations with respect to air carriers*  
3       *that are required to report such data.*

4               (2) *CONSIDERATIONS.—In conducting the review*  
5       *under paragraph (1), the Secretary shall consider, at*  
6       *a minimum—*

7               (A) *whether delays and cancellations attrib-*  
8       *uted by an air carrier to weather were unavoid-*  
9       *able due to an operational or air traffic control*  
10       *issue, or due to the air carrier’s preference in de-*  
11       *termining which flights to delay or cancel during*  
12       *a weather event;*

13              (B) *whether and to what extent delays and*  
14       *cancellations attributed by an air carrier to*  
15       *weather disproportionately impact service to*  
16       *smaller airports and communities; and*

17              (C) *whether it is an unfair or deceptive*  
18       *practice in violation of section 41712 of title 49,*  
19       *United States Code, for an air carrier to inform*  
20       *a passenger that a flight is delayed or cancelled*  
21       *due to weather, without any other context or ex-*  
22       *planation for the delay or cancellation, when the*  
23       *air carrier has discretion as to which flights to*  
24       *delay or cancel.*



1           (3) *ADVISORY COMMITTEE FOR AVIATION CON-*  
2           *SUMER PROTECTION.*—*The Secretary may use the Ad-*  
3           *visory Committee for Aviation Consumer Protection,*  
4           *established under section 411 of the FAA Moderniza-*  
5           *tion and Reform Act of 2012 (49 U.S.C. 42301 prec.*  
6           *note), to assist in conducting the review and pro-*  
7           *viding recommendations.*

8           (b) *REPORT.*—*Not later than 90 days after the date*  
9           *the review under subsection (a) is complete, the Secretary*  
10          *shall submit to the appropriate committees of Congress a*  
11          *report on the review under subsection (a), including any*  
12          *recommendations.*

13          (c) *SAVINGS PROVISION.*—*Nothing in this section shall*  
14          *be construed as affecting the decision of an air carrier to*  
15          *maximize its system capacity during weather-related events*  
16          *to accommodate the greatest number of passengers.*

17   **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

18          (a) *REVIEW.*—

19               (1) *IN GENERAL.*—*Not later than 1 year after*  
20               *the date of enactment of this Act, the Secretary of*  
21               *Transportation shall review whether it is an unfair*  
22               *or deceptive practice in violation of section 41712 of*  
23               *title 49, United States Code, for an air carrier to*  
24               *change the itinerary of a passenger, more than 24*  
25               *hours before departure, if the new itinerary involves*

1       *additional stops or departs 3 hours earlier or later*  
2       *and compensation or other more suitable air trans-*  
3       *portation is not offered.*

4               (2) *ADVISORY COMMITTEE FOR AVIATION CON-*  
5       *SUMER PROTECTION.—The Secretary may use the Ad-*  
6       *visory Committee for Aviation Consumer Protection,*  
7       *established under section 411 of the FAA Moderniza-*  
8       *tion and Reform Act of 2012 (49 U.S.C. 42301 prec.*  
9       *note), to assist in conducting the review and pro-*  
10       *viding recommendations.*

11       (b) *REPORT.—Not later than 90 days after the date*  
12       *the review under subsection (a) is complete, the Secretary*  
13       *shall submit to appropriate committees of Congress a report*  
14       *on the review under subsection (a), including any rec-*  
15       *ommendations.*

16       **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

17       *Not later than 180 days after the date that the reviews*  
18       *under sections 3101 and 3102 of this Act are complete, the*  
19       *Secretary of Transportation shall issue a supplemental no-*  
20       *tice of proposed rulemaking to its notice of proposed rule-*  
21       *making published in the Federal Register on May 23, 2014*  
22       *(DOT–OST–2014–0056) (relating to the transparency of*  
23       *airline ancillary fees and other consumer protection issues)*  
24       *to consider the following:*

1           (1) *Requiring an air carrier to provide notifica-*  
 2           *tion and refunds or other consideration to a consumer*  
 3           *who is impacted by delays or cancellations when an*  
 4           *air carrier has a choice as to which flights to cancel*  
 5           *or delay during a weather-related event.*

6           (2) *Requiring an air carrier to provide notifica-*  
 7           *tion and refunds or other consideration to a consumer*  
 8           *who is impacted by involuntary changes to the con-*  
 9           *sumer's itinerary.*

10 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**  
 11                   **SENGERS INVOLVED IN AIRCRAFT ACCI-**  
 12                   **DENTS.**

13           (a) *AIR CARRIERS HOLDING CERTIFICATES OF PUB-*  
 14 *LIC CONVENIENCE AND NECESSITY.*—*Section 41113 is*  
 15 *amended—*

16           (1) *in subsection (a), by striking “a major” and*  
 17           *inserting “any”;*

18           (2) *in subsection (b)—*

19                   (A) *in paragraph (9), by striking “(and*  
 20                   *any other victim of the accident)” and inserting*  
 21                   *“(and any other victim of the accident, including*  
 22                   *any victim on the ground)”;*

23                   (B) *in paragraph (16), by striking “major”*  
 24                   *and inserting “any”; and*

1           (C) in paragraph (17)(A), by striking “sig-  
2           nificant” and inserting “any”; and

3           (3) by amending subsection (e) to read as fol-  
4           lows:

5           “(e) *DEFINITIONS.*—*In this section:*

6           “(1) ‘Aircraft accident’ means any aviation dis-  
7           aster, regardless of its cause or suspected cause, for  
8           which the National Transportation Safety Board is  
9           the lead investigative agency.

10          “(2) ‘Passenger’ has the meaning given the term  
11          in section 1136.”.

12          (b) *FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR*  
13          *TRANSPORTATION.*—*Section 41313 is amended—*

14                 (1) in subsection (b), by striking “a major” and  
15                 inserting “any”; and

16                 (2) in subsection (c)—

17                         (A) in paragraph (1), by striking “a sig-  
18                         nificant” and inserting “any”;

19                         (B) in paragraph (2), by striking “a sig-  
20                         nificant” and inserting “any”;

21                         (C) in paragraph (16), by striking “major”  
22                         and inserting “any”; and

23                         (D) in paragraph (17)(A), by striking “sig-  
24                         nificant” and inserting “any”.

1       (c) *NATIONAL TRANSPORTATION SAFETY BOARD.*—  
2 *Section 1136(a) is amended by striking “aircraft accident*  
3 *within the United States involving an air carrier or foreign*  
4 *air carrier and resulting in a major loss of life” and insert-*  
5 *ing “aircraft accident involving an air carrier or foreign*  
6 *air carrier, resulting in any loss of life, and for which the*  
7 *National Transportation Safety Board will serve as the*  
8 *lead investigative agency”.*

9 **SEC. 3105. EMERGENCY MEDICAL KITS.**

10       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
11 *of enactment of this Act, the Administrator of the Federal*  
12 *Aviation Administration shall evaluate and revise, as ap-*  
13 *propriate, the regulations under part 121 of title 14, Code*  
14 *of Federal Regulations, regarding the emergency medical*  
15 *equipment requirements, including the contents of the first-*  
16 *aid kit, applicable to all certificate holders operating pas-*  
17 *senger-carrying airplanes under that part.*

18       (b) *CONSIDERATIONS.*—*In carrying out subsection (a),*  
19 *the Administrator shall consider whether the minimum con-*  
20 *tents of approved emergency medical kits, including ap-*  
21 *proved first-aid kits, include appropriate medications and*  
22 *equipment to meet the emergency medical needs of children,*  
23 *including consideration of an epinephrine auto-injector, as*  
24 *appropriate.*

1 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date  
3 of enactment of this Act, the Comptroller General of the  
4 United States shall—

5 (1) *conduct a study of airport accessibility best*  
6 *practices for individuals with disabilities; and*

7 (2) *submit to the appropriate committees of Con-*  
8 *gress a report on the study, including the Comptroller*  
9 *General’s findings, conclusions, and recommenda-*  
10 *tions.*

11 (b) *CONTENTS.*—The study under subsection (a) shall  
12 include accessibility best practices beyond those rec-  
13 ommended under the Architectural Barriers Act of 1968 (42  
14 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29 U.S.C.  
15 701 et seq.), Air Carrier Access Act of 1986 (100 Stat. 1080;  
16 Public Law 99–435), or Americans with Disabilities Act  
17 of 1990 (42 U.S.C. 12101 et seq.), that improve infrastruc-  
18 ture and communications, such as with regard to  
19 wayfinding, amenities, and passenger care.

20 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**  
21 **TION CONSUMER PROTECTION.**

22 (a) *TERMINATION.*—Section 411(h) of the FAA Mod-  
23 ernization and Reform Act of 2012 (Public Law 112–95;  
24 49 U.S.C. 42301 prec. note) is amended by striking “July  
25 15, 2016” and inserting “September 30, 2017”.

1       (b) *FINANCIAL DISCLOSURE.*—Section 411 of the FAA  
2 *Modernization and Reform Act of 2012 (Public Law 112–*  
3 *95; 49 U.S.C. 42301 prec. note) is further amended—*

4           (1) *by redesignating subsection (h) as subsection*  
5 *(i); and*

6           (2) *by inserting before subsection (i), the fol-*  
7 *lowing:*

8       “*(h) CONFLICT OF INTEREST DISCLOSURE.*—*Begin-*  
9 *ning on the date of enactment of the Federal Aviation Ad-*  
10 *ministration Reauthorization Act of 2016, each member of*  
11 *the advisory committee who is not a government employee*  
12 *shall disclose, on an annual basis, any potential conflicts*  
13 *of interest, including financial conflicts of interest, to the*  
14 *Secretary in such form and manner as prescribed by the*  
15 *Secretary.”.*

16       (c) *RECOMMENDATIONS.*—Section 411(g) of the FAA  
17 *Modernization and Reform Act of 2012 (Public Law 112–*  
18 *95; 49 U.S.C. 42301 prec. note) is amended—*

19           (1) *by striking “of the first 2 calendar years be-*  
20 *ginning after the date of enactment of this Act” and*  
21 *inserting “calendar year”; and*

22           (2) *by inserting “and post on the Department of*  
23 *Transportation Web site” after “Congress”.*

1 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

2 *Section 47107(r)(3) is amended by striking “July 16,*  
3 *2016” and inserting “October 1, 2017”.*

4 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

5 *(a) IN GENERAL.—Not later than 1 year after the date*  
6 *of enactment of this Act, the Secretary of Transportation*  
7 *shall issue final regulations to require a covered air carrier*  
8 *to promptly provide an automatic refund to a passenger*  
9 *in the amount of any applicable ancillary fees paid if the*  
10 *covered air carrier has charged the passenger an ancillary*  
11 *fee for checked baggage but the covered air carrier fails to*  
12 *deliver the checked baggage to the passenger not later than*  
13 *6 hours after the arrival of a domestic flight or 12 hours*  
14 *after the arrival of an international flight.*

15 *(b) EXCEPTION.—If as part of the rulemaking the Sec-*  
16 *retary makes a determination on the record that a require-*  
17 *ment under subsection (a) is unfeasible and will negatively*  
18 *affect consumers in certain cases, the Secretary may modify*  
19 *1 or both of the deadlines in that subsection for such cases,*  
20 *except that—*

21 *(1) the deadline relating to a domestic flight*  
22 *may not exceed 12 hours after the arrival of the do-*  
23 *mestic flight; and*

24 *(2) the deadline relating to an international*  
25 *flight may not exceed 24 hours after the arrival of the*  
26 *international flight.*



1 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**  
2 **ORED BY A COVERED AIR CARRIER.**

3 *Not later than 1 year after the date of enactment of*  
4 *this Act, the Secretary of Transportation shall promulgate*  
5 *regulations that require each covered air carrier to prompt-*  
6 *ly provide an automatic refund to a passenger of any ancil-*  
7 *lary fees paid for services that the passenger does not re-*  
8 *ceive, including on the passenger's scheduled flight, on a*  
9 *subsequent replacement itinerary if there has been a re-*  
10 *scheduling, or for a flight not taken by the passenger.*

11 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

12 *(a) IN GENERAL.—Not later than 1 year after the date*  
13 *of enactment of this Act, the Secretary of Transportation*  
14 *shall issue final regulations requiring—*

15 *(1) each covered air carrier to disclose to a con-*  
16 *sumer the baggage fee, cancellation fee, change fee,*  
17 *ticketing fee, and seat selection fee of that covered air*  
18 *carrier in a standardized format; and*

19 *(2) notwithstanding the manner in which infor-*  
20 *mation regarding the fees described in paragraph (1)*  
21 *is collected, each ticket agent to disclose to a consumer*  
22 *such fees of a covered air carrier in the standardized*  
23 *format described in paragraph (1).*

24 *(b) REQUIREMENTS.—The regulations under sub-*  
25 *section (a) shall require that each disclosure—*

1           (1) *if ticketing is done on an Internet Web site*  
2           *or other online service—*

3                   (A) *be prominently displayed to the con-*  
4                   *sumer prior to the point of purchase; and*

5                   (B) *set forth the fees described in subsection*  
6                   *(a)(1) in clear and plain language and a font of*  
7                   *easily readable size; and*

8           (2) *if ticketing is done on the telephone, be ex-*  
9           *pressly stated to the consumer during the telephone*  
10          *call and prior to the point of purchase.*

11 **SEC. 3112. SEAT ASSIGNMENTS.**

12          (a) *IN GENERAL.—Not later than 15 months after the*  
13          *date of enactment of this Act, the Secretary of Transpor-*  
14          *tation shall complete such actions as may be necessary to*  
15          *require each covered air carrier and ticket agent to disclose*  
16          *to a consumer that seat selection for which a fee is charged*  
17          *is an optional service, and that if a consumer does not pay*  
18          *for a seat assignment, a seat will be assigned to the con-*  
19          *sumer from available inventory at the time the consumer*  
20          *checks in for the flight or prior to departure.*

21          (b) *REQUIREMENTS.—The disclosure under subsection*  
22          *(a) shall—*

23                   (1) *if ticketing is done on an Internet Web site*  
24                   *or other online service, be prominently displayed to*  
25                   *the consumer on that Internet Web site or online serv-*

1        *ice during the selection of seating or prior to the*  
2        *point of purchase; and*

3            *(2) if ticketing is done on the telephone, be ex-*  
4        *pressly stated to the consumer during the telephone*  
5        *call and prior to the point of purchase.*

6        **SEC. 3113. LASTING IMPROVEMENTS TO FAMILY TRAVEL.**

7        *(a) SHORT TITLE.—This section may be cited as the*  
8        *“Lasting Improvements to Family Travel Act” or the*  
9        *“LIFT Act”.*

10        *(b) ACCOMPANYING MINORS FOR SECURITY SCREEN-*  
11        *ING.—The Administrator of the Transportation Security*  
12        *Administration shall formalize security screening proce-*  
13        *dures that allow for one adult family caregiver to accom-*  
14        *pany a minor child throughout the entirety of the security*  
15        *screening process.*

16        *(c) SPECIAL ACCOMMODATIONS FOR PREGNANT*  
17        *WOMEN.—Not later than 180 days after the date of the en-*  
18        *actment of this Act, the Secretary of Transportation shall*  
19        *review and, if appropriate, prescribe regulations that direct*  
20        *all air carriers to include pregnant women in their policies*  
21        *with respect to preboarding or advance boarding of aircraft.*

22        *(d) FAMILY SEATING.—Not later than 1 year after the*  
23        *date of the enactment of this Act, the Secretary shall review*  
24        *and, if appropriate, establish a policy directing all air car-*  
25        *riers to ensure that, if a family is traveling on a reservation*

1 *with a child under the age of 13, that child is able to sit*  
2 *in a seat adjacent to the seat of an accompanying family*  
3 *member over the age of 13, to the maximum extent prac-*  
4 *ticable, at no additional cost.*

5 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**  
6 **MENT.**

7 *(a) IN GENERAL.—Section 42302 is amended—*

8 *(1) by redesignating subsections (b) and (c) as*  
9 *subsections (c) and (d), respectively;*

10 *(2) by inserting after subsection (a), the fol-*  
11 *lowing:*

12 *“(b) POINT OF SALE.—Each air carrier, foreign air*  
13 *carrier, and ticket agent shall inform each consumer of a*  
14 *carrier service, at the point of sale, that the consumer can*  
15 *file a complaint about that service with the carrier and with*  
16 *the Aviation Consumer Protection Division of the Depart-*  
17 *ment of Transportation.”;*

18 *(3) by amending subsection (c), as redesignated,*  
19 *to read as follows:*

20 *“(c) INTERNET WEB SITE OR OTHER ONLINE SERVICE*  
21 *NOTICE.—Each air carrier and foreign air carrier shall in-*  
22 *clude on its Internet Web site, any related mobile device*  
23 *application, and online service—*

24 *“(1) the hotline telephone number established*  
25 *under subsection (a) or for the Aviation Consumer*

1     *Protection Division of the Department of Transpor-*  
2     *tation;*

3             “(2) *an active link and the email address, tele-*  
4     *phone number, and mailing address of the air carrier*  
5     *or foreign air carrier, as applicable, for a consumer*  
6     *to submit a complaint to the carrier about the quality*  
7     *of service;*

8             “(3) *notice that the consumer can file a com-*  
9     *plaint with the Aviation Consumer Protection Divi-*  
10    *sion of the Department of Transportation;*

11            “(4) *an active link to the Internet Web site of the*  
12    *Aviation Consumer Protection Division of the Depart-*  
13    *ment of Transportation for a consumer to file a com-*  
14    *plaint; and*

15            “(5) *the active link described in paragraph (2)*  
16    *on the same Internet Web site page as the active link*  
17    *described in paragraph (4).”;* and

18            (4) *in subsection (d), as redesignated—*

19            (A) *in the matter preceding paragraph (1),*  
20    *by striking “An air carrier or foreign air carrier*  
21    *providing scheduled air transportation using*  
22    *any aircraft that as originally designed has a*  
23    *passenger capacity of 30 or more passenger*  
24    *seats” and inserting “Each air carrier and for-*  
25    *eign air carrier”;*

1           (B) in paragraph (1), by striking “air car-  
2           rier” and inserting “carrier”; and

3           (C) in paragraph (2), by striking “air car-  
4           rier” and inserting “carrier”.

5           (b) *RULEMAKING.*—Not later than 1 year after the date  
6 of enactment of this Act, the Secretary of Transportation  
7 shall promulgate regulations to implement the requirements  
8 of section 42302 of title 49, United States Code, as amend-  
9 ed.

10 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**  
11 **TECTION INFORMATION.**

12           (a) *INTERNET WEB SITE.*—Not later than 180 days  
13 after the date of enactment of this Act, the Secretary of  
14 Transportation shall—

15           (1) complete an evaluation of the aviation con-  
16 sumer protection portion of the Department of Trans-  
17 portation’s public Internet Web site to identify any  
18 changes to the user interface that will improve  
19 usability, accessibility, consumer satisfaction, and  
20 Web site performance;

21           (2) in completing the evaluation under para-  
22 graph (1)—

23           (A) consider the best practices of other Fed-  
24 eral agencies with effective Web sites; and

1           (B) consult with the Federal Web Managers  
2           Council;

3           (3) develop a plan, including an implementation  
4           timeline, for—

5           (A) making the changes identified under  
6           paragraph (1); and

7           (B) making any necessary changes to that  
8           portion of the Web site that will enable a con-  
9           sumer—

10           (i) to access information regarding  
11           each complaint filed with the Aviation Con-  
12           sumer Protection Division of the Depart-  
13           ment of Transportation;

14           (ii) to search the complaints described  
15           in clause (i) by the name of the air carrier,  
16           the dates of departure and arrival, the air-  
17           ports of origin and departure, and the type  
18           of complaint; and

19           (iii) to determine the date a complaint  
20           was filed and the date a complaint was re-  
21           solved; and

22           (4) submit the evaluation and plan to appro-  
23           priate committees of Congress.

1       (b) *MOBILE APPLICATION SOFTWARE.*—Not later than  
2 1 year after the date of enactment of this Act, the Secretary  
3 of Transportation shall—

4           (1) *implement a program to develop application*  
5 *software for wireless devices that will enable a user to*  
6 *access information and perform activities related to*  
7 *aviation consumer protection, such as—*

8           (A) *information regarding airline passenger*  
9 *protections, including protections related to lost*  
10 *baggage and baggage fees, disclosure of addi-*  
11 *tional fees, bumping, cancelled or delayed flights,*  
12 *damaged or lost baggage, and tarmac delays;*  
13 *and*

14           (B) *file an aviation consumer complaint,*  
15 *including a safety and security, airline service,*  
16 *disability and discrimination, or privacy com-*  
17 *plaint, with the Aviation Consumer Protection*  
18 *Division of the Department of Transportation;*  
19 *and*

20           (2) *make the application software available to*  
21 *the public at no cost.*

22 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**  
23 **SYSTEMS.**

24       *Not later than 2 years after the date of enactment of*  
25 *this Act, the Architectural and Transportation Barriers*



1 *Compliance Board, in consultation with the Secretary of*  
2 *Transportation, shall conduct a study to determine the*  
3 *ways in which particular individuals with significant dis-*  
4 *abilities who use wheelchairs, including power wheelchairs,*  
5 *can be accommodated through in cabin wheelchair restraint*  
6 *systems.*

7 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**  
8 **FOR PERSONS WITH DISABILITIES.**

9 (a) *IN GENERAL.*—*Not later than 270 days after the*  
10 *date of enactment of this Act, the Comptroller General of*  
11 *the United States shall submit to Congress a report describ-*  
12 *ing—*

13 (1) *each air carrier's training policy for its per-*  
14 *sonnel and contractors regarding assistance for per-*  
15 *sons with disabilities, as required by Department of*  
16 *Transportation regulations;*

17 (2) *any variations among the air carriers in the*  
18 *policies described in paragraph (1);*

19 (3) *how the training policies are implemented to*  
20 *meet the Department of Transportation regulations;*

21 (4) *how frequently an air carrier must train*  
22 *new employees and contractors due to turnover in po-*  
23 *sitions that require such training;*

24 (5) *how frequently, in the prior 10 years, the De-*  
25 *partment of Transportation has requested, after re-*

1 *viewing a training policy, that an air carrier take*  
2 *corrective action; and*

3 *(6) the action taken by an air carrier under*  
4 *paragraph (5).*

5 *(b) BEST PRACTICES.—After the date the report is sub-*  
6 *mitted under subsection (a), the Secretary of Transpor-*  
7 *tation, based on the findings of the report, shall develop and*  
8 *disseminate to air carriers such best practices as the Sec-*  
9 *retary considers necessary to improve the training policies.*

10 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**  
11 **NEEDS OF PASSENGERS WITH DISABILITIES.**

12 *(a) ESTABLISHMENT.—The Secretary of Transpor-*  
13 *tation shall establish an advisory committee for the air*  
14 *travel needs of passengers with disabilities (referred to in*  
15 *this section as the “Advisory Committee”).*

16 *(b) DUTIES.—The Advisory Committee shall advise the*  
17 *Secretary with regard to the implementation of the Air Car-*  
18 *rier Access Act of 1986 (Public Law 99–435; 100 Stat.*  
19 *1080), including—*

20 *(1) assessing the disability-related access barriers*  
21 *encountered by passengers with disabilities;*

22 *(2) determining the extent to which the programs*  
23 *and activities of the Department of Transportation*  
24 *are addressing the barriers described in paragraph*  
25 *(1);*

1           (3) *recommending improvements to the air travel*  
2 *experience of passengers with disabilities; and*

3           (4) *such activities as the Secretary considers nec-*  
4 *essary to carry out this section.*

5       (c) *MEMBERSHIP.*—

6           (1) *IN GENERAL.*—*The Advisory Committee shall*  
7 *be comprised of at least 1 representative of each of the*  
8 *following groups:*

9                   (A) *Passengers with disabilities.*

10                   (B) *National disability organizations.*

11                   (C) *Air carriers.*

12                   (D) *Airport operators.*

13                   (E) *Contractor service providers.*

14           (2) *APPOINTMENT.*—*The Secretary of Transpor-*  
15 *tation shall appoint each member of the Advisory*  
16 *Committee.*

17           (3) *VACANCIES.*—*A vacancy in the Advisory*  
18 *Committee shall be filled in the manner in which the*  
19 *original appointment was made.*

20       (d) *CHAIRPERSON.*—*The Secretary of Transportation*  
21 *shall designate, from among the members appointed under*  
22 *subsection (c), an individual to serve as chairperson of the*  
23 *Advisory Committee.*

24       (e) *TRAVEL EXPENSES.*—*Members of the advisory*  
25 *committee shall serve without pay, but shall receive travel*

1 *expenses, including per diem in lieu of subsistence, in ac-*  
2 *cordance with subchapter I of chapter 57 of title 5, United*  
3 *States Code.*

4 (f) *REPORTS.—*

5 (1) *IN GENERAL.—Not later than February 1 of*  
6 *each year, the Advisory Committee shall submit to the*  
7 *Secretary of Transportation a report on the needs of*  
8 *passengers with disabilities in air travel, including—*

9 (A) *an assessment of disability-related ac-*  
10 *cess barriers, both those that were evident in the*  
11 *preceding year and those that will likely be an*  
12 *issue in the next 5 years;*

13 (B) *an evaluation of the extent to which the*  
14 *Department of Transportation’s programs and*  
15 *activities are eliminating disability-related ac-*  
16 *cess barriers;*

17 (C) *a description of the Advisory Commit-*  
18 *tee’s actions during the prior calendar year;*

19 (D) *a description of activities that the Advi-*  
20 *sory Committee proposed to undertake in the*  
21 *succeeding calendar year; and*

22 (E) *any recommendations for legislation,*  
23 *administrative action, or other action that the*  
24 *Advisory Committee considers appropriate.*

1           (2) *REPORT TO CONGRESS.*—Not later than 60  
2           days after the date the Secretary receives the report  
3           under subparagraph (A), the Secretary shall submit  
4           to Congress a copy of the report, including any addi-  
5           tional findings or recommendations that the Sec-  
6           retary considers appropriate.

7           (g) *TERMINATION.*—The Advisory Committee shall ter-  
8           minate 2 years after the date of enactment of this Act.

9   **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE,**  
10                           **CANCELLATION, AND BAGGAGE FEES.**

11          (a) *IN GENERAL.*—The Comptroller General of the  
12          United States shall conduct a study of existing airline in-  
13          dustry change, cancellation, and bag fees and the current  
14          industry practice for handling changes to or cancellation  
15          of ticketed travel on covered air carriers.

16          (b) *CONSIDERATIONS.*—In conducting the study, the  
17          Comptroller General shall consider, at a minimum—

18                 (1) *whether and how each covered air carrier*  
19                 *calculates its change fees, cancellation fees, and bag*  
20                 *fees; and*

21                 (2) *the relationship between the cost of the ticket*  
22                 *and the date of change or cancellation as compared*  
23                 *to the date of travel.*

24          (c) *REPORT.*—Not later than 1 year after the date of  
25          enactment of this Act, the Comptroller General shall submit

1 *to the appropriate committees of Congress a report on the*  
2 *study, including the Comptroller General's findings, conclu-*  
3 *sions, and recommendations.*

4 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**  
5 **TECTION RULES.**

6 (a) *IN GENERAL.*—*The Comptroller General of the*  
7 *United States shall conduct a study to consider and evalu-*  
8 *ate Department of Transportation enforcement of aviation*  
9 *consumer protection rules.*

10 (b) *CONTENTS.*—*The study under subsection (a) shall*  
11 *include an evaluation of—*

12 (1) *available enforcement mechanisms;*

13 (2) *any obstacles to enforcement; and*

14 (3) *trends in Department of Transportation en-*  
15 *forcement actions.*

16 (c) *REPORT.*—*Not later than 1 year after the date of*  
17 *enactment of this Act, the Comptroller General shall submit*  
18 *to the appropriate committees of Congress a report on the*  
19 *study, including the Comptroller General's findings, conclu-*  
20 *sions, and recommendations.*

21 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

22 (a) *IN GENERAL.*—*Not later than 18 months after the*  
23 *date of enactment of this Act, the Secretary of Transpor-*  
24 *tation shall initiate a proceeding to study the minimum*  
25 *seat pitch for passenger seats on aircraft operated by air*

1 carriers (as defined in section 40102 of title 49, United  
2 States Code).

3 (b) *CONSIDERATIONS.*—In reviewing any minimum  
4 seat pitch under subsection (a), the Secretary shall consider  
5 the safety of passengers, including passengers with disabili-  
6 ties.

7 **SEC. 3122. CELL PHONE VOICE COMMUNICATIONS.**

8 (a) *IN GENERAL.*—Subchapter I of chapter 417, as  
9 amended by section 2307 of this Act, is further amended  
10 by adding at the end the following:

11 **“§ 41726. Cell phone voice communications**

12 “(a) *PROHIBITION AUTHORITY.*—The Secretary of  
13 Transportation may issue regulations—

14 “(1) to prohibit an individual on an aircraft  
15 from engaging in voice communications using a mo-  
16 bile communications device during a flight of that  
17 aircraft in scheduled passenger interstate or intra-  
18 state air transportation; and

19 “(2) that exempt from the prohibition described  
20 in paragraph (1)—

21 “(A) any member of the flight crew on duty  
22 on an aircraft;

23 “(B) any flight attendant on duty on an  
24 aircraft; and

1           “(C) any Federal law enforcement officer  
2           acting in an official capacity.

3           “(b) DEFINITIONS.—In this section:

4           “(1) FLIGHT.—The term ‘flight’ means, with re-  
5           spect to an aircraft, the period beginning when the  
6           aircraft takes off and ending when the aircraft lands.

7           “(2) MOBILE COMMUNICATIONS DEVICE.—

8           “(A) IN GENERAL.—The term ‘mobile com-  
9           munications device’ means any portable wireless  
10          telecommunications equipment utilized for the  
11          transmission or reception of voice data.

12          “(B) LIMITATION.—The term ‘mobile com-  
13          munications device’ does not include a phone in-  
14          stalled on an aircraft.”.

15          (b) TABLE OF CONTENTS.—The table of contents at the  
16          beginning of chapter 417, as amended by section 2307 of  
17          this Act, is further amended by inserting after the item re-  
18          lating to section 41725 the following:

“41726. Cell phone voice communications.”.

19          **SEC. 3123. AVAILABILITY OF SLOTS FOR NEW ENTRANT AIR**  
20                               **CARRIERS AT NEWARK LIBERTY INTER-**  
21                               **NATIONAL AIRPORT.**

22          (a) DEFINITIONS.—The terms “new entrant air car-  
23          rier” and “slot” have the meanings given those terms in  
24          section 41714(h) of title 49, United States Code.



1       (b) *SLOTS FOR NEW ENTRANT AIR CARRIERS.*—The  
2 Secretary shall, annually, by granting exemptions from the  
3 requirements under part 93 of title 14, Code of Federal Reg-  
4 ulations, or by other means, make not less than 8 slots at  
5 Newark Liberty International Airport available to enable  
6 new entrant air carriers to provide air transportation.

7       (c) *APPLICABILITY.*—Subsection (a) shall not apply in  
8 any year—

9           (1) new entrant air carriers operate 5 percent or  
10 more of the total number of slots at Newark Liberty  
11 International Airport; or

12           (2) the Secretary makes a determination that  
13 making slots available to enable new entrant air car-  
14 riers to provide air transportation at that airport is  
15 not in the public interest and doing so would signifi-  
16 cantly increase operational delays.

17       (d) *REPORT TO CONGRESS.*—The Secretary shall no-  
18 tify the Committee on Commerce, Science, and Transpor-  
19 tation of the Senate and the Committee on Transportation  
20 and Infrastructure of the House of Representatives not later  
21 than 14 calendar days after the date a determination is  
22 made under subsection (c)(2), including the reasons for that  
23 determination.

1     ***Subtitle B—Essential Air Service***

2     ***SEC. 3201. ESSENTIAL AIR SERVICE.***

3         *(a) AUTHORIZATION EXTENSION.—Section 41742(a)*  
4 *is amended—*

5             *(1) in paragraph (2), by striking*  
6 *“\$150,000,000” and all that follows through “July 15,*  
7 *2016” and inserting “\$155,000,000 for each of fiscal*  
8 *years 2016 through 2017”; and*

9             *(2) by striking paragraph (3).*

10         *(b) DEFINITIONS.—Section 41731(a)(1)(A) is amended*  
11 *by striking clause (ii) and inserting the following:*

12                     *“(ii) was determined, on or after Octo-*  
13 *ber 1, 1988, and before December 1, 2012,*  
14 *under this subchapter by the Secretary of*  
15 *Transportation to be eligible to receive sub-*  
16 *sidized small community air service under*  
17 *section 41736(a);”.*

18         *(c) SEASONAL SERVICE.—The Secretary of Transpor-*  
19 *tation may consider the flexibility of current operational*  
20 *dates and airport accessibility to meet local community*  
21 *needs when issuing requests for proposal of essential air*  
22 *service at seasonal airports.*

1 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOPMENT**  
2 **PROGRAM.**

3 (a) *EXTENSION OF AUTHORIZATION.*—Section  
4 41743(e)(2) is amended to read as follows:

5 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—  
6 *There is authorized to be appropriated to the Sec-*  
7 *retary \$10,000,000 for each of fiscal years 2016*  
8 *through 2017 to carry out this section. Such sums*  
9 *shall remain available until expended.”.*

10 (b) *ELIGIBILITY.*—Section 41743(c)(1) is amended to  
11 read as follows:

12 “(1) *SIZE.*—*On the date of the most recent no-*  
13 *tice of order soliciting community proposals issued by*  
14 *the Secretary under this section, the airport serving*  
15 *the community or consortium—*

16 “(A) *was not larger than a small hub air-*  
17 *port, as determined using the Department of*  
18 *Transportation’s most recent published classi-*  
19 *fication; and*

20 “(B)(i) *had insufficient air carrier service;*  
21 *or*

22 “(i) *had unreasonably high air fares.”.*

23 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

24 (a) *IN GENERAL.*—Section 41743(c)(4) is amended—  
25 (1) by inserting “(B) *SAME PROJECTS.*—” before  
26 *the second sentence and indenting appropriately;*

1           (2) by inserting “(A) *IN GENERAL.*—” before the  
2     *first sentence and indenting appropriately;*

3           (3) in subparagraph (B), as designated by this  
4     subsection, by striking “No community” and insert-  
5     ing “*Except as provided in subparagraph (C)*”; and

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

7                   “(C) *EXCEPTION.*—*The Secretary may*  
8     *waive the limitation under subparagraph (B) re-*  
9     *lated to projects that are the same if the Sec-*  
10    *retary determines that the community or consor-*  
11    *tium spent little or no money on its previous*  
12    *project or encountered industry or environmental*  
13    *challenges, due to circumstances that were rea-*  
14    *sonably beyond the control of the community or*  
15    *consortium.”.*

16       (b) *AUTHORITY TO MAKE AGREEMENTS.*—*Section*  
17    *41743(e)(1) is amended by adding at the end the following:*

18    *“The Secretary may amend the scope of a grant agreement*  
19    *at the request of the community or consortium and any par-*  
20    *ticipating air carrier, and may limit the scope of a grant*  
21    *agreement to only the elements using grant assistance or*  
22    *to only the elements achieved, if the Secretary determines*  
23    *that the amendment is reasonably consistent with the origi-*  
24    *nal purpose of the project.”.*

1 **SEC. 3204. WAIVERS.**

2 *Section 41732 is amended by adding at the end the*  
3 *following:*

4 “(c) **WAIVERS.**—*Notwithstanding section 41733(e),*  
5 *upon request by an eligible place, the Secretary may waive,*  
6 *in whole or in part, subsections (a) and (b) of this section*  
7 *or subsections (a) through (c) of section 41734. A waiver*  
8 *issued under this subsection shall remain in effect for a lim-*  
9 *ited period of time, as determined by the Secretary.”.*

10 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**  
11 **TO SMALL COMMUNITIES.**

12 (a) **IN GENERAL.**—*Not later than 120 days after the*  
13 *date of enactment of this Act, the Secretary of Transpor-*  
14 *tation and the Administrator of the Federal Aviation Ad-*  
15 *ministration shall establish a working group—*

16 (1) *to identify obstacles to attracting and main-*  
17 *taining air transportation service to and from small*  
18 *communities; and*

19 (2) *to develop recommendations for maintaining*  
20 *and improving air transportation service to and from*  
21 *small communities.*

22 (b) **OUTREACH.**—*In carrying out the requirements*  
23 *under paragraphs (1) and (2) of subsection (a), the working*  
24 *group shall consult with—*

25 (1) *interested Governors;*

1           (2) *representatives of State and local agencies,*  
2           *and other officials and groups, representing rural*  
3           *States and other rural areas;*

4           (3) *other representatives of relevant State and*  
5           *local agencies; and*

6           (4) *members of the public with experience in*  
7           *aviation safety, pilot training, economic development,*  
8           *and related issues.*

9           (c) *CONSIDERATIONS.—In carrying out the require-*  
10          *ments under paragraphs (1) and (2) of subsection (a), the*  
11          *working group shall—*

12           (1) *consider whether funding for, and terms of,*  
13           *current or potential new programs is sufficient to*  
14           *help ensure continuation of or improvement to air*  
15           *transportation service to small communities, includ-*  
16           *ing the Essential Air Service Program and the Small*  
17           *Community Air Service Development Program;*

18           (2) *identify initiatives to help support pilot*  
19           *training to provide air transportation service to*  
20           *small communities;*

21           (3) *consider whether Federal funding for airports*  
22           *servicing small communities, including airports that*  
23           *have lost air transportation services or had decreased*  
24           *enplanements in recent years, is adequate to ensure*

1       *that small communities have access to quality, afford-*  
2       *able air transportation service;*

3             (4) *consider potential improvements in pilot*  
4       *training and any constraints affecting pilot career*  
5       *pathways that, if addressed, would increase both avia-*  
6       *tion safety and pilot supply;*

7             (5) *identify innovative State or local efforts that*  
8       *have established public-private partnerships that are*  
9       *successful in attracting and retaining air transpor-*  
10       *tation service in small communities; and*

11            (6) *consider such other issues as the Secretary*  
12       *and Administrator consider appropriate.*

13       (d) *COMPOSITION.—*

14            (1) *IN GENERAL.—The working group shall be*  
15       *facilitated through the Administrator or the Adminis-*  
16       *trator's designee.*

17            (2) *MEMBERSHIP.—Members of the working*  
18       *group shall be appointed by the Administrator and*  
19       *shall include representatives of—*

20                    (A) *State and local government, including*  
21                    *State and local aviation officials;*

22                    (B) *State Governors;*

23                    (C) *aviation safety experts;*

24                    (D) *economic development officials; and*

1                   (E) the traveling public from small commu-  
2                   nities.

3           (e) *REPORT AND RECOMMENDATIONS*.—Not later than  
4 1 year after the date of enactment of this Act, the Secretary  
5 and the Administrator shall submit to the appropriate com-  
6 mittees of Congress a report, including—

7                   (1) a summary of the views expressed by the par-  
8                   ticipants in the outreach under subsection (b);

9                   (2) a description of the working group’s findings,  
10 including the identification of any areas of general  
11 consensus among the non-Federal participants in the  
12 outreach under subsection (b); and

13                   (3) any recommendations for legislative or regu-  
14 latory action that would assist in maintaining and  
15 improving air transportation service to and from  
16 small communities.

## 17           **TITLE IV—NEXTGEN AND FAA** 18                                   **ORGANIZATION**

### 19           **SEC. 4001. DEFINITIONS.**

20           *In this title:*

21                   (1) *ADMINISTRATION*.—The term “Administra-  
22                   tion” means the Federal Aviation Administration.

23                   (2) *ADMINISTRATOR*.—The term “Adminis-  
24                   trator” means the Administrator of the Federal Avia-  
25                   tion Administration.



1           (3) *ADS-B*.—The term “*ADS-B*” means auto-  
2           *matic dependent surveillance-broadcast*.

3           (4) *ADS-B OUT*.—The term “*ADS-B Out*”  
4           *means automatic dependent surveillance-broadcast*  
5           *with the ability to transmit information from the air-*  
6           *craft to ground stations and to other equipped air-*  
7           *craft*.

8           (5) *NEXTGEN*.—The term “*NextGen*” means the  
9           *Next Generation Air Transportation System*.

10           ***Subtitle A—Next Generation Air***  
11           ***Transportation System***

12           ***SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.***

13           (a) *IN GENERAL*.—Not later than 1 year after the date  
14           *of enactment of this Act, the Administrator shall submit*  
15           *to the appropriate committees of Congress a report on the*  
16           *Administrator’s assessment of each NextGen program.*

17           (b) *CONTENTS*.—The report under subsection (a) shall  
18           *include—*

19                   (1) *an estimate of the date that each NextGen*  
20                   *program will have a positive return on investment;*

21                   (2) *an assessment of the impacts of each such*  
22                   *program for—*

23                           (A) *the Federal Government; and*

24                           (B) *the users of the national airspace sys-*  
25                   *tem;*

1           (3) a description of how each such program di-  
2           rectly contributes to a more safe and efficient air traf-  
3           fic control system; and

4           (4) the status of NextGen programs and of the  
5           projected return on investment for each such program.

6           (c) *NEXTGEN PRIORITY LIST*.—Based on the assess-  
7           ment under subsection (a) the Administrator shall—

8           (1) develop, in coordination with the NextGen  
9           Advisory Committee and considering the need for a  
10           balance between long-term and near-term user bene-  
11           fits, a prioritization of each NextGen program;

12           (2) include the priority list in the report under  
13           subsection (b); and

14           (3) prepare budget submissions to reflect the cur-  
15           rent status of NextGen programs and projected re-  
16           turns on investment for each program.

17           (d) *DEFINITIONS*.—In this section:

18           (1) *KEY MILESTONES*.—The term “key mile-  
19           stones” includes cost and deployment schedule, and  
20           benefits anticipated in the most recent baseline.

21           (2) *RETURN ON INVESTMENT*.—The term “return  
22           on investment” means the cost associated with tech-  
23           nologies that are required by law or policy as com-  
24           pared to the benefits derived from such technologies by  
25           a government or a user of airspace.

1       (e) *REPEAL OF NEXTGEN PRIORITIES.*—Section 202  
2 *of the FAA Modernization and Reform Act of 2012 (Public*  
3 *Law 112–95; 49 U.S.C. 40101 note) and the item relating*  
4 *to that section in the table of contents under section 1(b)*  
5 *of that Act are repealed.*

6 **SEC. 4102. ENSURING FAA READINESS TO USE NEW TECH-**  
7 **NOLOGY.**

8       (a) *IN GENERAL.*—Not later than December 31, 2017,  
9 *the Administrator shall—*

10           (1) *ensure the capability of the Administration*  
11 *to receive space-based ADS–B data; and*

12           (2) *use the data described under paragraph (1)*  
13 *to provide positive air traffic control, including separa-*  
14 *tion of aircraft over the oceans and other specific*  
15 *regions not covered by radar.*

16       (b) *REPORT.*—Not later than 6 months after the date  
17 *of enactment of this Act, and biannually thereafter until*  
18 *the date that the Administrator certifies that the Adminis-*  
19 *tration has the capability to receive space-based ADS–B*  
20 *data, the Administrator shall submit to the appropriate*  
21 *committees of Congress a report that—*

22           (1) *details the actions the Administrator has*  
23 *taken to ensure 2018 readiness and usage;*

24           (2) *details the actions that remain to be taken to*  
25 *implement such capability;*

1           (3) includes a schedule for expected completion of  
2       each outstanding action described in paragraph (2);  
3       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 subsection  
14       (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 for  
19       each of the performance metrics set forth in subsection (a)  
20       to meet the performance metric baselines identified under  
21       subsection (b). Such goals shall be consistent with the an-  
22       nual performance objectives established by the senior policy  
23       committee (commonly known as the ‘NextGen Advisory  
24       Committee’) established under section 710 of the Vision

1 *100—Century of Aviation Reauthorization Act (Public*  
2 *Law 108–176; 49 U.S.C. 40101 note).”.*

3 (b) *NEXTGEN METRICS REPORT.*—Section 710(e)(2) of  
4 *the Vision 100—Century of Aviation Reauthorization Act*  
5 *(Public Law 108–176; 49 U.S.C. 40101 note) is amended—*

6 (1) *in subparagraph (D), by striking “; and”*  
7 *and inserting a semicolon;*

8 (2) *in subparagraph (E), by striking the period*  
9 *at the end and inserting “; and”; and*

10 (3) *by adding at the end the following:*

11 “(F) *a description of the progress made in*  
12 *meeting the annual NextGen performance goals*  
13 *relative to the performance metrics established*  
14 *under section 214 of the FAA Modernization and*  
15 *Reform Act of 2012 (Public Law 112–95; 49*  
16 *U.S.C. 40101 note).”.*

17 (c) *CHIEF NEXTGEN OFFICER.*—Section 106(s)(3) is  
18 *amended—*

19 (1) *in paragraph (2)(B), by adding at the end*  
20 *the following: “In evaluating the performance of the*  
21 *Chief NextGen Officer for the purpose of awarding a*  
22 *bonus under this subparagraph, the Administrator*  
23 *shall consider the progress toward meeting the*  
24 *NextGen performance goals established pursuant to*  
25 *section 214(d) of the FAA Modernization and Reform*

1 *Act of 2012 (Public Law 112–95; 49 U.S.C. 40101*  
2 *note).”;* and

3 (2) *in paragraph (3), by adding at the end the*  
4 *following: “The annual performance goals set forth in*  
5 *the agreement shall include quantifiable NextGen air-*  
6 *space performance objectives regarding efficiency, pro-*  
7 *ductivity, capacity, and safety, which shall be estab-*  
8 *lished by the senior policy committee (commonly*  
9 *known as the ‘NextGen Advisory Committee’) estab-*  
10 *lished under section 710 of the Vision 100—Century*  
11 *of Aviation Reauthorization Act (Public Law 108–*  
12 *176; 49 U.S.C. 40101 note).”.*

13 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

14 (a) *FINDINGS.—Congress makes the following findings:*

15 (1) *On September 26, 2014, an Administration*  
16 *contract employee deliberately started a fire that de-*  
17 *stroyed critical equipment at the Administration’s*  
18 *Chicago Air Route Traffic Control Center (referred to*  
19 *in this section as the “Chicago Center”) in Aurora,*  
20 *Illinois.*

21 (2) *As a result of the damage, Chicago Center*  
22 *was unable to control air traffic for more than 2*  
23 *weeks, thousands of flights were delayed or cancelled*  
24 *into and out of O’Hare International Airport and*

1 *Midway Airport in Chicago, and aviation stake-*  
2 *holders and airlines reportedly lost over \$350,000,000.*

3 (3) *According to the Office of the Inspector Gen-*  
4 *eral of the Department of Transportation, the fire at*  
5 *Chicago Center demonstrated that the Administra-*  
6 *tion's contingency plans for the Chicago Center and*  
7 *the airspace it controls do not ensure redundancy and*  
8 *resiliency for sustained operations.*

9 (4) *Further, the Inspector General found that*  
10 *Chicago Center incident highlighted the limited flexi-*  
11 *bility and lack of resiliency in critical elements of the*  
12 *Administration's current air traffic control infra-*  
13 *structure, including limited communication capacity*  
14 *and the inability to easily transfer control of airspace*  
15 *and flight plans.*

16 (b) *COMPREHENSIVE CONTINGENCY PLAN.*—*Not later*  
17 *than 180 days after the date of enactment of this Act, the*  
18 *Administrator shall update the Administration's com-*  
19 *prehensive contingency plan to address potential air traffic*  
20 *facility outages that could have a major impact on oper-*  
21 *ation of the national airspace system.*

22 (c) *REPORT.*—*Not later than 60 days after the date*  
23 *the plan is updated under subsection (b), the Administrator*  
24 *shall submit to the appropriate committees of Congress a*  
25 *report on the update, including any recommendations for*

1 *ensuring air traffic facility outages do not have a major*  
2 *impact on operation of the national airspace system.*

3 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

4 *(a) ASSESSMENT.—Not later than 1 year after the date*  
5 *of enactment of this Act, the Inspector General of the De-*  
6 *partment of Transportation shall assess—*

7 *(1) Administration and industry readiness to*  
8 *meet the ADS-B mandate by 2020;*

9 *(2) changes to ADS-B program since May 2010;*  
10 *and*

11 *(3) additional options to comply with the man-*  
12 *date and consequences, both for individual system*  
13 *users and for the overall safety and efficiency of the*  
14 *national airspace system, for noncompliance.*

15 *(b) REPORT.—Not later than 60 days after the date*  
16 *the assessment under subsection (a) is complete, the Inspec-*  
17 *tor General of the Department of Transportation shall sub-*  
18 *mit to the appropriate committees of Congress a report on*  
19 *the progress made toward meeting the ADS-B mandate by*  
20 *2020, including any recommendations of the Inspector Gen-*  
21 *eral to carry out such mandate.*

22 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

23 *(a) IN GENERAL.—To implement a more effective*  
24 *international strategy for achieving NextGen interoper-*



1 *ability with foreign countries, the Administrator shall take*  
2 *the following actions:*

3           (1) *Conduct a gap analysis to identify potential*  
4 *risks to NextGen interoperability with other Air*  
5 *Navigation Service Providers and establish a schedule*  
6 *for periodically reevaluating such risks.*

7           (2) *Develop a plan that identifies and documents*  
8 *actions the Administrator will undertake to mitigate*  
9 *such risks, using information from the gap analysis*  
10 *as a basis for making management decisions about*  
11 *how to allocate resources for such actions.*

12       (b) *REPORT.—Not later than 1 year after the date of*  
13 *enactment of this Act, the Administrator shall submit to*  
14 *the appropriate committees of Congress a report on the*  
15 *analysis conducted under paragraph (1) of subsection (a)*  
16 *and on the actions the Administrator has taken under para-*  
17 *graph (2) of such subsection.*

18 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

19       (a) *IN GENERAL.—The Administrator shall—*

20           (1) *identify and analyze technical and oper-*  
21 *ational maturity gaps in NextGen transition and im-*  
22 *plementation plans; and*

23           (2) *develop a plan to mitigate the gaps identified*  
24 *in paragraph (1).*

1       (b) *REPORT.*—Not later than 1 year after the date of  
2 enactment of this Act, the Administrator shall submit to  
3 the appropriate committees of Congress a report on the ac-  
4 tions taken to carry out the plan required by subsection  
5 (a)(2).

6 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**  
7                   **IMPROVEMENTS.**

8       (a) *IN GENERAL.*—To help ensure that NextGen oper-  
9 ational improvements are fully implemented in the mid-  
10 term, the Administrator shall—

11           (1) *work with airlines and other users of the na-*  
12 *tional airspace system (referred to in this section as*  
13 *“NAS”) to develop and implement a system to sys-*  
14 *tematically track the use of existing performance*  
15 *based navigation (referred to in this section as*  
16 *“PBN”) procedures;*

17           (2) *require consideration of other key operational*  
18 *improvements in planning for NextGen improve-*  
19 *ments, including identifying additional metroplexes*  
20 *for PBN projects, non-metroplex PBN procedures, as*  
21 *well as the identification of unused flight routes for*  
22 *decommissioning;*

23           (3) *develop and implement guidelines for ensur-*  
24 *ing timely inclusion of appropriate stakeholders, in-*

1 *cluding airport representatives, in the planning and*  
2 *implementation of NextGen improvement efforts; and*  
3 *(4) assure that NextGen planning documents*  
4 *provide stakeholders information on how and when*  
5 *operational improvements are expected to achieve*  
6 *NextGen goals and targets.*

7 *(b) REPORT.—Not later than 1 year after the date of*  
8 *enactment of this Act, the Administrator shall submit to*  
9 *the appropriate committees of Congress a report on the*  
10 *progress made toward implementing the requirements of*  
11 *subsection (a), and on the schedule and process that will*  
12 *be used to implement PBN at additional airports, including*  
13 *information on how the Administration will partner and*  
14 *coordinate with private industry to ensure expeditious im-*  
15 *plementation of performance based navigation.*

16 **SEC. 4109. CYBERSECURITY.**

17 *(a) IN GENERAL.—The Administrator shall—*

18 *(1) identify and implement ways to better incor-*  
19 *porate cybersecurity measures as a systems char-*  
20 *acteristic at all levels and phases of the architecture*  
21 *and design of air traffic control programs, including*  
22 *NextGen programs;*

23 *(2) develop a threat model that will identify*  
24 *vulnerabilities to better focus resources to mitigate cy-*  
25 *bersecurity risks;*

1           (3) *develop an appropriate plan to mitigate cy-*  
2           *bersecurity risk, to respond to an attack, intrusion, or*  
3           *otherwise unauthorized access and to adapt to evol-*  
4           *ving cybersecurity threats; and*

5           (4) *foster a cybersecurity culture throughout the*  
6           *Administration, including air traffic control pro-*  
7           *grams and relevant contractors.*

8           (b) *REPORT.*—*Not later than 1 year after the date of*  
9           *enactment of this Act, the Administrator shall submit to*  
10          *the appropriate committees of Congress a report on the*  
11          *progress made toward implementing the requirements*  
12          *under subsection (a).*

13          **SEC. 4110. SECURING AIRCRAFT AVIONICS SYSTEMS.**

14          (a) *IN GENERAL.*—*The Administrator of the Federal*  
15          *Aviation Administration shall consider revising Federal*  
16          *Aviation Administration regulations regarding airworthi-*  
17          *ness certification—*

18                 (1) *to address cybersecurity for avionics systems,*  
19                 *including software components; and*

20                 (2) *to require that aircraft avionics systems used*  
21                 *for flight guidance or aircraft control be secured*  
22                 *against unauthorized access via passenger in-flight*  
23                 *entertainment systems through such means as the Ad-*  
24                 *ministrator determines appropriate to protect the avi-*

1        *onics systems from unauthorized external and inter-*  
2        *nal access.*

3        *(b) CONSIDERATION.—The Administrator’s consider-*  
4        *ation and any action taken under subsection (a) shall be*  
5        *in accordance with the recommendations of the Aircraft*  
6        *Systems Information Security Protection Working Group*  
7        *under section 5029(d) of this Act.*

8        **SEC. 4111. DEFINING NEXTGEN.**

9        *Not later than 1 year after the date of enactment of*  
10        *this Act, the Comptroller General of the United States*  
11        *shall—*

12                *(1) assess how the line items included in the Ad-*  
13        *ministration’s NextGen budget request relate to the*  
14        *goals and expected outcomes of NextGen, including*  
15        *how NextGen programs directly contribute to a meas-*  
16        *urably safer and more efficient air traffic control sys-*  
17        *tem; and*

18                *(2) submit to the appropriate committees of Con-*  
19        *gress a report on the results of the assessment under*  
20        *paragraph (1), including any recommendations for*  
21        *the removal of line items that do not pertain to the*  
22        *overall vision for NextGen.*

1 **SEC. 4112. HUMAN FACTORS.**

2 (a) *IN GENERAL.*—*In order to avoid having to subse-*  
3 *quently modify products and services developed as a part*  
4 *of NextGen, the Administrator shall—*

5 (1) *recognize and incorporate, in early design*  
6 *phases of all relevant NextGen programs, the human*  
7 *factors and procedural and airspace implications of*  
8 *stated goals and associated technical changes; and*

9 (2) *ensure that a human factors specialist, sepa-*  
10 *rate from the research and certification groups, is di-*  
11 *rectly involved with the NextGen approval process.*

12 (b) *REPORT.*—*Not later than 1 year after the date of*  
13 *enactment of this Act, the Administrator shall submit to*  
14 *the appropriate committees of Congress a report on the*  
15 *progress made toward implementing the requirements*  
16 *under subsection (a).*

17 **SEC. 4113. MAJOR ACQUISITION REPORTS.**

18 (a) *IN GENERAL.*—*The Administrator shall evaluate*  
19 *the current acquisition practices of the Administration to*  
20 *ensure that such practices—*

21 (1) *identify the current estimated costs for each*  
22 *acquisition system, including all segments;*

23 (2) *separately identify cumulative amounts for*  
24 *acquisition costs, technical refresh, and other enhance-*  
25 *ments in order to identify the total baselined and re-*  
26 *baselined costs for each system; and*

1           (3) *account for the way funds are being used*  
2           *when reporting to managers, Congress, and other*  
3           *stakeholders.*

4           (b) *REPORT.—Not later than 1 year after the date of*  
5           *enactment of this Act, the Administrator shall submit to*  
6           *the appropriate committees of Congress a report on the*  
7           *progress made toward implementing the requirements*  
8           *under subsection (a).*

9   **SEC. 4114. EQUIPAGE MANDATES.**

10          (a) *IN GENERAL.—Before NextGen-related equipage*  
11          *mandates are imposed on users of the national airspace sys-*  
12          *tem, the Administrator, in collaboration with all relevant*  
13          *stakeholders, shall—*

14               (1) *provide a statement of estimated cost and*  
15               *benefits that is based upon mature and stable tech-*  
16               *nical specifications; and*

17               (2) *create a schedule for Administration*  
18               *deliverables and investments by both users and the*  
19               *Administration, including for procedure and airspace*  
20               *design, infrastructure deployment, and training.*

21   **SEC. 4115. WORKFORCE.**

22          (a) *IN GENERAL.—Not later than 1 year after the date*  
23          *of enactment of this Act, the Administrator shall—*

24               (1) *identify and assess barriers to attracting, de-*  
25               *veloping, training, and retaining a talented workforce*

1       *in the areas of systems engineering, architecture, sys-*  
2       *tems integration, digital communications, and cyber-*  
3       *security;*

4             (2) *develop a comprehensive plan to attract, de-*  
5       *velop, train, and retain talented individuals; and*

6             (3) *identify the resources needed to attract, de-*  
7       *velop, and retain this talent.*

8       (b) *REPORT.*—*The Administrator shall submit to the*  
9       *appropriate committees of Congress a report on the progress*  
10       *made toward implementing the requirements under sub-*  
11       *section (a).*

12       **SEC. 4116. ARCHITECTURAL LEADERSHIP.**

13       (a) *IN GENERAL.*—*In order to provide an adequate*  
14       *technical foundation for steering NextGen’s technical gov-*  
15       *ernance and managing inevitable changes in technology*  
16       *and operations, the Administrator shall—*

17             (1) *develop a plan that—*

18                     (A) *uses an architecture leadership commu-*  
19       *nity and an effective governance approach to as-*  
20       *sure a proper balance between documents and*  
21       *artifacts and to provide high-level guidance;*

22                     (B) *enables effective management and com-*  
23       *munication of dependencies;*



1           (C) provides flexibility and the ability to  
2           evolve to ensure accommodation of future needs;  
3           and

4           (D) communicates changing circumstances  
5           in order to align agency and airspace user ex-  
6           pectations;

7           (2) determine the feasibility of conducting a  
8           small number of experiments among the Administra-  
9           tion's system integration partners to prototype can-  
10          didate solutions for establishing and managing a vi-  
11          brant architectural community; and

12          (3) develop a method to initiate, grow, and en-  
13          gage a capable architecture community, from both  
14          within and outside of the Administration, who will  
15          expand the breadth and depth of expertise that is  
16          steering architectural changes.

17          (b) *REPORT.*—Not later than 1 year after the date of  
18          enactment of this Act, the Administrator shall submit to  
19          the appropriate committees of Congress a report on the  
20          progress made toward implementing the requirements  
21          under subsection (a).

22          **SEC. 4117. PROGRAMMATIC RISK MANAGEMENT.**

23          (a) *IN GENERAL.*—To better inform the Administra-  
24          tion's decisions regarding the prioritization of efforts and

1 *allocation of resources for NextGen, the Administrator*  
2 *shall—*

3           (1) *solicit input from specialists in probability*  
4 *and statistics to identify and prioritize the pro-*  
5 *grammatic and implementation risks to NextGen;*  
6 *and*

7           (2) *develop a method to manage and mitigate the*  
8 *risks identified in paragraph (1).*

9           (b) *REPORT.—Not later than 1 year after the date of*  
10 *enactment of this Act, the Administrator shall submit to*  
11 *the appropriate committees of Congress a report on the*  
12 *progress made toward implementing the requirements*  
13 *under subsection (a).*

14 **SEC. 4118. NEXTGEN PRIORITIZATION.**

15           *The Administrator shall consider expediting NextGen*  
16 *modernization implementation projects at public use air-*  
17 *ports that share airspace with active military training*  
18 *ranges and do not have radar coverage where such imple-*  
19 *mentation would improve the safety of aviation operations.*

20           ***Subtitle B—Administration***  
21           ***Organization and Employees***

22 **SEC. 4201. COST-SAVING INITIATIVES.**

23           (a) *IN GENERAL.—To ensure that Administration ini-*  
24 *tiatives are being implemented in a timely and fiscally re-*  
25 *sponsible manner, the Administrator shall—*



1 *Administration to carry out subsection (b), except that the*  
2 *transfer may only be made to maintain essential employees.*

3 **SEC. 4203. CONTROLLER CANDIDATE INTERVIEWS.**

4 *(a) IN GENERAL.—Not later than 60 days after the*  
5 *date of enactment of this Act, the Administrator shall re-*  
6 *quire that an in-person interview be conducted with each*  
7 *individual applying for an air traffic control specialist po-*  
8 *sition before that individual may be hired to fill that posi-*  
9 *tion.*

10 *(b) GUIDANCE.—Not later than 30 days after the date*  
11 *of enactment of this Act, the Administrator shall establish*  
12 *guidelines regarding the in-person interview process de-*  
13 *scribed in subsection (a).*

14 **SEC. 4204. HIRING OF AIR TRAFFIC CONTROLLERS.**

15 *(a) IN GENERAL.—Section 44506 is amended by add-*  
16 *ing at the end the following:*

17 *“(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPE-*  
18 *CIALISTS.—*

19 *“(1) CONSIDERATION OF APPLICANTS.—*

20 *“(A) ENSURING SELECTION OF MOST QUALI-*  
21 *FIED APPLICANTS.—In appointing individuals to*  
22 *the position of air traffic controllers, the Admin-*  
23 *istrator shall give preferential consideration to*  
24 *qualified individuals maintaining 52 consecutive*  
25 *weeks of air traffic control experience involving*

1           *the full-time active separation of air traffic after*  
2           *receipt of an air traffic certification or air traf-*  
3           *fic control facility rating within 5 years of ap-*  
4           *plication while serving at—*

5                     “(i) *a Federal Aviation Administra-*  
6                     *tion air traffic control facility;*

7                     “(ii) *a civilian or military air traffic*  
8                     *control facility of the Department of De-*  
9                     *fense; or*

10                    “(iii) *a tower operating under contract*  
11                    *with the Federal Aviation Administration*  
12                    *under section 47124 of this title.*

13                    “(B) *CONSIDERATION OF ADDITIONAL AP-*  
14                    *PLICANTS.—The Administrator shall consider*  
15                    *additional applicants for the position of air traf-*  
16                    *fic controller by referring an approximately*  
17                    *equal number of employees for appointment*  
18                    *among the 2 applicant pools. The number of em-*  
19                    *ployees referred for consideration from each*  
20                    *group shall not differ by more than 10 percent.*

21                    “(i) *POOL ONE.—Applicants who:*

22                             “(I) *have successfully completed*  
23                             *air traffic controller training and*  
24                             *graduated from an institution partici-*  
25                             *parting in the Collegiate Training Ini-*

1            *tiative program maintained under sub-*  
2            *section (c)(1) who have received from*  
3            *the institution—*

4                    *“(aa) an appropriate rec-*  
5                    *ommendation; or*

6                    *“(bb) an endorsement certi-*  
7                    *fying that the individual would*  
8                    *have met the requirements in ef-*  
9                    *fect as of December 31, 2013, for*  
10                   *an appropriate recommendation;*

11                   *“(II) are eligible for a veterans re-*  
12                   *ruitment appointment pursuant to*  
13                   *section 4214 of title 38, United States*  
14                   *Code, and provide a Certificate of Re-*  
15                   *lease or Discharge from Active Duty*  
16                   *within 120 days of the announcement*  
17                   *closing;*

18                   *“(III) are eligible veterans (as de-*  
19                   *finied in section 4211 of title 38,*  
20                   *United States Code) maintaining avia-*  
21                   *tion experience obtained in the course*  
22                   *of the individual’s military experience;*  
23                   *or*

1                   “(IV) are preference eligible vet-  
2                   erans (as defined in section 2108 of  
3                   title 5, United States Code).

4                   “(ii) POOL TWO.—Applicants who  
5                   apply under a vacancy announcement re-  
6                   cruiting from all United States citizens.

7                   “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

8                   “(A) BIOGRAPHICAL ASSESSMENTS.—The  
9                   Administration shall not use any biographical  
10                  assessment when hiring under subparagraph (A)  
11                  or subparagraph (B)(i) of paragraph (1).

12                  “(B) RECONSIDERATION OF APPLICANTS  
13                  DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL  
14                  ASSESSMENTS.—

15                  “(i) IN GENERAL.—If an individual  
16                  described in subparagraph (A) or subpara-  
17                  graph (B)(i) of paragraph (1) who applied  
18                  for the position of air traffic controller with  
19                  the Administration in response to Vacancy  
20                  Announcement FAA-AMC-14-ALLSRCE-  
21                  33537 (issued on February 10, 2014) and  
22                  was disqualified from the position as the re-  
23                  sult of a biographical assessment, the Ad-  
24                  ministrator shall provide the applicant an  
25                  opportunity to reapply as soon as prac-

1            *licable for the position under the revised*  
2            *hiring practices.*

3            *“(ii) WAIVER OF AGE RESTRICTION.—*  
4            *The Administrator shall waive any max-*  
5            *imum age restriction for the position of air*  
6            *traffic controller with the Administration*  
7            *that would otherwise disqualify an indi-*  
8            *vidual from the position if the individual—*

9                    *“(I) is reapplying for the position*  
10                   *pursuant to clause (i) on or before De-*  
11                   *cember 31, 2017; and*

12                   *“(II) met the maximum age re-*  
13                   *quirement on the date of the individ-*  
14                   *ual’s previous application for the posi-*  
15                   *tion during the interim hiring process.*

16            *“(3) MAXIMUM ENTRY AGE FOR EXPERIENCED*  
17            *CONTROLLERS.—Notwithstanding section 3307 of title*  
18            *5, United States Code, the maximum limit of age for*  
19            *an original appointment to a position as an air traf-*  
20            *fic controller shall be 35 years of age for those main-*  
21            *taining 52 weeks of air traffic control experience in-*  
22            *volving the full-time active separation of air traffic*  
23            *after receipt of an air traffic certification or air traf-*  
24            *fic control facility rating in a civilian or military air*  
25            *traffic control facility.”.*



1       (b) *NOTIFICATION OF VACANCIES.*—*The Administrator*  
 2 *shall consider directly notifying secondary schools and in-*  
 3 *stitutes of higher learning, including Historically Black*  
 4 *Colleges and Universities, Hispanic-serving institutions,*  
 5 *Minority Institutions, and Tribal Colleges and Universities,*  
 6 *of the vacancy announcement under section*  
 7 *44506(f)(1)(B)(ii) of title 49, United States Code.*

8       **SEC. 4205. COMPUTATION OF BASIC ANNUITY FOR CERTAIN**  
 9                                   **AIR TRAFFIC CONTROLLERS.**

10       (a) *IN GENERAL.*—*Section 8415(f) of title 5, United*  
 11 *States Code, is amended to read as follows:*

12       “(f) *The annuity of an air traffic controller or former*  
 13 *air traffic controller retiring under section 8412(a) is com-*  
 14 *puted under subsection (a), except that if the individual has*  
 15 *at least 5 years of service in any combination as:*

16               “(1) *an air traffic controller as defined by sec-*  
 17 *tion 2109(1)(A)(i);*

18               “(2) *a first level supervisor of an air traffic con-*  
 19 *troller as defined by section 2109(1)(A)(i); or*

20               “(3) *a second level supervisor of an air traffic*  
 21 *controller as defined by section 2109(1)(A)(i);*

22 *so much of the annuity as is computed with respect to such*  
 23 *type of service shall be computed by multiplying 1 7/10 per-*  
 24 *cent of the individual’s average pay by the years of such*  
 25 *service.”.*

1       (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
2 *section (a) shall be deemed to be effective on December 12,*  
3 *2003.*

4       (c) *PROCEDURES REQUIRED.*—*The Director of the Of-*  
5 *fice of Personnel Management shall establish such proce-*  
6 *dures as are necessary to provide for—*

7           (1) *notification to each annuitant affected by the*  
8 *amendments made by this section;*

9           (2) *recalculation of the benefits of affected annu-*  
10 *itants;*

11           (3) *an adjustment to applicable monthly benefit*  
12 *amounts pursuant to such recalculation, to begin as*  
13 *soon as is practicable; and*

14           (4) *a lump sum payment to each affected annu-*  
15 *itant equal to the additional total benefit amount that*  
16 *such annuitant would have received had the amend-*  
17 *ment made by subsection (a) been in effect on Decem-*  
18 *ber 12, 2003.*

19 **SEC. 4206. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

20       (a) *REQUIREMENT TO PROVIDE SERVICES AND RE-*  
21 *LATED SUPPORT.*—*The Administrator of the Federal Avia-*  
22 *tion Administration shall provide air traffic services and*  
23 *aviation safety support for aviation events, including*  
24 *airshows and fly-ins, without the imposition or collection*  
25 *of any fee, tax, or other charge for that purpose. Amounts*

1 *for the provision of such services and support shall be de-*  
2 *rived from amounts appropriated or otherwise available for*  
3 *the Federal Aviation Administration.*

4 (b) *DETERMINATION OF SERVICES AND SUPPORT TO*  
5 *BE PROVIDED.—In determining the services and support*  
6 *to be provided for an aviation event for purposes of sub-*  
7 *section (a), the Administrator shall take into account the*  
8 *following:*

9 (1) *The services and support required to meet*  
10 *levels of activity at prior events, if any, similar to the*  
11 *event.*

12 (2) *The anticipated need for services and support*  
13 *at the event.*

14 **SEC. 4207. FULL ANNUITY SUPPLEMENT FOR CERTAIN AIR**  
15 **TRAFFIC CONTROLLERS.**

16 *Section 8421a of title 5, United States Code, is amend-*  
17 *ed—*

18 (1) *in subsection (a), by striking “The amount”*  
19 *and inserting “Except as provided in subsection (c),*  
20 *the amount”;*

21 (2) *by redesignating subsection (c) as subsection*  
22 *(d); and*

23 (3) *by inserting after subsection (b) the fol-*  
24 *lowing:*

1       “(c) *This section shall not apply to an individual de-*  
 2 *scribed in section 8412(e) during any period in which the*  
 3 *individual, after separating from the service as described*  
 4 *in that section, is employed full-time as an air traffic con-*  
 5 *trol instructor under contract with the Federal Aviation*  
 6 *Administration, including an instructor working at an on-*  
 7 *site facility (such as an airport).”.*

8 **SEC. 4208. INCLUSION OF DISABLED VETERAN LEAVE IN**  
 9 **FEDERAL AVIATION ADMINISTRATION PER-**  
 10 **SONNEL MANAGEMENT SYSTEM.**

11       (a) *IN GENERAL.*—Section 40122(g)(2) is amended—

12               (1) *in subparagraph (H), by striking “; and”*  
 13 *and inserting a semicolon;*

14               (2) *in subparagraph (I)(iii), by striking the pe-*  
 15 *riod at the end and inserting “; and”; and*

16               (3) *by adding at the end the following:*

17                       “(J) *subject to paragraph (4), section 6329,*  
 18 *relating to disabled veteran leave.”.*

19       (b) *CERTIFICATION OF LEAVE.*—Section 40122(g) is  
 20 *amended—*

21               (1) *by redesignating paragraph (4) as para-*  
 22 *graph (5); and*

23               (2) *by inserting after paragraph (3) the fol-*  
 24 *lowing:*

1           “(4) *CERTIFICATION OF DISABLED VETERAN*  
2           *LEAVE.*—*In order to verify that leave credited to an*  
3           *employee pursuant to paragraph (2)(J) is used for*  
4           *treating a service-connected disability, that employee*  
5           *shall, notwithstanding section 6329(c) of title 5, sub-*  
6           *mit to the Assistant Administrator for Human Re-*  
7           *source Management of the Federal Aviation Adminis-*  
8           *tration certification, in such form and manner as the*  
9           *Administrator of the Federal Aviation Administra-*  
10          *tion may prescribe, that the employee used that leave*  
11          *for purposes of being furnished treatment for that dis-*  
12          *ability by a health care provider.”.*

13          *(c) APPLICATION.*—*The amendments made by this sec-*  
14          *tion shall apply with respect to any employee of the Federal*  
15          *Aviation Administration hired on or after the date that is*  
16          *1 year after the date of enactment of this Act.*

17          *(d) POLICIES AND PROCEDURES.*—*Not later than 270*  
18          *days after the date of enactment of this Act, the Adminis-*  
19          *trator of the Federal Aviation Administration shall pre-*  
20          *scribe policies and procedures to carry out the amendments*  
21          *made by this section that are comparable, to the maximum*  
22          *extent practicable, to the regulations prescribed by the Office*  
23          *of Personnel Management under section 6329 of title 5,*  
24          *United States Code.*

1       (e) *ANNUAL REPORT.*—Not later than 1 year after the  
2 date of enactment of this Act and not less frequently than  
3 once each year thereafter until the date that is 5 years after  
4 the date of enactment of this Act, the Administrator shall  
5 publish on a publicly accessible Internet Web site a report  
6 on—

7           (1) the effect carrying out this section and the  
8 amendments made by this section has had on the  
9 workforce; and

10          (2) the number of veterans benefitting from car-  
11 rying out this section and the amendments made by  
12 this section.

## 13       **TITLE V—MISCELLANEOUS**

### 14       **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-** 15               **VESTIGATIVE OFFICERS.**

16       Section 1113 is amended by striking subsection (h).

### 17       **SEC. 5002. PERFORMANCE-BASED NAVIGATION.**

18       Section 213(c) of the *FAA Modernization and Reform*  
19 *Act of 2012* (Public Law 112–95; 49 U.S.C. 40101 note)  
20 is amended by adding at the end the following:

21           “(3) *NOTIFICATIONS AND CONSULTATIONS.*—Not  
22 later than 90 days before applying a categorical ex-  
23 clusion under this subsection to a new procedure at  
24 an OEP airport, the Administrator shall—

1           “(A) notify and consult with the operator of  
2           the airport at which the procedure would be im-  
3           plemented; and

4           “(B) consider consultations or other engage-  
5           ment with the community in the which the air-  
6           port is located to inform the public of the proce-  
7           dure.

8           “(4) REVIEW OF CERTAIN CATEGORICAL EXCLU-  
9           SIONS.—

10           “(A) IN GENERAL.—The Administrator  
11           shall review any decision of the Administrator  
12           made on or after February 14, 2012, and before  
13           the date of enactment of this paragraph to grant  
14           a categorical exclusion under this subsection  
15           with respect to a procedure to be implemented at  
16           an OEP airport that was a material change  
17           from procedures previously in effect at the air-  
18           port to determine if the implementation of the  
19           procedure had a significant effect on the human  
20           environment in the community in which the air-  
21           port is located if the operator of that airport—

22           “(i) requests such a review; and

23           “(ii) demonstrates that there is good  
24           cause to believe that the implementation of  
25           the procedure had such an effect.

1           “(B) *CONTENT OF REVIEW.*—If, in con-  
2           ducting a review under subparagraph (A) with  
3           respect to a procedure implemented at an OEP  
4           airport, the Administrator, in consultation with  
5           the operator of the airport, determines that im-  
6           plementing the procedure had a significant effect  
7           on the human environment in the community in  
8           which the airport is located, the Administrator  
9           shall—

10                   “(i) consult with the operator of the  
11                   airport to identify measures to mitigate the  
12                   effect of the procedure on the human envi-  
13                   ronment; and

14                   “(ii) in conducting such consultations,  
15                   consider the use of alternative flight paths  
16                   that do not substantially degrade the effi-  
17                   ciencies achieved by the implementation of  
18                   the procedure being reviewed.

19           “(C) *HUMAN ENVIRONMENT DEFINED.*—In  
20           this paragraph, the term ‘human environment’  
21           has the meaning given such term in section  
22           1508.14 of title 40, Code of Federal Regulations  
23           (as in effect on the day before the date of enact-  
24           ment of this paragraph).”.



1 **SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.**

2 *Section 40128 is amended—*

3 *(1) in subsection (a)(3), by striking “the” before*  
4 *“title 14”; and*

5 *(2) by amending subsection (f) to read as follows:*

6 *“(f) TRANSPORTATION ROUTES.—*

7 *“(1) IN GENERAL.—This section shall not apply*  
8 *to any air tour operator while flying over or near*  
9 *any Federal land managed by the Director of the Na-*  
10 *tional Park Service, including Lake Mead National*  
11 *Recreation Area, solely as a transportation route, to*  
12 *conduct an air tour over the Grand Canyon National*  
13 *Park.*

14 *“(2) EN ROUTE.—For purposes of this sub-*  
15 *section, an air tour operator flying over the Hoover*  
16 *Dam in the Lake Mead National Recreation Area en*  
17 *route to the Grand Canyon National Park shall be*  
18 *deemed to be flying solely as a transportation route.”.*

19 **SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMER-**  
20 ****CIAL SPACE LAUNCH SITE RUNWAYS.****

21 *(a) IN GENERAL.—Section 44718(b)(1) is amended—*

22 *(1) by striking “air navigation facilities and*  
23 *equipment” and inserting “air or space navigation*  
24 *facilities and equipment”;*

25 *(2) in subparagraph (D), by striking “; and”*  
26 *and inserting a semicolon;*



1 **SEC. 5006. AVIATION FUEL.**

2 (a) *USE OF UNLEADED AVIATION GASOLINE.*—The  
3 Administrator of the Federal Aviation Administration shall  
4 allow the use of an unleaded aviation gasoline in an air-  
5 craft as a replacement for a leaded gasoline if the Adminis-  
6 trator—

7 (1) *determines that the unleaded aviation gaso-*  
8 *line qualifies as a replacement for an approved leaded*  
9 *gasoline;*

10 (2) *identifies the aircraft and engines that are*  
11 *eligible to use the qualified replacement unleaded gas-*  
12 *oline; and*

13 (3) *adopts a process (other than the traditional*  
14 *means of certification) to allow eligible aircraft and*  
15 *engines to operate using qualified replacement un-*  
16 *leaded gasoline in a manner that ensures safety.*

17 (b) *TIMING.*—The Administrator shall adopt the proc-  
18 *ess described in subsection (a)(3) not later than 180 days*  
19 *after the later of—*

20 (1) *the date on which the Administration com-*  
21 *pletes the Piston Aviation Fuels Initiative; or*

22 (2) *the date on which the American Society for*  
23 *Testing and Materials publishes a production speci-*  
24 *fication for an unleaded aviation gasoline.*

1 **SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS**  
2 **PLAN.**

3 (a) *IN GENERAL.*—No later than 1 year after the date  
4 of enactment of this Act, the Secretary of Transportation  
5 and the Secretary of Health and Human Services, in co-  
6 ordination with the Secretary of Homeland Security, the  
7 Secretary of Labor, the Secretary of State, the Secretary  
8 of Defense, and representatives of other Federal departments  
9 and agencies, as necessary, shall develop a comprehensive  
10 national aviation communicable disease preparedness plan.

11 (b) *MINIMUM COMPONENTS.*—The plan developed  
12 under subsection (a) shall—

13 (1) be developed in consultation with other rel-  
14 evant stakeholders, including State, local, tribal, and  
15 territorial governments, air carriers, first responders,  
16 and the general public;

17 (2) provide for the development of a communica-  
18 tions system or protocols for providing comprehensive,  
19 appropriate, and up-to-date information regarding  
20 communicable disease threats and preparedness be-  
21 tween all relevant stakeholders;

22 (3) document the roles and responsibilities of rel-  
23 evant Federal department and agencies, including co-  
24 ordination requirements;

25 (4) provide guidance to air carriers, airports,  
26 and other appropriate aviation stakeholders on how

1     *to develop comprehensive communicable disease pre-*  
2     *paredness plans for their respective organizations, in*  
3     *accordance with the plan to be developed under sub-*  
4     *section (a);*

5             *(5) be scalable and adaptable so that the plan*  
6     *can be used to address the full range of communicable*  
7     *disease threats and incidents;*

8             *(6) provide information on communicable threats*  
9     *and response training resources for all relevant stake-*  
10    *holders, including Federal, State, local, tribal, and*  
11    *territorial government employees, airport officials,*  
12    *aviation industry employees and contractors, first re-*  
13    *sponders, and health officials;*

14            *(7) develop protocols for the dissemination of*  
15    *comprehensive, up-to-date, and appropriate informa-*  
16    *tion to the traveling public concerning communicable*  
17    *disease threats and preparedness;*

18            *(8) be updated periodically to incorporate lessons*  
19    *learned with supplemental information; and*

20            *(9) be provided in writing, electronically, and*  
21    *accessible via the Internet.*

22    *(c) INTERAGENCY FRAMEWORK.—The plan developed*  
23    *under subsection (a) shall—*

24            *(1) be conducted under the existing interagency*  
25    *framework for national level all hazards emergency*

1        *preparedness planning or another appropriate frame-*  
2        *work; and*

3            (2) *be consistent with the obligations of the*  
4        *United States under international agreements.*

5        **SEC. 5008. ADVANCED MATERIALS CENTER OF EXCEL-**  
6            **LENCE.**

7            (a) *IN GENERAL.*—Chapter 445 is amended by adding  
8        *at the end the following:*

9        **“§ 44518. Advanced Materials Center of Excellence**

10        *“(a) IN GENERAL.—The Administrator of the Federal*  
11        *Aviation Administration shall continue operation of the*  
12        *Advanced Materials Center of Excellence (referred to in this*  
13        *section as the ‘Center’) under its structure as in effect on*  
14        *March 1, 2016, which shall focus on applied research and*  
15        *training on the durability and maintainability of advanced*  
16        *materials in transport airframe structures.*

17        *“(b) RESPONSIBILITIES.—The Center shall—*

18            *“(1) promote and facilitate collaboration among*  
19        *academia, the Transportation Division of the Federal*  
20        *Aviation Administration, and the commercial aircraft*  
21        *industry, including manufacturers, commercial air*  
22        *carriers, and suppliers; and*

23            *“(2) establish goals set to advance technology,*  
24        *improve engineering practices, and facilitate con-*  
25        *tinuing education in relevant areas of study.*

1       “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
2 *authorized to be appropriated to the Administrator*  
3 *\$500,000 for each of the fiscal years 2016 and 2017 to carry*  
4 *out this section.*”.

5       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
6 *chapter 445 is amended by adding at the end the following:*  
*“44518. Advanced Materials Center of Excellence.”.*

7 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

8       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
9 *of enactment of this Act, the Comptroller General of the*  
10 *United States shall—*

11           (1) *complete a study of crimes of violence (as de-*  
12 *finied in section 16 of title 18, United States Code)*  
13 *committed against airline customer service represent-*  
14 *atives while they are performing their duties and on*  
15 *airport property; and*

16           (2) *submit the findings of the study, including*  
17 *any recommendations, to Congress.*

18       (b) *GAP ANALYSIS.*—*The study shall include a gap*  
19 *analysis to determine if State and local laws and resources*  
20 *are adequate to deter or otherwise address the crimes of vio-*  
21 *lence described in subsection (a) and recommendations on*  
22 *how to address any identified gaps.*

23 **SEC. 5010. SECONDARY COCKPIT BARRIERS.**

24       (a) *SHORT TITLE.*—*This section may be cited as the*  
25 *“Saracini Aviation Safety Act of 2016”.*

1       (b) *REQUIREMENT.*—Not later than one year after the  
2 date of the enactment of this Act, the Administrator of the  
3 Federal Aviation Administration shall issue an order re-  
4 quiring installation of a secondary cockpit barrier on each  
5 new aircraft that is manufactured for delivery to a pas-  
6 senger air carrier in the United States operating under the  
7 provisions of part 121 of title 14, Code of Federal Regula-  
8 tions.

9 **SEC. 5011. GAO EVALUATION AND AUDIT.**

10       Section 15(a)(1) of the Railway Labor Act (45 U.S.C.  
11 165(a)(1)) is amended by striking “2 years” and inserting  
12 “4 years”.

13 **SEC. 5012. FEDERAL AVIATION ADMINISTRATION PERFORM-**  
14 **ANCE MEASURES AND TARGETS.**

15       (a) *PERFORMANCE MEASURES.*—Not later than 180  
16 days after the date of enactment of this Act, the Secretary  
17 of Transportation shall establish performance measures re-  
18 lating to the administration of the Federal Aviation Ad-  
19 ministration, which shall, at a minimum, include measures  
20 to assess—

21               (1) the reduction of delays in the completion of  
22 projects; and

23               (2) the effectiveness of the Administration in  
24 achieving the goals described in section 47171 of title  
25 49, United States Code.



1       (b) *PERFORMANCE TARGETS.*—Not later than 180  
2 days after the date on which the Secretary establishes per-  
3 formance measures in accordance with subsection (a), the  
4 Secretary shall establish performance targets relating to  
5 each of the measures described in that subsection.

6       (c) *REPORT.*—Not later than 2 years after the date of  
7 enactment of this Act, the Inspector General of the Depart-  
8 ment of Transportation shall submit to Congress a report  
9 describing the progress of the Secretary in meeting the per-  
10 formance targets established under subsection (b).

11 **SEC. 5013. STAFFING OF CERTAIN AIR TRAFFIC CONTROL**  
12 **TOWERS.**

13       (a) *IN GENERAL.*—The Administrator of the Federal  
14 Aviation Administration shall ensure appropriate staffing  
15 at the Core 30 air traffic control towers and associated ter-  
16 minal radar approach control facilities and air route traf-  
17 fic control centers and ensure, as appropriate, staffing levels  
18 at those control towers, facilities, and centers are not below  
19 the average number of air traffic controllers between the  
20 “high” and “low” staffing ranges, as specified in the docu-  
21 ment of the Federal Aviation Administration entitled, “A  
22 Plan for the Future: 10-Year Strategy for Air Traffic Con-  
23 trol Workforce 2015–2024”.

24       (b) *RETENTION.*—The Administrator shall review  
25 strategies to improve retention of experienced certified pro-

1 *fessional controllers at the control towers, facilities, and*  
2 *centers described in subsection (a)(1).*

3 **SEC. 5014. CRITICAL AIRFIELD MARKINGS.**

4 *Not later than 180 days after the date of enactment*  
5 *of this Act, the Administrator of the Federal Aviation Ad-*  
6 *ministration shall issue a request for proposal for a study*  
7 *that includes—*

8 *(1) an independent, third-party study to assess*  
9 *the durability of Type III and Type I glass beads ap-*  
10 *plied to critical markings over a 12-month period at*  
11 *no fewer than 2 primary airports in varying weather*  
12 *conditions to measure the retroreflectivity levels of such*  
13 *markings on a quarterly basis; and*

14 *(2) a study at 2 other airports carried out by*  
15 *applying Type III beads on one half of the centerline*  
16 *and Type I beads to the other half and providing for*  
17 *assessments from pilots through surveys administered*  
18 *by a third party as to the visibility and performance*  
19 *of the Type III glass beads as compared to the Type*  
20 *I glass beads over a 6-month period.*

21 **SEC. 5015. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**  
22 **FIELD PAVEMENT TECHNOLOGIES.**

23 *Using amounts made available under section 48102(a)*  
24 *of title 49, United States Code, the Administrator of the*  
25 *Federal Aviation Administration shall carry out a program*

1 *for the research and deployment of aircraft pavement tech-*  
2 *nologies under which the Administrator makes grants to,*  
3 *and enters into cooperative agreements with, institutions of*  
4 *higher education and nonprofit organizations that—*

5           (1) *research concrete and asphalt airfield pave-*  
6 *ment technologies that extend the life of airfield pave-*  
7 *ments;*

8           (2) *develop and conduct training;*

9           (3) *provide for demonstration projects; and*

10           (4) *promote the latest airfield pavement tech-*  
11 *nologies to aid in the development of safer, more cost*  
12 *effective, and more durable airfield pavements.*

13 **SEC. 5016. REPORT ON GENERAL AVIATION FLIGHT SHAR-**  
14 **ING.**

15       *Not later than 180 days after the date of enactment*  
16 *of this Act, the Administrator of the Federal Aviation Ad-*  
17 *ministration shall submit to the appropriate committees of*  
18 *Congress a report assessing the feasibility of flight sharing*  
19 *for general aviation. The report shall include an assessment*  
20 *of any regulations that may need to be updated to allow*  
21 *for safe and efficient flight sharing, including regulations*  
22 *imposing limitations on the forms of communication per-*  
23 *sons who hold private pilot certificates may 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 RE-**  
9 **LATING 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, includ-*  
18 *ing heroin, fentanyl, and cocaine, seized by Federal authori-*  
19 *ties 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 a*  
22 *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           (4) *the manner in which the drugs were seized;*  
2       *and*

3           (5) *the manner in which the drugs were trans-*  
4       *ported.*

5       (c) *USE OF DATA; RECOMMENDATIONS FOR ADDI-*  
6       *TIONAL DATA COLLECTION.*—*In conducting the study re-*  
7       *quired by subsection (a), the Comptroller General shall use*  
8       *all available data. If the Comptroller General determines*  
9       *that additional data is needed to fully understand the extent*  
10       *to which illegal drugs enter the United States through inter-*  
11       *national airports in the United States, the Comptroller*  
12       *General shall develop recommendations for the collection of*  
13       *that data.*

14       (d) *SUBMISSION TO CONGRESS.*—*Not later than 180*  
15       *days after the date of enactment of this Act, the Comptroller*  
16       *General shall submit to Congress a report on the study con-*  
17       *ducted under subsection (a) that includes any recommenda-*  
18       *tions developed under subsection (c).*

19       **SEC. 5020. SENSE OF CONGRESS ON PREVENTING THE**  
20                **TRANSPORTATION OF DISEASE-CARRYING**  
21                **MOSQUITOES AND OTHER INSECTS ON COM-**  
22                **MERCIAL AIRCRAFT.**

23       *It is the sense of Congress that the Secretary of Trans-*  
24       *portation and the Secretary of Agriculture should, in co-*  
25       *ordination and consultation with the World Health Organi-*

1 zation, develop a framework and guidance for the use of  
2 safe, effective, and nontoxic means of preventing the trans-  
3 portation of disease-carrying mosquitoes and other insects  
4 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 of*  
8 *this Act, the Administrator of the Federal Aviation Admin-*  
9 *istration shall develop and publish in the Federal Register*  
10 *a work plan for the New York/New Jersey/Philadelphia*  
11 *metroplex program.*

12 **SEC. 5022. REPORT ON PLANS FOR AIR TRAFFIC CONTROL  
13 FACILITIES IN THE NEW YORK CITY AND NEW-  
14 ARK REGION.**

15 *Not later than 90 days after the date of enactment of*  
16 *this Act, the Administrator of the Federal Aviation Admin-*  
17 *istration shall submit to the appropriate committees of Con-*  
18 *gress a report on the Federal Aviation Administration's*  
19 *staffing and scheduling plans for air traffic control facili-*  
20 *ties in the New York City and Newark region for the 1-*  
21 *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 41309*  
5 *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 (a)*  
11 *shall assess—*

12 *(1) the consequences of alliances, including re-*  
13 *duced competition, stifling new entrants into markets,*  
14 *increasing prices in markets, and other adverse con-*  
15 *sequences;*

16 *(2) the representations made by air carriers to*  
17 *the Secretary of Transportation for the necessity of an*  
18 *antitrust exemption;*

19 *(3) the Department of Transportation’s expecta-*  
20 *tions 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 Transpor-*  
24 *tation’s efforts in the approval and monitoring of al-*  
25 *liances, including possessing relevant experience and*

1 *expertise in the fields of antitrust and consumer pro-*  
2 *tection;*

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 Trans-*  
19 *portation 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 Gen-*



1 eral shall submit to Congress the results of the study con-  
2 ducted 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 exer-  
6 cised by the Department of Justice rather than by the  
7 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 regu-*  
14 *lations as may be necessary to ensure that multi-year lessees*  
15 *and owners of large and turbine-powered multiengine air-*  
16 *craft are treated equally for purposes of joint ownership*  
17 *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 a*  
24 *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 of*  
4 *enactment of this Act, the Administrator shall submit a re-*  
5 *port to the appropriate committees of Congress that summa-*  
6 *rizes the results of the study conducted under subsection (a).*

7 **SEC. 5026. STUDENT OUTREACH REPORT.**

8       *Not later than 6 months after the date of enactment*  
9 *of this Act, the Administrator of the Federal Aviation Ad-*  
10 *ministration shall submit a report to the appropriate com-*  
11 *mittees of Congress that describes the Administration’s ex-*  
12 *isting outreach efforts, such as the STEM Aviation and*  
13 *Space Education Outreach Program, to elementary and sec-*  
14 *ondary students who are interested in careers in science,*  
15 *technology, engineering, art, and mathematics—*

16           (1) *to prepare and inspire such students for*  
17 *aeronautical careers; and*

18           (2) *to mitigate an anticipated shortage of pilots*  
19 *and other aviation professionals.*

20 **SEC. 5027. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**  
21 **CONTROL SYSTEM.**

22       *Notwithstanding any other provision of law, the Fed-*  
23 *eral Aviation Administration, as appropriate, shall upon*  
24 *request of a private aircraft owner or operator, block the*  
25 *registration number of the aircraft of the owner or operator*

1 *from any public dissemination or display, except in data*  
2 *made available to a Government agency, for the non-*  
3 *commercial flights of the owner or operator.*

4 **SEC. 5028. CONDUCT OF SECURITY SCREENING BY THE**  
5 **TRANSPORTATION SECURITY ADMINISTRA-**  
6 **TION AT CERTAIN AIRPORTS.**

7 *(a) IN GENERAL.—The Administrator of the Trans-*  
8 *portation Security Administration shall provide for secu-*  
9 *rity screening to be conducted by the Transportation Secu-*  
10 *rity Administration at, and provide all necessary staff and*  
11 *equipment to, any airport—*

12 *(1) that lost commercial air service on or after*  
13 *January 1, 2013; and*

14 *(2) the operator of which, following the loss de-*  
15 *scribed in paragraph (1), submits to the Adminis-*  
16 *trator—*

17 *(A) a request for security screening to be*  
18 *conducted at the airport by the Transportation*  
19 *Security Administration; and*

20 *(B) written confirmation of a commitment*  
21 *from a commercial air carrier—*

22 *(i) that the air carrier wants to pro-*  
23 *vide commercial air service at the airport;*  
24 *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 process*  
7 *of implementing security screening by the Transportation*  
8 *Security Administration at an airport described in sub-*  
9 *section (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 after*  
24 *the date of enactment of this Act, the Administrator*  
25 *of the Federal Aviation Administration shall facili-*

1        *tate and support the development of a comprehensive*  
2        *framework of principles and policies to reduce cyber-*  
3        *security risks to the national airspace system, civil*  
4        *aviation, and agency information systems.*

5            (2) *SCOPE.—As part of the principles and poli-*  
6        *cies under paragraph (1), the Administrator shall—*

7            (A) *clarify cybersecurity roles and respon-*  
8        *sibilities of offices and employees, including gov-*  
9        *ernance structures of any advisory committees*  
10       *addressing cybersecurity at the Federal Aviation*  
11       *Administration;*

12           (B) *recognize the interactions of different*  
13       *components of the national airspace system and*  
14       *the interdependent and interconnected nature of*  
15       *aircraft and air traffic control systems;*

16           (C) *identify and implement objectives and*  
17       *actions to reduce cybersecurity risks to the air*  
18       *traffic control information systems, including ac-*  
19       *tions to improve implementation of information*  
20       *security standards and best practices of the Na-*  
21       *tional Institute of Standards and Technology,*  
22       *and policies and guidance issued by the Office of*  
23       *Management and Budget for agency systems;*

24           (D) *support voluntary efforts by industry,*  
25       *RTCA, Inc., or standards-setting organizations*

1           to develop and identify consensus standards, best  
2           practices, and guidance on aviation systems in-  
3           formation security protection, consistent with the  
4           activities described in section 2(e) of the Na-  
5           tional Institute of Standards and Technology Act  
6           (15 U.S.C. 272(e)); and

7           (E) establish guidelines for the voluntary  
8           sharing of information between and among avia-  
9           tion stakeholders pertaining to aviation-related  
10          cybersecurity incidents, threats, and  
11          vulnerabilities.

12          (3) *LIMITATIONS.*—In carrying out the activities  
13          under this section, the Administrator shall—

14               (A) coordinate with aviation stakeholders,  
15               including industry, airlines, manufacturers, air-  
16               ports, RTCA, Inc., and unions;

17               (B) consult with the Secretary of Defense,  
18               Secretary of Homeland Security, Director of Na-  
19               tional Institute of Standards and Technology,  
20               the heads of other relevant agencies, and inter-  
21               national regulatory authorities; and

22               (C) evaluate on a periodic basis, but not  
23               less than once every 2 years, the effectiveness of  
24               the principles established under this subsection.

1       **(b) THREAT MODEL.**—*The Secretary of Transpor-*  
2 *tation, in coordination with the Administrator of the Fed-*  
3 *eral Aviation Administration, shall implement the open*  
4 *recommendation issued in 2015 by the Government Ac-*  
5 *countability Office to assess the potential cost and timetable*  
6 *of developing and maintaining an agency-wide threat*  
7 *model to strengthen cybersecurity across the Federal Avia-*  
8 *tion Administration.*

9       **(c) SECURE ACCESS TO FACILITIES AND SYSTEMS.**—

10           **(1) IDENTITY MANAGEMENT REQUIREMENTS.**—  
11 *Not later than 1 year after the date of enactment of*  
12 *this Act, the Secretary of Transportation shall imple-*  
13 *ment open recommendations issued in 2014 by the In-*  
14 *pector General of the Department of Transpor-*  
15 *tation—*

16                   **(A)** *to work with the Federal Aviation Ad-*  
17 *ministration to revise its plan to effectively tran-*  
18 *sition remaining users to require personal iden-*  
19 *tity verification, including create a plan of ac-*  
20 *tions and milestones with a planned completion*  
21 *date to monitor and track progress; and*

22                   **(B)** *to work with the Director of the Office*  
23 *of Security of the Department of Transportation*  
24 *to develop or revise plans to effectively transition*  
25 *remaining facilities to require personal identity*

1           *verification cards at the Federal Aviation Ad-*  
2           *ministration.*

3           (2) *IDENTITY MANAGEMENT ASSESSMENT.*—

4                 (A) *IN GENERAL.*—*Not later than 180 days*  
5                 *after the date of enactment of this Act, the Sec-*  
6                 *retary of Transportation shall prepare a plan to*  
7                 *implement the use of identity management, in-*  
8                 *cluding personal identity verification, at the*  
9                 *Federal Aviation Administration, consistent*  
10                *with section 504 of the Cybersecurity Enhance-*  
11                *ment Act of 2014 (Public Law 113–274; 15*  
12                *U.S.C. 7464) and section 225 of title II of divi-*  
13                *sion N of the Cybersecurity Act of 2015 (Public*  
14                *Law 114–113; 129 Stat. 2242).*

15                (B) *CONTENTS.*—*The plan shall include—*

16                         (i) *an assessment of the current imple-*  
17                         *mentation and use of identity management,*  
18                         *including personal identity verification, at*  
19                         *the Federal Aviation Administration for se-*  
20                         *ecure access to government facilities and in-*  
21                         *formation systems, including a breakdown*  
22                         *of requirements for use and identification of*  
23                         *which systems and facilities are enabled to*  
24                         *use personal identity verification; and*



1                   (ii) the actions to be taken, including  
2                   specified deadlines, by the Chief Informa-  
3                   tion Officers of the Department of Trans-  
4                   portation and the Federal Aviation Admin-  
5                   istration to increase the implementation  
6                   and use of such measures, with the goal of  
7                   100 percent implementation across the  
8                   agency.

9                   (3) *REPORT.*—The Secretary shall submit the  
10                  plan to the appropriate committees of Congress.

11                  (4) *CLASSIFIED INFORMATION.*—The report sub-  
12                  mitted under paragraph (3) shall be in unclassified  
13                  form, but may include a classified annex.

14                  (d) *AIRCRAFT SECURITY.*—

15                  (1) *IN GENERAL.*—The Aircraft Systems Infor-  
16                  mation Security Protection Working Group shall pe-  
17                  riodically review rulemaking, policy, and guidance  
18                  for certification of avionics software and hardware  
19                  (including any system on board an aircraft) and con-  
20                  tinued airworthiness in order to reduce cybersecurity  
21                  risks to aircraft systems.

22                  (2) *REQUIREMENTS.*—In conducting the reviews,  
23                  the working group—

24                          (A) shall assess the cybersecurity risks to  
25                          aircraft systems, including recognizing the inter-

1           actions of different components of the national  
2           airspace system and the interdependent and  
3           interconnected nature of aircraft and air traffic  
4           control systems;

5           (B) shall assess the extent to which existing  
6           rulemaking, policy, and guidance to promote  
7           safety also promote aircraft systems information  
8           security protection; and

9           (C) based on the results of subparagraphs  
10          (A) and (B), may make recommendations to the  
11          Administrator of the Federal Aviation Adminis-  
12          tration if separate or additional rulemaking,  
13          policy, or guidance is needed to address aircraft  
14          systems information security protection.

15          (3) *IN-FLIGHT ENTERTAINMENT SYSTEMS RE-*  
16          VIEW.—As part of its review under subparagraphs  
17          (A) and (B) of paragraph (2), the working group  
18          shall review the cybersecurity risks of in-flight enter-  
19          tainment systems to consider whether such systems  
20          can and should be isolated and separate from systems  
21          required for safe flight and operations, including re-  
22          viewing standards for air gaps or other means deter-  
23          mined appropriate.

24          (4) *RECOMMENDATIONS.*—In any recommenda-  
25          tion under paragraph (2)(C), the working group shall

1     *identify a cost-effective and technology-neutral ap-*  
2     *proach and incorporate voluntary consensus stand-*  
3     *ards and best practices and international practices to*  
4     *the fullest extent possible.*

5             (5) *REPORT.—*

6                     (A) *IN GENERAL.—Not later than 60 days*  
7                     *after the date of enactment of this Act, and peri-*  
8                     *odically thereafter, the working group shall pro-*  
9                     *vide a report to the Administrator of the Federal*  
10                    *Aviation Administration on the findings of the*  
11                    *review and any recommendations.*

12                    (B) *CONGRESS.—The Administrator shall*  
13                    *submit to the appropriate committees of Congress*  
14                    *a copy of each report provided by the working*  
15                    *group.*

16                    (6) *CLASSIFIED INFORMATION.—Each report*  
17                    *submitted under this subsection shall be in unclassi-*  
18                    *fied form, but may include a classified annex.*

19                    (e) *CYBERSECURITY IMPLEMENTATION PROGRESS.—*  
20     *The Administrator of the Federal Aviation Administration*  
21     *shall—*

22                    (1) *not later than 90 days after the date of en-*  
23                    *actment of this Act, and periodically thereafter until*  
24                    *the completion date, provide to the appropriate com-*  
25                    *mittees of Congress a briefing on the actions the Ad-*

1 *ministrator has taken to improve information secu-*  
2 *rity management, including the steps taken to imple-*  
3 *ment subsections (a), (b) and (c) and all of the issues*  
4 *and open recommendations identified in cybersecurity*  
5 *audit reports issued in 2014 and 2015 by the Inspec-*  
6 *tor General of the Department of Transportation and*  
7 *the Government Accountability Office; and*

8 (2) *not later than 1 year after the date of enact-*  
9 *ment of this Act, issue a final report to the appro-*  
10 *priate committees of Congress on the steps taken to*  
11 *improve information security management, including*  
12 *implementation of subsections (a), (b) and (c) and all*  
13 *of the issues and open recommendations identified in*  
14 *the cybersecurity audit reports issued in 2014 and*  
15 *2015 by the Inspector General of the Department of*  
16 *Transportation and the Government Accountability*  
17 *Office.*

18 **SEC. 5030. PROHIBITIONS AGAINST SMOKING ON PAS-**

19 **SENGER FLIGHTS.**

20 *Section 41706 is amended—*

21 (1) *by redesignating subsection (d) as subsection*  
22 *(e); and*

23 (2) *by inserting after subsection (c) the fol-*  
24 *lowing:*

25 *“(d) ELECTRONIC CIGARETTES.—*

1           “(1) *INCLUSION.*—*The use of an electronic ciga-*  
2           *rette shall be treated as smoking for purposes of this*  
3           *section.*”

4           “(2) *ELECTRONIC CIGARETTE DEFINED.*—*In this*  
5           *section, the term ‘electronic cigarette’ means a device*  
6           *that delivers nicotine or other substances to a user of*  
7           *the device in the form of a vapor that is inhaled to*  
8           *simulate the experience of smoking.”.*

9   **SEC. 5031. NATIONAL MULTIMODAL FREIGHT ADVISORY**  
10                                   **COMMITTEE.**

11           (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*  
12           *tation shall establish a national multimodal freight advi-*  
13           *sory committee (referred to in this section as the “Com-*  
14           *mittee”)* in the Department of Transportation, which shall  
15           *consist of a balanced cross-section of public and private*  
16           *freight stakeholders representative of all freight transpor-*  
17           *tation modes, including—*

18                   (1) *airports, highways, ports and waterways,*  
19                   *rail, and pipelines;*

20                   (2) *shippers;*

21                   (3) *carriers;*

22                   (4) *freight-related associations;*

23                   (5) *the freight industry workforce;*

24                   (6) *State departments of transportation;*

25                   (7) *local governments;*

1           (8) *metropolitan planning organizations;*

2           (9) *regional or local transportation authorities,*  
3 *such as port authorities;*

4           (10) *freight safety organizations; and*

5           (11) *university research centers.*

6           (b) *PURPOSE.*—*The purpose of the Committee shall be*  
7 *to promote a safe, economically efficient, and environ-*  
8 *mentally sustainable national freight system.*

9           (c) *DUTIES.*—*The Committee, in consultation with*  
10 *State departments of transportation and metropolitan*  
11 *planning organizations, shall provide advice and rec-*  
12 *ommendations to the Secretary of Transportation on mat-*  
13 *ters related to freight transportation in the United States,*  
14 *including—*

15           (1) *the implementation of freight transportation*  
16 *requirements;*

17           (2) *the establishment of a National Multimodal*  
18 *Freight Network under section 70103 of title 49,*  
19 *United States Code;*

20           (3) *the development of the national freight stra-*  
21 *tegic plan under section 70102 of such title;*

22           (4) *the development of measures of conditions*  
23 *and performance in freight transportation;*

24           (5) *the development of freight transportation in-*  
25 *vestment, data, and planning tools; and*

1           (6) *recommendations for Federal legislation.*

2           (d) *QUALIFICATIONS.—Each member of the Committee*  
3 *shall be sufficiently qualified to represent the interests of*  
4 *the member’s specific stakeholder group, such as—*

5                 (1) *general business and financial experience;*

6                 (2) *experience or qualifications in the areas of*  
7 *freight transportation and logistics;*

8                 (3) *experience in transportation planning, safe-*  
9 *ty, technology, or workforce issues;*

10                (4) *experience representing employees of the*  
11 *freight industry;*

12                (5) *experience representing State or local govern-*  
13 *ments or metropolitan planning organizations in*  
14 *transportation-related issues; or*

15                (6) *experience in trade economics relating to*  
16 *freight flows.*

17           (e) *SUPPORT STAFF, INFORMATION, AND SERVICES.—*

18 *The Secretary of Transportation shall provide support staff*  
19 *for the Committee. Upon the request of the Committee, the*  
20 *Secretary shall provide such information, administrative*  
21 *services, and supplies as the Secretary considers necessary*  
22 *for the Committee to carry out its duties under this section.*

1 **SEC. 5032. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) *AIRPORT CAPACITY ENHANCEMENT PROJECTS AT*  
3 *CONGESTED AIRPORTS.*—Section 40104(c) is amended by  
4 striking “47176” and inserting “47175”.

5 (b) *CONSULTATION ON CARRIER RESPONSE NOT COV-*  
6 *ERED BY PLAN.*—Section 41313(c)(16), as amended by sec-  
7 tion 3104 of this Act, is further amended by striking “the  
8 foreign air carrier will consult” and inserting “will con-  
9 sult”.

10 (c) *WEIGHING MAIL.*—Section 41907 is amended by  
11 striking “and –administrative” and inserting “and admin-  
12 istrative”.

13 (d) *FLIGHT ATTENDANT CERTIFICATION.*—Section  
14 44728 is amended—

15 (1) in subsection (c), by striking “chapter” and  
16 inserting “title”; and

17 (2) in subsection (d)(3), by striking “is” and in-  
18 sserting “be”.

19 (e) *SCHEDULE OF FEES.*—Section 45301(a)(1) is  
20 amended by striking “United States government” and in-  
21 sserting “United States Government”.

22 (f) *CLASSIFIED EVIDENCE.*—Section 46111(g)(2)(A) is  
23 amended by striking “(18 U.S.C. App.)” and inserting “(18  
24 U.S.C. App.)”.

25 (g) *ALLOWABLE COST STANDARDS.*—Section  
26 47110(b)(2) is amended—



1           (1) in subparagraph (B), by striking  
2           “compatibility” and inserting “compatibility”; and

3           (2) in subparagraph (D)(i), by striking “cli-  
4           mactic” and inserting “climatic”.

5           (h) *DEFINITION OF QUALIFIED HUBZONE SMALL*  
6 *BUSINESS CONCERN.*—Section 47113(a)(3) is amended by  
7 striking “(15 U.S.C. 632(o))” and inserting “(15 U.S.C.  
8 632(p))”.

9           (i) *DISCRETIONARY FUND.*—Section 47115, as amend-  
10 ed by section 1006 of this Act, is further amended—

11           (1) by striking subsection (i); and

12           (2) by redesignating subsection (j) as subsection  
13           (i).

14           (j) *SPECIAL APPORTIONMENT CATEGORIES.*—Section  
15 47117(e)(1)(B) is amended by striking “at least” and in-  
16 serting “At least”.

17           (k) *SOLICITATION AND CONSIDERATION OF COM-*  
18 *MENTS.*—Section 47171(l) is amended by striking “4371”  
19 and inserting “4321”.

20           (l) *OPERATIONS AND MAINTENANCE.*—Section 48104  
21 is amended by striking “(a) *AUTHORIZATION OF APPRO-*  
22 *PRIATIONS.*—the” and inserting “The”.

23           (m) *EXPENDITURES FROM AIRPORT AND AIRWAY*  
24 *TRUST FUND.*—Section 9502(d)(2) of the Internal Revenue

1 Code of 1986 is amended by striking “farms” and inserting  
2 “farms)”.

3 **SEC. 5033. VISIBLE DETERRENT.**

4 Section 1303 of the Implementing Recommendations  
5 of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is  
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (3), by striking “; and”  
9 and inserting a semicolon;

10 (B) in paragraph (4), by striking the period  
11 at the end and inserting “; and”; and

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

13 “(5) if the VIPR team is deployed to an airport,  
14 shall require, as appropriate based on risk, that the  
15 VIPR team conduct operations—

16 “(A) in the sterile area and any other areas  
17 to which only individuals issued security creden-  
18 tials have unescorted access; and

19 “(B) in non-sterile areas.”; and

20 (2) in subsection (b), by striking “such sums as  
21 necessary for fiscal years 2007 through 2011” and in-  
22 serting “such sums as necessary, including funds to  
23 develop not more than 60 VIPR teams, for fiscal  
24 years 2016 through 2017”.

1 **SEC. 5034. LAW ENFORCEMENT TRAINING FOR MASS CAS-**  
2 **UALTY AND ACTIVE SHOOTER INCIDENTS.**

3 *Section 2006(a)(2) of the Homeland Security Act of*  
4 *2002 (6 U.S.C. 607(a)(2)) is amended—*

5 *(1) by redesignating subparagraphs (E) through*  
6 *(I) as subparagraphs (F) through (J), respectively;*  
7 *and*

8 *(2) by inserting after subparagraph (D) the fol-*  
9 *lowing:*

10 *“(E) training exercises to enhance pre-*  
11 *paredness for and response to mass casualty and*  
12 *active shooter incidents and security events at*  
13 *public locations, including airports and mass*  
14 *transit systems;”.*

15 **SEC. 5035. ASSISTANCE TO AIRPORTS AND SURFACE TRANS-**  
16 **PORTATION SYSTEMS.**

17 *Section 2008(a) of the Homeland Security Act of 2002*  
18 *(6 U.S.C. 609(a)) is amended—*

19 *(1) by redesigning paragraphs (9) through (13)*  
20 *as paragraphs (10) through (14), respectively; and*

21 *(2) by inserting after paragraph (8) the fol-*  
22 *lowing:*

23 *“(9) enhancing the security and preparedness of*  
24 *secure and non-secure areas of eligible airports and*  
25 *surface transportation systems.”.*

1 **SEC. 5036. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE**

2 **2 AIRPLANES.**

3 (a) *IN GENERAL.*—Notwithstanding section 47534 of  
4 title 49, United States Code, not later than 180 days after  
5 the date of the enactment of this Act, the Administrator of  
6 the Federal Aviation Administration shall initiate a pilot  
7 program to permit the operator of a Stage 2 airplane to  
8 operate that airplane in nonrevenue service into not more  
9 than four medium hub airports or nonhub airports if—

10 (1) *the airport—*

11 (A) *is certified under part 139 of title 14,*  
12 *Code of Federal Regulations;*

13 (B) *has a runway that—*

14 (i) *is longer than 8,000 feet and not*  
15 *less than 200 feet wide; and*

16 (ii) *is load bearing with a pavement*  
17 *classification number of not less than 38;*  
18 *and*

19 (C) *has a maintenance facility with a*  
20 *maintenance certificate issued under part 145 of*  
21 *such title; and*

22 (2) *the operator of the Stage 2 airplane operates*  
23 *not more than 10 flights per month using that air-*  
24 *plane.*

25 (b) *TERMINATION.*—*The regulations required by sub-*  
26 *section (a) shall terminate on the earlier of—*

1           (1) *the date that is 10 years after the date of the*  
2 *enactment of this Act; or*

3           (2) *the date on which the Administrator deter-*  
4 *mines that no Stage 2 airplanes remain in service.*

5 *(c) DEFINITIONS.—In this section:*

6           (1) *MEDIUM HUB AIRPORT; NONHUB AIRPORT.—*  
7 *The terms “medium hub airport” and “nonhub air-*  
8 *port” have the meanings given those terms in section*  
9 *40102 of title 49, United States Code.*

10          (2) *STAGE 2 AIRPLANE.—The term “Stage 2 air-*  
11 *plane” has the meaning given that term in section*  
12 *91.851 of title 14, Code of Federal Regulations (as in*  
13 *effect on the day before the date of the enactment of*  
14 *this Act).*

15 **TITLE VI—TRANSPORTATION SE-**  
16 **CURITY AND TERRORISM PRE-**  
17 **VENTION**

18       **Subtitle A—Airport Security**

19       **Enhancement and Oversight Act**

20 **SEC. 6101. SHORT TITLE.**

21       *This subtitle may be cited as the “Airport Security*  
22 *Enhancement and Oversight Act”.*

23 **SEC. 6102. FINDINGS.**

24       *Congress makes the following findings:*

1           (1) *A number of recent airport security breaches*  
2 *in the United States have involved the use of Secure*  
3 *Identification Display Area (referred to in this sec-*  
4 *tion as “SIDA”) badges, the credentials used by air-*  
5 *port and airline workers to access the secure areas of*  
6 *an airport.*

7           (2) *In December 2014, a Delta ramp agent at*  
8 *Hartsfield-Jackson Atlanta International Airport was*  
9 *charged with using his SIDA badge to bypass airport*  
10 *security checkpoints and facilitate an interstate gun*  
11 *smuggling operation over a number of months via*  
12 *commercial aircraft.*

13           (3) *In January 2015, an Atlanta-based Aviation*  
14 *Safety Inspector of the Federal Aviation Administra-*  
15 *tion used his SIDA badge to bypass airport security*  
16 *checkpoints and transport a firearm in his carry-on*  
17 *luggage.*

18           (4) *In February 2015, a local news investigation*  
19 *found that over 1,000 SIDA badges at Hartsfield-*  
20 *Jackson Atlanta International Airport were lost or*  
21 *missing.*

22           (5) *In March 2015, and again in May 2015,*  
23 *Transportation Security Administration contractors*  
24 *were indicted for participating in a drug smuggling*

1     *ring using luggage passed through the secure area of*  
2     *the San Francisco International Airport.*

3             *(6) The Administration has indicated that it*  
4     *does not maintain a list of lost or missing SIDA*  
5     *badges, and instead relies on airport operators to*  
6     *track airport worker credentials.*

7             *(7) The Administration rarely uses its enforce-*  
8     *ment authority to fine airport operators that reach a*  
9     *certain threshold of missing SIDA badges.*

10            *(8) In April 2015, the Aviation Security Advi-*  
11     *sory Committee issued 28 recommendations for im-*  
12     *provements to airport access control.*

13            *(9) In June 2015, the Inspector General of the*  
14     *Department of Homeland Security reported that the*  
15     *Administration did not have all relevant information*  
16     *regarding 73 airport workers who had records in*  
17     *United States intelligence-related databases because*  
18     *the Administration was not authorized to receive all*  
19     *terrorism-related information under current inter-*  
20     *agency watchlisting policy.*

21            *(10) The Inspector General also found that the*  
22     *Administration did not have appropriate checks in*  
23     *place to reject incomplete or inaccurate airport work-*  
24     *er employment investigations, including criminal his-*  
25     *tory record checks and work authorization*

1       *verifications, and had limited oversight over the air-*  
2       *port operators that the Administration relies on to*  
3       *perform criminal history and work authorization*  
4       *checks for airport workers.*

5               *(11) There is growing concern about the poten-*  
6       *tial insider threat at airports in light of recent ter-*  
7       *rorist activities.*

8       **SEC. 6103. DEFINITIONS.**

9       *In this subtitle:*

10               *(1) ADMINISTRATION.—The term “Administra-*  
11       *tion” means the Transportation Security Administra-*  
12       *tion.*

13               *(2) ADMINISTRATOR.—The term “Adminis-*  
14       *trator” means the Administrator of the Transpor-*  
15       *tation Security Administration.*

16               *(3) APPROPRIATE COMMITTEES OF CONGRESS.—*  
17       *The term “appropriate committees of Congress”*  
18       *means—*

19                       *(A) the Committee on Commerce, Science,*  
20                       *and Transportation of the Senate;*

21                       *(B) the Committee on Homeland Security*  
22                       *and Governmental Affairs of the Senate; and*

23                       *(C) the Committee on Homeland Security of*  
24                       *the House of Representatives.*



1           (4) *ASAC.*—*The term “ASAC” means the Avia-*  
2           *tion Security Advisory Committee established under*  
3           *section 44946 of title 49, United States Code.*

4           (5) *SECRETARY.*—*The term “Secretary” means*  
5           *the Secretary of Homeland Security.*

6           (6) *SIDA.*—*The term “SIDA” means Secure*  
7           *Identification Display Area as defined in section*  
8           *1540.5 of title 49, Code of Federal Regulations, or*  
9           *any successor regulation to such section.*

10 **SEC. 6104. THREAT ASSESSMENT.**

11           (a) *INSIDER THREATS.*—

12           (1) *IN GENERAL.*—*Not later than 90 days after*  
13           *the date of enactment of this Act, the Administrator*  
14           *shall conduct or update an assessment to determine*  
15           *the level of risk posed to the domestic air transpor-*  
16           *tation system by individuals with unescorted access to*  
17           *a secure area of an airport (as defined in section*  
18           *44903(j)(2)(H)) in light of recent international ter-*  
19           *rorist activity.*

20           (2) *CONSIDERATIONS.*—*In conducting or updat-*  
21           *ing the assessment under paragraph (1), the Adminis-*  
22           *trator shall consider—*

23                   (A) *domestic intelligence;*

24                   (B) *international intelligence;*

1           (C) *the vulnerabilities associated with*  
2 *unescorted access authority granted to domestic*  
3 *airport operators and air carriers, and their em-*  
4 *ployees;*

5           (D) *the vulnerabilities associated with*  
6 *unescorted access authority granted to foreign*  
7 *airport operators and air carriers, and their em-*  
8 *ployees;*

9           (E) *the processes and practices designed to*  
10 *mitigate the vulnerabilities associated with*  
11 *unescorted access privileges granted to airport*  
12 *operators and air carriers, and their employees;*

13           (F) *the recent security breaches at domestic*  
14 *and foreign airports; and*

15           (G) *the recent security improvements at do-*  
16 *mestic airports, including the implementation of*  
17 *recommendations made by relevant advisory*  
18 *committees.*

19       (b) *REPORTS TO CONGRESS.—The Administrator shall*  
20 *submit to the appropriate committees of Congress—*

21           (1) *a report on the results of the assessment*  
22 *under subsection (a), including any recommendations*  
23 *for improving aviation security;*

24           (2) *a report on the implementation status of any*  
25 *recommendations made by the ASAC; and*

1           (3) *regular updates about the insider threat envi-*  
2           *ronment as new information becomes available and as*  
3           *needed.*

4 **SEC. 6105. OVERSIGHT.**

5           (a) *ENHANCED REQUIREMENTS.—*

6           (1) *IN GENERAL.—Subject to public notice and*  
7           *comment, and in consultation with airport operators,*  
8           *the Administrator shall update the rules on access*  
9           *controls issued by the Secretary under chapter 449 of*  
10           *title 49, United States Code.*

11           (2) *CONSIDERATIONS.—As part of the update*  
12           *under paragraph (1), the Administrator shall con-*  
13           *sider—*

14                   (A) *increased fines and advanced oversight*  
15                   *for airport operators that report missing more*  
16                   *than 5 percent of credentials for unescorted ac-*  
17                   *cess to any SIDA of an airport;*

18                   (B) *best practices for Category X airport*  
19                   *operators that report missing more than 3 per-*  
20                   *cent of credentials for unescorted access to any*  
21                   *SIDA of an airport;*

22                   (C) *additional audits and status checks for*  
23                   *airport operators that report missing more than*  
24                   *3 percent of credentials for unescorted access to*  
25                   *any SIDA of an airport;*

1           (D) review and analysis of the prior 5 years  
2           of audits for airport operators that report miss-  
3           ing more than 3 percent of credentials for  
4           unescorted access to any SIDA of an airport;

5           (E) increased fines and direct enforcement  
6           requirements for both airport workers and their  
7           employers that fail to report within 24 hours an  
8           employment termination or a missing credential  
9           for unescorted access to any SIDA of an airport;  
10          and

11          (F) a method for termination by the em-  
12          ployer of any airport worker that fails to report  
13          in a timely manner missing credentials for  
14          unescorted access to any SIDA of an airport.

15          (b) *TEMPORARY CREDENTIALS.*—The Administrator  
16          may encourage the issuance by airport and aircraft opera-  
17          tors of free one-time, 24-hour temporary credentials for  
18          workers who have reported their credentials missing, but not  
19          permanently lost, stolen, or destroyed, in a timely manner,  
20          until replacement of credentials under section 1542.211 of  
21          title 49 Code of Federal Regulations is necessary.

22          (c) *NOTIFICATION AND REPORT TO CONGRESS.*—The  
23          Administrator shall—

24                  (1) notify the appropriate committees of Con-  
25          gress each time an airport operator reports that more

1 *than 3 percent of credentials for unescorted access to*  
2 *any SIDA at a Category X airport are missing or*  
3 *more than 5 percent of credentials to access any*  
4 *SIDA at any other airport are missing; and*

5 *(2) submit to the appropriate committees of Con-*  
6 *gress an annual report on the number of violations*  
7 *and fines related to unescorted access to the SIDA of*  
8 *an airport collected in the preceding fiscal year.*

9 **SEC. 6106. CREDENTIALS.**

10 *(a) LAWFUL STATUS.—Not later than 90 days after*  
11 *the date of enactment of this Act, the Administrator shall*  
12 *issue guidance to airport operators regarding placement of*  
13 *an expiration date on each airport credential issued to a*  
14 *non-United States citizen no longer than the period of time*  
15 *during which that non-United States citizen is lawfully au-*  
16 *thorized to work in the United States.*

17 *(b) REVIEW OF PROCEDURES.—*

18 *(1) IN GENERAL.—Not later than 90 days after*  
19 *the date of enactment of this Act, the Administrator*  
20 *shall—*

21 *(A) issue guidance for transportation secu-*  
22 *rity inspectors to annually review the procedures*  
23 *of airport operators and air carriers for appli-*  
24 *cants seeking unescorted access to any SIDA of*  
25 *an airport; and*

1           (B) make available to airport operators and  
2           air carriers information on identifying sus-  
3           picious or fraudulent identification materials.

4           (2) *INCLUSIONS.*—The guidance shall require a  
5           comprehensive review of background checks and em-  
6           ployment authorization documents issued by the Citi-  
7           zenship and Immigration Services during the course  
8           of a review of procedures under paragraph (1).

9 **SEC. 6107. VETTING.**

10        (a) *ELIGIBILITY REQUIREMENTS.*—

11           (1) *IN GENERAL.*—Not later than 180 days after  
12           the date of enactment of this Act, and subject to pub-  
13           lic notice and comment, the Administrator shall re-  
14           vise the regulations issued under section 44936 of title  
15           49, United States Code, in accordance with this sec-  
16           tion and current knowledge of insider threats and in-  
17           telligence, to enhance the eligibility requirements and  
18           disqualifying criminal offenses for individuals seeking  
19           or having unescorted access to a SIDA of an airport.

20           (2) *DISQUALIFYING CRIMINAL OFFENSES.*—In re-  
21           vising the regulations under paragraph (1), the Ad-  
22           ministrator shall consider adding to the list of dis-  
23           qualifying criminal offenses and criteria the offenses  
24           and criteria listed in section 122.183(a)(4) of title 19,

1       *Code of Federal Regulations and section 1572.103 of*  
2       *title 49, Code of Federal Regulations.*

3               (3) *WAIVER PROCESS FOR DENIED CREDEN-*  
4       *TIALS.—Notwithstanding section 44936(b) of title 49,*  
5       *United States Code, in revising the regulations under*  
6       *paragraph (1) of this subsection, the Administrator*  
7       *shall—*

8               (A) *ensure there exists or is developed a*  
9       *waiver process for approving the issuance of cre-*  
10       *denials for unescorted access to the SIDA, for an*  
11       *individual found to be otherwise ineligible for*  
12       *such credentials; and*

13              (B) *consider, as appropriate and prac-*  
14       *ticable—*

15              (i) *the circumstances of any disquali-*  
16       *fying act or offense, restitution made by the*  
17       *individual, Federal and State mitigation*  
18       *remedies, and other factors from which it*  
19       *may be concluded that the individual does*  
20       *not pose a terrorism risk or a risk to avia-*  
21       *tion security warranting denial of the cre-*  
22       *dential; and*

23              (ii) *the elements of the appeals and*  
24       *waiver process established under section*  
25       *70105(c) of title 46, United States Code.*

1           (4) *LOOK BACK.*—*In revising the regulations*  
2 *under paragraph (1), the Administrator shall propose*  
3 *that an individual be disqualified if the individual*  
4 *was convicted, or found not guilty by reason of insan-*  
5 *ity, of a disqualifying criminal offense within 15*  
6 *years before the date of an individual’s application,*  
7 *or if the individual was incarcerated for that crime*  
8 *and released from incarceration within 5 years before*  
9 *the date of the individual’s application.*

10           (5) *CERTIFICATIONS.*—*The Administrator shall*  
11 *require an airport or aircraft operator, as applicable,*  
12 *to certify for each individual who receives unescorted*  
13 *access to any SIDA of an airport that—*

14                   (A) *a specific need exists for providing that*  
15                   *individual with unescorted access authority; and*

16                   (B) *the individual has certified to the air-*  
17                   *port or aircraft operator that the individual un-*  
18                   *derstands the requirements for possessing a*  
19                   *SIDA badge.*

20           (6) *REPORT TO CONGRESS.*—*Not later than 90*  
21 *days after the date of enactment, the Administrator*  
22 *shall submit to the appropriate committees of Con-*  
23 *gress a report on the status of the revision to the regu-*  
24 *lations issued under section 44936 of title 49, United*  
25 *States Code, in accordance with this section.*



1           (7) *RULE OF CONSTRUCTION.*—*Nothing in this*  
2 *subsection may be construed to affect existing avia-*  
3 *tion worker vetting fees imposed by the Administra-*  
4 *tion.*

5           (b) *RECURRENT VETTING.*—

6           (1) *IN GENERAL.*—*Not later than 90 days after*  
7 *the date of enactment of this Act, the Administrator*  
8 *and the Director of the Federal Bureau of Investiga-*  
9 *tion shall fully implement the Rap Back service for*  
10 *recurrent vetting of eligible Administration-regulated*  
11 *populations of individuals with unescorted access to*  
12 *any SIDA of an airport.*

13           (2) *REQUIREMENTS.*—*As part of the requirement*  
14 *in paragraph (1), the Administrator shall ensure*  
15 *that—*

16           (A) *any status notifications the Adminis-*  
17 *tration receives through the Rap Back service*  
18 *about criminal offenses be limited to only dis-*  
19 *qualifying criminal offenses in accordance with*  
20 *the regulations promulgated by the Administra-*  
21 *tion under section 44903 of title 49, United*  
22 *States Code, or other Federal law; and*

23           (B) *any information received by the Ad-*  
24 *ministration through the Rap Back service is*

1           *provided directly and immediately to the rel-*  
2           *evant airport and aircraft operators.*

3           (3) *REPORT TO CONGRESS.*—*Not later than 60*  
4           *days after the date of enactment of this Act, the Ad-*  
5           *ministrator shall submit to the appropriate commit-*  
6           *tees of Congress a report on the implementation status*  
7           *of the Rap Back service.*

8           (c) *ACCESS TO TERRORISM-RELATED DATA.*—*Not*  
9           *later than 30 days after the date of enactment of this Act,*  
10          *the Administrator and the Director of National Intelligence*  
11          *shall coordinate to ensure that the Administrator is author-*  
12          *ized to receive automated, real-time access to additional*  
13          *Terrorist Identities Datamart Environment (TIDE) data*  
14          *and any other terrorism related category codes to improve*  
15          *the effectiveness of the Administration’s credential vetting*  
16          *program for individuals that are seeking or have unescorted*  
17          *access to a SIDA of an airport.*

18          (d) *ACCESS TO E-VERIFY AND SAVE PROGRAMS.*—  
19          *Not later than 90 days after the date of enactment of this*  
20          *Act, the Secretary shall authorize each airport operator to*  
21          *have direct access to the E-Verify program and the System-*  
22          *atic Alien Verification for Entitlements (SAVE) automated*  
23          *system to determine the eligibility of individuals seeking*  
24          *unescorted access to a SIDA of an airport.*

1 **SEC. 6108. METRICS.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date  
3 of enactment of this Act, the Administrator shall develop  
4 and implement performance metrics to measure the effec-  
5 tiveness of security for the SIDs of airports.

6 (b) *CONSIDERATIONS.*—In developing the performance  
7 metrics under subsection (a), the Administrator may con-  
8 sider—

9 (1) *adherence to access point procedures;*

10 (2) *proper use of credentials;*

11 (3) *differences in access point requirements be-*  
12 *tween airport workers performing functions on the*  
13 *airside of an airport and airport workers performing*  
14 *functions in other areas of an airport;*

15 (4) *differences in access point characteristics and*  
16 *requirements at airports; and*

17 (5) *any additional factors the Administrator*  
18 *considers necessary to measure performance.*

19 **SEC. 6109. INSPECTIONS AND ASSESSMENTS.**

20 (a) *MODEL AND BEST PRACTICES.*—Not later than  
21 180 days after the date of enactment of this Act, the Admin-  
22 istrator, in consultation with the ASAC, shall develop a  
23 model and best practices for unescorted access security  
24 that—

25 (1) *use intelligence, scientific algorithms, and*  
26 *risk-based factors;*

1           (2) *ensure integrity, accountability, and control;*

2           (3) *subject airport workers to random physical*  
3 *security inspections conducted by Administration rep-*  
4 *resentatives in accordance with this section;*

5           (4) *appropriately manage the number of SIDA*  
6 *access points to improve supervision of and reduce*  
7 *unauthorized access to these areas; and*

8           (5) *include validation of identification mate-*  
9 *rials, such as with biometrics.*

10       (b) *INSPECTIONS.—Consistent with a risk-based secu-*  
11 *rity approach, the Administrator shall expand the use of*  
12 *transportation security officers and inspectors to conduct*  
13 *enhanced, random and unpredictable, data-driven, and*  
14 *operationally dynamic physical inspections of airport*  
15 *workers in each SIDA of an airport and at each SIDA ac-*  
16 *cess point—*

17           (1) *to verify the credentials of airport workers;*

18           (2) *to determine whether airport workers possess*  
19 *prohibited items, except for those that may be nec-*  
20 *essary for the performance of their duties, as appro-*  
21 *priate, in any SIDA of an airport; and*

22           (3) *to verify whether airport workers are fol-*  
23 *lowing appropriate procedures to access a SIDA of an*  
24 *airport.*

25       (c) *SCREENING REVIEW.—*

1           (1) *IN GENERAL.*—*The Administrator shall con-*  
2 *duct a review of airports that have implemented addi-*  
3 *tional airport worker screening or perimeter security*  
4 *to improve airport security, including—*

5                   (A) *comprehensive airport worker screening*  
6 *at access points to secure areas;*

7                   (B) *comprehensive perimeter screening, in-*  
8 *cluding vehicles;*

9                   (C) *enhanced fencing or perimeter sensors;*  
10 *and*

11                   (D) *any additional airport worker screen-*  
12 *ing or perimeter security measures the Adminis-*  
13 *trator identifies.*

14           (2) *BEST PRACTICES.*—*After completing the re-*  
15 *view under paragraph (1), the Administrator shall—*

16                   (A) *identify best practices for additional ac-*  
17 *cess control and airport worker security at air-*  
18 *ports; and*

19                   (B) *disseminate the best practices identified*  
20 *under subparagraph (A) to airport operators.*

21           (3) *PILOT PROGRAM.*—*The Administrator may*  
22 *conduct a pilot program at 1 or more airports to test*  
23 *and validate best practices for comprehensive airport*  
24 *worker screening or perimeter security under para-*  
25 *graph (2).*

1 **SEC. 6110. COVERT TESTING.**

2 (a) *IN GENERAL.*—*The Administrator shall increase*  
3 *the use of red-team, covert testing of access controls to any*  
4 *secure areas of an airport.*

5 (b) *ADDITIONAL COVERT TESTING.*—*The Inspector*  
6 *General of the Department of Homeland Security shall con-*  
7 *duct red-team, covert testing of airport access controls to*  
8 *the SIDA of airports.*

9 (c) *REPORTS TO CONGRESS.*—

10 (1) *ADMINISTRATOR REPORT.*—*Not later than 90*  
11 *days after the date of enactment of this Act, the Ad-*  
12 *ministrator shall submit to the appropriate committee*  
13 *of Congress a report on the progress to expand the use*  
14 *of inspections and of red-team, covert testing under*  
15 *subsection (a).*

16 (2) *INSPECTOR GENERAL REPORT.*—*Not later*  
17 *than 180 days after the date of enactment of this Act,*  
18 *the Inspector General of the Department of Homeland*  
19 *Security shall submit to the appropriate committee of*  
20 *Congress a report on the effectiveness of airport access*  
21 *controls to the SIDA of airports based on red-team,*  
22 *covert testing under subsection (b).*

23 **SEC. 6111. SECURITY DIRECTIVES.**

24 (a) *REVIEW.*—*Not later than 180 days after the date*  
25 *of enactment of this Act, and annually thereafter, the Ad-*  
26 *ministrator, in consultation with the appropriate regulated*

1 *entities, shall conduct a comprehensive review of every cur-*  
2 *rent security directive addressed to any regulated entity—*

3 *(1) to determine whether the security directive*  
4 *continues to be relevant;*

5 *(2) to determine whether the security directives*  
6 *should be streamlined or consolidated to most effi-*  
7 *ciently maximize risk reduction; and*

8 *(3) to update, consolidate, or revoke any security*  
9 *directive as necessary.*

10 *(b) NOTICE.—For each security directive that the Ad-*  
11 *ministrator issues, the Administrator shall submit to the*  
12 *appropriate committees of Congress notice of—*

13 *(1) the extent to which the security directive re-*  
14 *sponds to a specific threat, security threat assessment,*  
15 *or emergency situation against civil aviation; and*

16 *(2) when it is anticipated that the security direc-*  
17 *tive will expire.*

18 **SEC. 6112. IMPLEMENTATION REPORT.**

19 *Not later than 1 year after the date of enactment of*  
20 *this Act, the Comptroller General of the United States*  
21 *shall—*

22 *(1) assess the progress made by the Administra-*  
23 *tion and the effect on aviation security of imple-*  
24 *menting the requirements under sections 6104 through*  
25 *6111 of this Act; and*

1           (2) report to the appropriate committees of Con-  
2           gress on the results of the assessment under paragraph  
3           (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 of  
8                   the Advisory Committee shall be 2 years, but a  
9                   member may continue to serve until the Assist-  
10                  ant Secretary appoints a successor. A member of  
11                  the Advisory Committee may be reappointed.”.

12          (b) **FEEDBACK.**—Section 44946(b)(5) is amended to  
13 read as follows:

14                  “(5) **FEEDBACK.**—Not later than 90 days after  
15                  receiving recommendations transmitted by the Advi-  
16                  sory Committee under paragraph (2) or paragraph  
17                  (4), the Assistant Secretary shall respond in writing  
18                  to the Advisory Committee with feedback on each of  
19                  the recommendations, an action plan to implement  
20                  any of the recommendations with which the Assistant  
21                  Secretary concurs, and a justification for why any of  
22                  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 “PreCheck*  
14 *Program” means the trusted traveler program imple-*  
15 *mented by the Transportation Security Administra-*  
16 *tion under section 109(a)(3) of the Aviation and*  
17 *Transportation Security Act (49 U.S.C. 114).*

18                   (4) *TSA.*—*The term “TSA” means the Trans-*  
19 *portation Security Administration.*

20 **SEC. 6203. PRECHECK PROGRAM AUTHORIZATION.**

21           *The Administrator shall continue to administer the*  
22 *PreCheck Program established under the authority of the*  
23 *Aviation and Transportation Security Act (Public Law*  
24 *107–71; 115 Stat. 597).*

1 **SEC. 6204. PRECHECK PROGRAM ENROLLMENT EXPANSION.**

2 (a) *IN GENERAL.*—Not later than 90 days after the  
3 date of enactment of this Act, the Administrator shall pub-  
4 lish PreCheck Program enrollment standards that add mul-  
5 tiple private sector application capabilities for the  
6 PreCheck Program to increase the public’s enrollment access  
7 to the program, including standards that allow the use of  
8 secure technologies, including online enrollment, kiosks, tab-  
9 lets, or staffed laptop stations at which individuals can  
10 apply for entry into the program.

11 (b) *REQUIREMENTS.*—Upon publication of the  
12 PreCheck Program enrollment standards under subsection  
13 (a), the Administrator shall—

14 (1) *coordinate with interested parties—*

15 (A) *to deploy TSA-approved ready-to-mar-*  
16 *ket private sector solutions that meet the*  
17 *PreCheck Program enrollment standards under*  
18 *subsection (a);*

19 (B) *to make available additional PreCheck*  
20 *Program enrollment capabilities; and*

21 (C) *to offer secure online and mobile enroll-*  
22 *ment opportunities;*

23 (2) *partner with the private sector to collect bio-*  
24 *graphic and biometric identification information via*  
25 *kiosks, mobile devices, or other mobile enrollment*  
26 *platforms to increase enrollment flexibility and mini-*

1        *mize the amount of travel to enrollment centers for*  
2        *applicants;*

3            *(3) ensure that any information, including bio-*  
4        *graphic information, is collected in a manner that—*

5            *(A) is comparable with the appropriate and*  
6        *applicable standards developed by the National*  
7        *Institute of Standards and Technology; and*

8            *(B) protects privacy and data security, in-*  
9        *cluding that any personally identifiable informa-*  
10       *tion is collected, retained, used, and shared in a*  
11       *manner consistent with section 552a of title 5,*  
12       *United States Code (commonly known as “Pri-*  
13       *vacancy Act of 1974”), and with agency regulations;*

14           *(4) ensure that the enrollment process is stream-*  
15       *lined and flexible to allow an individual to provide*  
16       *additional information to complete enrollment and*  
17       *verify identity;*

18           *(5) ensure that any enrollment expansion using*  
19       *a private sector risk assessment instead of a finger-*  
20       *print-based criminal history records check is evalu-*  
21       *ated and certified by the Secretary of Homeland Se-*  
22       *curity, and verified by the Government Accountability*  
23       *Office or a federally funded research and development*  
24       *center after award to be equivalent to a fingerprint-*  
25       *based criminal history records check conducted*

1 *through the Federal Bureau of Investigation with re-*  
2 *spect to the effectiveness in identifying individuals*  
3 *who are not qualified to participate in the PreCheck*  
4 *program due to disqualifying criminal history; and*

5 *(6) ensure that the Secretary has certified that*  
6 *reasonable procedures are in place with regard to the*  
7 *accuracy, relevancy, and proper utilization of infor-*  
8 *mation employed in private sector risk assessments.*

9 *(c) MARKETING OF PRECHECK PROGRAM.—Upon*  
10 *publication of PreCheck Program enrollment standards*  
11 *under subsection (a), the Administrator shall—*

12 *(1) in accordance with those standards, develop*  
13 *and implement—*

14 *(A) a continual process, including an asso-*  
15 *ciated timeframe, for approving private sector*  
16 *marketing of the PreCheck Program; and*

17 *(B) a long-term strategy for partnering*  
18 *with the private sector to encourage enrollment*  
19 *in such program;*

20 *(2) submit to Congress, at the end of each fiscal*  
21 *year, a report on any PreCheck Program application*  
22 *fees collected in excess of the costs of administering the*  
23 *program, including to access the feasibility of the pro-*  
24 *gram, for the preceding fiscal year; and*

1           (3) include in the report under paragraph (2)  
2           recommendations for using such amounts to support  
3           marketing of the program under this subsection.

4           (d) *IDENTITY VERIFICATION ENHANCEMENT.*—Not  
5           later than 120 days after the date of enactment of this Act,  
6           the Administrator shall—

7           (1) coordinate with the heads of appropriate  
8           components of the Department to leverage depart-  
9           ment-held data and technologies to verify the citizen-  
10          ship of individuals enrolling in the PreCheck Pro-  
11          gram;

12          (2) partner with the private sector to use bio-  
13          metrics and authentication standards, such as rel-  
14          evant standards developed by the National Institute of  
15          Standards and Technology, to facilitate enrollment in  
16          the program; and

17          (3) consider leveraging the existing resources and  
18          abilities of airports to conduct fingerprint and back-  
19          ground checks to expedite identity verification.

20          (e) *PRECHECK PROGRAM LANES OPERATION.*—The  
21          Administrator shall—

22          (1) ensure that PreCheck Program screening  
23          lanes are open and available during peak and high-  
24          volume travel times at appropriate airports to indi-  
25          viduals enrolled in the PreCheck Program; and

1           (2) *make every practicable effort to provide expedited screening at standard screening lanes during*  
2           *times when PreCheck Program screening lanes are*  
3           *closed to individuals enrolled in the program in order*  
4           *to maintain operational efficiency.*

6           (f) *VETTING FOR PRECHECK PROGRAM PARTICIPANTS.*—*Not later than 90 days after the date of enactment*  
7           *of this Act, the Administrator shall initiate an assessment*  
8           *to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining*  
9           *whether subjecting PreCheck Program participants to re-*  
10           *current fingerprint-based criminal history records checks,*  
11           *in addition to recurrent checks against the terrorist*  
12           *watchlist, could be done in a cost-effective manner to*  
13           *strengthen the security of the PreCheck Program.*

16           ***Subtitle C—Securing Aviation From***  
17           ***Foreign Entry Points and***  
18           ***Guarding Airports Through En-***  
19           ***hanced Security Act of 2016***

20           ***SEC. 6301. SHORT TITLE.***

21           *This subtitle may be cited as the “Securing Aviation*  
22           *from Foreign Entry Points and Guarding Airports*  
23           *Through Enhanced Security Act of 2016”.*

1 **SEC. 6302. LAST POINT OF DEPARTURE AIRPORT SECURITY**  
2 **ASSESSMENT.**

3 (a) *IN GENERAL.*—Not later than 180 days after the  
4 date of enactment of this Act, the Administrator of the  
5 Transportation Security Administration shall conduct a  
6 comprehensive security risk assessment of all last point of  
7 departure airports with nonstop flights to the United  
8 States.

9 (b) *CONTENTS.*—The security risk assessment required  
10 under subsection (a) shall include consideration of the fol-  
11 lowing:

12 (1) *The level of coordination and cooperation be-*  
13 *tween the Transportation Security Administration*  
14 *and the foreign government of the country in which*  
15 *the last point of departure airport with nonstop*  
16 *flights to the United States is located.*

17 (2) *The intelligence and threat mitigation capa-*  
18 *bilities of the country in which such airport is lo-*  
19 *cated.*

20 (3) *The number of known or suspected terrorists*  
21 *annually transiting through such airport.*

22 (4) *The degree to which the foreign government*  
23 *of the country in which such airport is located man-*  
24 *dates, encourages, or prohibits the collection, analysis,*  
25 *and sharing of passenger name records.*

1           (5) *The passenger security screening practices,*  
2           *capabilities, and capacity of such airport.*

3           (6) *The security vetting undergone by aviation*  
4           *workers at such airport.*

5           (7) *The access controls utilized by such airport*  
6           *to limit to authorized personnel access to secure and*  
7           *sterile areas of such airports.*

8   **SEC. 6303. SECURITY COORDINATION ENHANCEMENT PLAN.**

9           (a) *IN GENERAL.*—*Not later than 240 days after the*  
10          *date of enactment of this Act, the Administrator of the*  
11          *Transportation Security Administration shall submit to*  
12          *Congress and the Government Accountability Office a*  
13          *plan—*

14                 (1) *to enhance and bolster security collaboration,*  
15                 *coordination, and information sharing relating to se-*  
16                 *curing international-inbound aviation between the*  
17                 *United States and domestic and foreign partners, in-*  
18                 *cluding U.S. Customs and Border Protection, foreign*  
19                 *government entities, passenger air carriers, cargo air*  
20                 *carriers, and United States Government entities, in*  
21                 *order to enhance security capabilities at foreign air-*  
22                 *ports, including airports that may not have nonstop*  
23                 *flights to the United States but are nonetheless deter-*  
24                 *mined by the Administrator to be high risk; and*



1           (2) *that includes an assessment of the ability of*  
2           *the Administration to enter into a mutual agreement*  
3           *with a foreign government entity that permits Ad-*  
4           *ministration representatives to conduct without prior*  
5           *notice inspections of foreign airports.*

6           (b) *GAO REVIEW.—Not later than 180 days after the*  
7           *submission of the plan required under subsection (a), the*  
8           *Comptroller General of the United States shall review the*  
9           *efforts, capabilities, and effectiveness of the Transportation*  
10           *Security Administration to enhance security capabilities at*  
11           *foreign airports and determine if the implementation of*  
12           *such efforts and capabilities effectively secures inter-*  
13           *national-inbound aviation.*

14   **SEC. 6304. WORKFORCE ASSESSMENT.**

15           *Not later than 270 days after the date of enactment*  
16           *of this Act, the Administrator of the Transportation Secu-*  
17           *rity Administration shall submit to Congress a comprehen-*  
18           *sive workforce assessment of all Administration personnel*  
19           *within the Office of Global Strategies of the Administration*  
20           *or whose primary professional duties contribute to the Ad-*  
21           *ministration's global efforts to secure transportation secu-*  
22           *rity, including a review of whether such personnel are as-*  
23           *signed in a risk-based, intelligence-driven manner.*

1 **SEC. 6305. DONATION OF SCREENING EQUIPMENT TO PRO-**  
2 **TECT THE UNITED STATES.**

3 (a) *IN GENERAL.*—*The Administrator of the Trans-*  
4 *portation Security Administration is authorized to donate*  
5 *security screening equipment to a foreign last point of de-*  
6 *parture airport operator if such equipment can be reason-*  
7 *ably expected to mitigate a specific vulnerability to the se-*  
8 *curity of the United States or United States citizens.*

9 (b) *REPORT.*—*Not later than 30 days before any dona-*  
10 *tion of security screening equipment pursuant to subsection*  
11 *(a), the Administrator of the Transportation Security Ad-*  
12 *ministration shall provide to the Committee on Homeland*  
13 *Security and Governmental Affairs and the Committee on*  
14 *Commerce, Science, and Transportation of the Senate and*  
15 *the Committee on Homeland Security of the House of Rep-*  
16 *resentatives a detailed written explanation of the following:*

17 (1) *The specific vulnerability to the United*  
18 *States or United States citizens that will be mitigated*  
19 *by such donation.*

20 (2) *An explanation as to why the recipient of*  
21 *such donation is unable or unwilling to purchase se-*  
22 *curity screening equipment to mitigate such vulner-*  
23 *ability.*

24 (3) *An evacuation plan for sensitive technologies*  
25 *in case of emergency or instability in the country to*  
26 *which such donation is being made.*

1           (4) *How the Administrator will ensure the secu-*  
2           *rity screening equipment that is being donated is*  
3           *used and maintained over the course of its life by the*  
4           *recipient.*

5           (5) *The total dollar value of such donation.*

6 **SEC. 6306. NATIONAL CARGO SECURITY PROGRAM.**

7           (a) *IN GENERAL.—The Administrator of the Trans-*  
8           *portation Security Administration may evaluate foreign*  
9           *countries' air cargo security programs to determine whether*  
10           *such programs provide a level of security commensurate*  
11           *with the level of security required by United States air*  
12           *cargo security programs.*

13           (b) *APPROVAL AND RECOGNITION.—*

14           (1) *IN GENERAL.—If the Administrator of the*  
15           *Transportation Security Administration determines*  
16           *that a foreign country's air cargo security program*  
17           *evaluated under subsection (a) provides a level of se-*  
18           *curity commensurate with the level of security re-*  
19           *quired by United States air cargo security programs,*  
20           *the Administrator shall approve and officially recog-*  
21           *nize such foreign country's air cargo security pro-*  
22           *gram.*

23           (2) *EFFECT OF APPROVAL AND RECOGNITION.—*

24           *If the Administrator of the Transportation Security*  
25           *Administration approves and officially recognizes*

1     *pursuant to paragraph (1) a foreign country's air*  
2     *cargo security program, cargo aircraft of such foreign*  
3     *country shall not be required to adhere to United*  
4     *States air cargo security programs that would other-*  
5     *wise be applicable.*

6     *(c) REVOCATION AND SUSPENSION.—*

7             *(1) IN GENERAL.—If the Administrator of the*  
8     *Transportation Security Administration determines*  
9     *at any time that a foreign country's air cargo secu-*  
10    *rity program approved and officially recognized*  
11    *under subsection (b) no longer provides a level of se-*  
12    *curity commensurate with the level of security re-*  
13    *quired by United States air cargo security programs,*  
14    *the Administrator may revoke or temporarily suspend*  
15    *such approval and official recognition until such time*  
16    *as the Administrator determines that such foreign*  
17    *country's cargo security programs provide a level of*  
18    *security commensurate with the level of security re-*  
19    *quired by such United States air cargo security pro-*  
20    *grams.*

21            *(2) NOTIFICATION.—If the Administrator of the*  
22    *Transportation Security Administration revokes or*  
23    *suspends pursuant to paragraph (1) a foreign coun-*  
24    *try's air cargo security program, the Administrator*  
25    *shall notify the Committee on Homeland Security of*

1        *the House of Representatives and the Committee on*  
2        *Commerce, Science, and Transportation of the Senate*  
3        *not later than 30 days after such revocation or sus-*  
4        *pension.*

5                    ***Subtitle D—Miscellaneous***

6    **SEC. 6401. INTERNATIONAL TRAINING AND CAPACITY DE-**  
7                    **VELOPMENT.**

8        (a) *IN GENERAL.*—*In accordance with section 114 of*  
9        *title 49, United States Code, the Administrator of the*  
10        *Transportation Security Administration shall establish an*  
11        *international training and capacity development program*  
12        *to train the appropriate authorities of foreign governments*  
13        *in air transportation security.*

14        (b) *CONTENTS OF TRAINING.*—*If the Administrator de-*  
15        *termines that a foreign government would benefit from*  
16        *training and capacity development assistance, the Adminis-*  
17        *trator may provide to the appropriate authorities of that*  
18        *foreign government technical assistance and training pro-*  
19        *grams to strengthen aviation security in managerial, oper-*  
20        *ational, and technical areas, including—*

- 21                    (1) *active shooter scenarios;*  
22                    (2) *incident response;*  
23                    (3) *use of canines;*  
24                    (4) *mitigation of insider threats;*  
25                    (5) *perimeter security;*

1           (6) *operation and maintenance of security*  
2           *screening technology; and*

3           (7) *recurrent related training and exercises.*

4 **SEC. 6402. CHECKPOINTS OF THE FUTURE.**

5           (a) *IN GENERAL.*—*The Administrator of the Trans-*  
6 *portation Security Administration, in accordance with*  
7 *chapter 449 of title 49, United States Code, shall request*  
8 *the Aviation Security Advisory Committee to develop rec-*  
9 *ommendations for more efficient and effective passenger*  
10 *screening processes.*

11          (b) *CONSIDERATIONS.*—*In making recommendations*  
12 *to improve existing passenger screening processes, the Avia-*  
13 *tion Security Advisory Committee shall consider—*

14           (1) *the configuration of a checkpoint;*

15           (2) *technology innovation;*

16           (3) *ways to address any vulnerabilities identified*  
17 *in audits of checkpoint operations;*

18           (4) *ways to prevent security breaches at airports*  
19 *where Federal security screening is provided;*

20           (5) *best practices in aviation security;*

21           (6) *recommendations from airport and aircraft*  
22 *operators, and any relevant advisory committees; and*

23           (7) *“curb to curb” processes and procedures.*

24          (c) *REPORT.*—*Not later than 1 year after the date of*  
25 *enactment of this Act, the Administrator shall submit to*

1 *the appropriate committees of Congress a report on the re-*  
2 *sults of the Aviation Security Advisory Committee review,*  
3 *including any recommendations for improving screening*  
4 *processes.*

5 **TITLE VII—AIRPORT AND AIR-**  
6 **WAY TRUST FUND PROVI-**  
7 **SIONS AND RELATED TAXES**

8 **SEC. 7101. EXPENDITURE AUTHORITY FROM AIRPORT AND**  
9 **AIRWAY TRUST FUND.**

10 *(a) IN GENERAL.—Section 9502(d)(1) of the Internal*  
11 *Revenue Code of 1986 is amended—*

12 *(1) in the matter preceding subparagraph (A),*  
13 *by striking “July 16, 2016” and inserting “October*  
14 *1, 2017”; and*

15 *(2) in subparagraph (A), by striking the semi-*  
16 *colon at the end and inserting “or the Federal Avia-*  
17 *tion Administration Reauthorization Act of 2016;”.*

18 *(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of*  
19 *such Code is amended by striking “July 16, 2016” and in-*  
20 *serting “October 1, 2017”.*

21 **SEC. 7102. EXTENSION OF TAXES FUNDING AIRPORT AND**  
22 **AIRWAY TRUST FUND.**

23 *(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Inter-*  
24 *nal Revenue Code of 1986 is amended by striking “July*  
25 *15, 2016” and inserting “September 30, 2017”.*

1       **(b) TICKET TAXES.**—

2               **(1) PERSONS.**—*Section 4261(k)(1)(A)(ii) of such*  
3       *Code is amended by striking “July 15, 2016” and in-*  
4       *serting “September 30, 2017”.*

5               **(2) PROPERTY.**—*Section 4271(d)(1)(A)(ii) of*  
6       *such Code is amended by striking “July 15, 2016”*  
7       *and inserting “September 30, 2017”.*

8       **(c) FRACTIONAL OWNERSHIP PROGRAMS.**—

9               **(1) TREATMENT AS NON-COMMERCIAL AVIA-**  
10       **TION.**—*Section 4083(b) of such Code is amended by*  
11       *striking “July 16, 2016” and inserting “October 1,*  
12       *2017”.*

13               **(2) EXEMPTION FROM TICKET TAXES.**—*Section*  
14       *4261(j) of such Code is amended by striking “July 15,*  
15       *2016” and inserting “September 30, 2017”.*

Amend the title so as to read: “An Act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes.”.

Attest:

*Secretary.*





114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 636**

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**AMENDMENTS**